



*Non-public session in accordance with RSA 91-A: 3, II (d)
to discuss property acquisition followed by a non-public meeting regarding collective
bargaining in accordance with RSA 91-A:2, I(a), to be held at 6:15 pm*

City Council Meeting
Agenda
June 10, 2013
City Council Chambers
7:00 p.m.

1. Call to Order.
2. Invocation
3. Pledge of Allegiance.
4. Roll Call.
5. Resolution in recognition of the services of Master Police Officer Daniel Reilly. (5-42)
6. Black Ice Hockey presentation.
7. Approval of the May 13, 2013 meeting minutes.
8. Agenda overview by the Mayor.

- Consent Agenda Items -

Referral to Community Development and the Planning Board

9. Communication from Dana Rood, Concord Terrace, LLC requesting the City of Concord's Zoning Ordinance be amended relative to the placement of car ports within mobile home parks.

Referral to Community Development – Code Administration and the General Services Department

10. Communication from Herbert Leisy asking for increased vigilance in addressing recurring refuse by the City in an attempt to restore residential quality of life in the Old Loudon Road area.

Items tabled for a June 20, 2013 Public Hearing

11. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the fiscal year 2014 ending June 30, 2014. (5-26)
12. Resolution amending the amount of money to be appropriated by the City of Concord for the fiscal year 2014 ending June 30, 2014. (5-27) *(Not yet distributed)*
13. Resolution closing and completing certain capital projects; rescinding/de-authorizing appropriations; returning funds to their sources; and transferring, reappropriating or otherwise making remaining balances available for future purposes; together with report from the Senior Accountant. (5-28)
14. Resolution for bonded projects within the Capital Budget for Fiscal Year 2014 (July 1, 2013 to June 30, 2014) hereby is authorizing and approving the expenditure of \$9,018,000 and authorizing the issuance of \$9,018,000 in bonds and notes for various capital projects more specifically identified below and in the attached worksheet 1; together with report from the Deputy City Manager – Finance. (5-29)
15. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Water Rates. (5-30)
16. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates. (5-31)

Items Tabled for a July 8, 2013 Public Hearing

17. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections; Heather Lane; together with a report from the Traffic Engineer in response to a communication from Councilor Nyhan asking the Traffic Operations Committee to consider south end traffic concerns. (10-7)
18. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with a report from the Assistant for Special Projects. *(In accordance with RSA 162-K, vote by Council must be delayed at least 15 days after public hearing is held; vote to be taken at the August Council Meeting)*
19. Resolution appropriating \$2,500,000 including authorizing the issuance of bonds and notes for the installation of underground utilities as part of and within the Sears Block Tax Increment Finance District in conjunction with the Downtown Complete Streets Project. *(In accordance with RSA 162-K, vote by Council must be delayed at least 15 days after public hearing is held; vote to be taken at the August Council Meeting)*

20. Resolution appropriating the sum of \$190,400 for Communication Services for the Downtown Complete Streets Improvement Project from the City of Concord Economic Development Reserve Fund and authorizing the City Manager to enter into an agreement with Louis Karno & Company, LLC for communication services; together with report from the Deputy City Manager – Development.

From the City Manager

21. Positive Citizen Comments.

Consent Reports

22. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,616.20 as provided for under the preauthorization granted by City Council.
23. Diminimus gifts and donations report from the Parks & Recreation Director requesting authorization to accept monetary gifts totaling \$400 as provided for under the preauthorization granted by City Council.
24. Public Safety Advisory Committee Annual Report.
25. Report from the Public Safety Advisory Board in response to a communication from Downtown Merchants requesting a more defined and stricter enforcement of panhandling laws in the City of Concord. (4Sus1)
26. Report from the Fire Chief on a pending update to the city's Hazard Mitigation Plan.
27. Report from Code Administration regarding Intown Concord's request to serve alcohol at Market Days on Main Street.
28. Report from the City Engineer recommending approval of a request from Kleinfelder, on behalf of Cumberland Farms, Inc. (CFI) to license the installation of a monitoring well within the city right of way on Pleasant Street as part of ongoing groundwater monitoring required by NH Department of Environmental Services.

Consent Resolutions

29. Resolution authorizing the City Manager to accept an executory interest in a conservation easement for property owned by Hope E. Zanes, located at 90 Stickney Hill Road; together with report from the Conservation Commission.
30. Resolution authorizing the City Manager to submit an application to the Target Grant Program to provide supplemental funding of up to \$2,000 for the 2013 National Night Out; together with report from the Police Department.

City Council Agenda

June 10, 2013

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31. Resolution designating depositories for the City of Concord New Hampshire for the Fiscal Year 2014; together with report from the City Treasurer.
32. Resolution relative to short-term investment of excess funds.
33. Resolution authorizing prepayment of 2013 taxes in accordance with RSA 80:52-a.

Consent Communications

34. Street closure request from the West Congregational Church, Garrison Street, for a neighborhood party to be held on Sunday, June 23, 2013.
35. Street closure request for the annual Christmas parade to be held on Saturday, November 23, 2013.

Appointments

36. Mayor Bouley's proposed appointment to the Upper Merrimack River Local Advisory Committee. *Frederick Chormann*
37. Mayor Bouley's proposed appointment to the Contoocook River Local Advisory Committee. *Jack Shields*

****End of Consent Agenda****

38. June 10, 2013 Public Hearings

- A. Resolution authorizing the City Manager to enter into a development and purchase and sales agreement with the Siena Bodwell Joint Venture Group to accomplish the following 1) to purchase a +/- 2.7 acre parcel from the State of New Hampshire, identified as MBL 111E-1-12 for \$955,000 and a \$1,100 administrative fee with the costs for this purchase being borne by the Siena Bodwell Joint Venture Group; and 2) to sell +/- .58 acres of City of Concord land identified as MBL 111E-1-17 and MBL 111E-1-18 to the Siena Bodwell Joint Venture Group to allow for the Siena Bodwell Joint Venture Group's construction of certain public improvements identified as City CIP #39 and the development of +/- 31,000 square feet of commercial real estate, Loudon Road; together with a report from the Deputy City Manager – Development. (5-12)
- B. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking, Conant Drive; together with report from the Parking Manager and the Traffic Engineer. (5-14)
- C. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-7, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX, Abbot Downing Elementary School area. (5-15)

- D. Resolution to discontinue completely West Locke Road, a Class VI local highway, in Concord New Hampshire; together with report from the City Planner. (5-16)
- E. Resolution authorizing the City Manager to submit an application in an amount of up to \$190,000 and to accept, appropriate, and administer grant proceeds of up to \$190,000 in Community Development Block Grant funds on behalf of the Belknap-Merrimack County Community Action Program; together with report from the Assistant for Special Projects. (5-17)
- F. Resolution authorizing the City Manager to submit an application in an amount of up to \$200,000 and to accept, appropriate, and administer grant proceeds of up to \$200,000 in Community Development Block Grant funds on behalf of the Children's Place and Parent Education Center. (5-18)
- G. Resolution authorizing the City Manager to submit an application in an amount of up to \$110,000 and to accept, appropriate, and administer grant proceeds of up to \$110,000 in Community Development Block Grant on behalf of the Women's Club of Concord. (5-19)
- H. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept, appropriate, and administer grant proceeds of up to \$500,000 in Community Development Block Grant funds on behalf of the Capital Regional Development Council. (5-20)
- I. Resolution re-adopting the City of Concord's Housing and Community Development Plan. (5-21)
- J. Resolution re-adopting the City of Concord's Anti-Displacement and Relocation Plan. (5-22)
- K. Resolution accepting and appropriating the sum of \$41,000 from the sale of the Triacca property to Equity Trust, Inc., as previously authorized by Resolution #8632; together with report from the Conservation Commission. (5-23)
- L. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index; together with report from the Purchasing Manager. (5-24)
- M. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11, Leave, Section 34-11-3, Injury Leave; together with report from the Human Resources and Labor Relations Director. (5-25)

June 10, 2013 Public Hearing Action

39. Resolution authorizing the City Manager to enter into a development and purchase and sales agreement with the Siena Bodwell Joint Venture Group to accomplish the following 1) to purchase a +/- 2.7 acre parcel from the State of New Hampshire, identified as MBL 111E-1-12 for \$955,000 and a \$1,100 administrative fee with the costs for this purchase being borne by the Siena Bodwell Joint Venture Group; and 2) to sell +/- .58 acres of City of Concord land identified as MBL 111E-1-17 and MBL 111E-1-18 to the Siena Bodwell Joint Venture Group to allow for the Siena Bodwell Joint Venture Group's construction of certain public improvements identified as City CIP #39 and the development of +/- 31,000 square feet of commercial real estate, Loudon Road; together with a report from the Deputy City Manager – Development. (5-12)
40. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking, Conant Drive; together with report from the Parking Manager and the Traffic Engineer. (5-14)
41. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-7, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX, Abbot Downing Elementary School area. (5-15)
42. Resolution to discontinue completely West Locke Road, a Class VI local highway, in Concord New Hampshire; together with report from the City Planner. (5-16)
43. Resolution authorizing the City Manager to submit an application in an amount of up to \$190,000 and to accept, appropriate, and administer grant proceeds of up to \$190,000 in Community Development Block Grant funds on behalf of the Belknap-Merrimack County Community Action Program; together with report from the Assistant for Special Projects. (5-17)
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47. Resolution re-adopting the City of Concord's Housing and Community Development Plan. (5-21)
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49. Resolution accepting and appropriating the sum of \$41,000 from the sale of the Triacca property to Equity Trust, Inc., as previously authorized by Resolution #8632; together with report from the Conservation Commission. (5-23)
50. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index; together with report from the Purchasing Manager. (5-24)
51. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11, Leave, Section 34-11-3, Injury Leave; together with report from the Human Resources and Labor Relations Director. (5-25)

Appointments by the Mayor

Reports

New Business

Unfinished Business

52. Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (6-17) (7-36B; 7-38) (8-53) (9-39)(10-31) (11-43) (12-42) (1-52) (2-49) (3-37) (4-36) (5-57) (*Action on this item tabled following a July 9, 2012 public hearing*)
53. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (5-58) (*Action on this item tabled following a February 2013 public hearing*)

Comments, Requests by Mayor, City Councilors

Comments, Requests by the City Manager

Consideration of Suspense Items

Adjournment

Information

- 6 Inf1 December 17, 2012 and May 6, 2013 Public Safety Board Meeting Minutes.
- 6 Inf2 April 15, 2013 and May 20, 2013 Parking Committee Meeting Minutes.
- 6 Inf3 April 23, 2013 Concord Community TV Board of Directors Meeting Minutes.
- 6 Inf4 May 6, 2013 Concord Public Library Board of Trustees Meeting Minutes.
- 6 Inf5 May 21, 2013 Traffic Operations Committee Meeting Minutes.
- 6 Inf6 May 22, 2013 Personnel Appeals Board Meeting Minutes.
- 6 Inf7 Communication from Comcast notifying the community of upcoming changes to their services; together with a copy of their quarterly franchise fee payment information.
- 6 Inf8 Executive Council reports from Colin Van Ostern.
- 6 Inf9 Invitation for the Mayor and Members of City Council to attend a Greater Concord Safe Community Coalition Meeting on School Security at the Safety and Health Council of Northern New England on June 13, 2013 at 12:00 – 2:00 p.m.

5-42
6-5

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION IN RECOGNITION OF THE SERVICES OF Master Police Officer Daniel Reilly

The City of Concord resolves as follows:

WHEREAS, Master Police Officer Daniel Reilly has been a faithful and loyal employee of the City of Concord for over 23 years within its Police Department. In 1989 he was hired by the Concord Police Department; and

WHEREAS, Master Police Officer Daniel Reilly contributed to the Department's operations by performing duties in the Community Resources Unit and served with distinction for 9 years; and

WHEREAS, Master Police Officer Daniel Reilly was the 2002 recipient of Police Officer of the Year, and over the course of his career received many complimentary letters from citizens, business owners and other police agencies; and

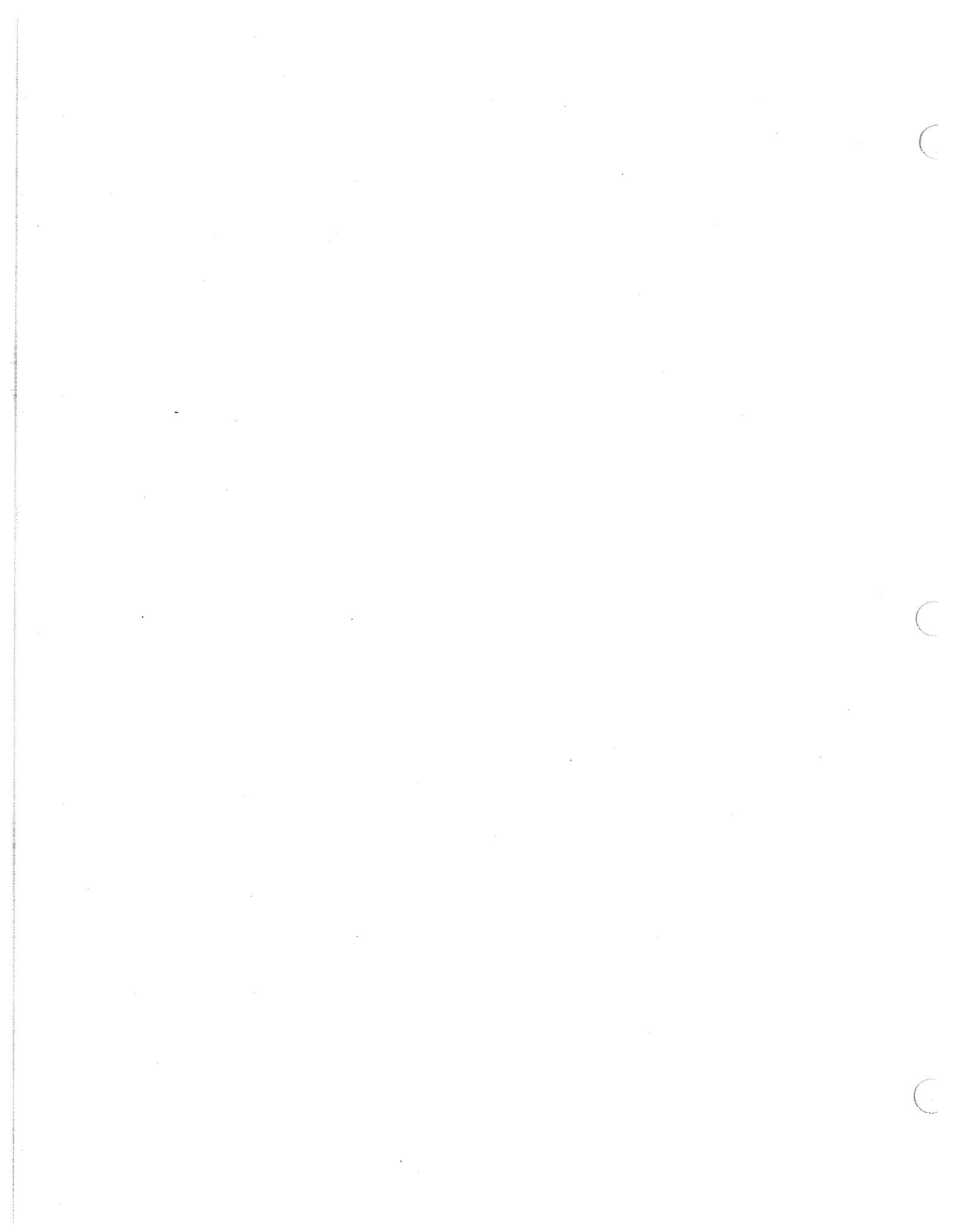
WHEREAS, Master Police Officer Daniel Reilly was directly responsible for establishing several notable programs including the Police Appreciation Breakfast, Concord Gardens Resource Fair and Picnic, Concord's National Night Out, Jennings Drive Red Ribbon Campaign, Speed Enforcement Project on Loudon Road, and Walk Your Child to School Day; and

WHEREAS, Master Police Officer Daniel Reilly was awarded a Certificate of Merit in 2000 for his community policing initiatives and was recognized twice in his career for exemplary attendance; and

WHEREAS, Master Police Officer Daniel Reilly had several specialties including Evidence Technician, CPD Bicycle Unit, DARE Instructor, GREAT Instructor, and Cooper Fitness Instructor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Concord that we hereby record our sincere appreciation for the many years of service from Master Police Officer Daniel Reilly to the City of Concord.

BE IT FURTHER RESOLVED that we hereby acknowledge that the service and presence of Master Police Officer Daniel Reilly will truly be missed by the City Council, City Administration, Concord Police Department and the entire Concord Community, and we extend our best wishes to him and his family during his retirement.



TJA



City Council Meeting
Draft Minutes
May 13, 2013
City Council Chambers
7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by Pastor David Butler, Center Point Church.
3. Pledge of Allegiance.
4. Roll Call. Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Keach, Kretovic, McClure, Nyhan, Patten, St. Hilaire, Shurtleff and Werner were present. Councilors Bennett and Grady-Sexton were excused.

5. Approval of the April 8, 2013 meeting minutes.

Action: Councilor Blanchard moved approval of the April 8, 2013 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

7. Labor Relations Committee report relative to the City Manager's evaluation, in accordance with Section 21(b) of the City Charter.

Action: Councilor St. Hilaire moved to issue an order of satisfactory on the City Manager's performance. The motion was duly seconded.

Mayor Bouley pointed out City Manager Tom Aspell's outstanding job for the financial health of the city; for providing the Council with a balanced budget again this year; for increasing the financial reports given; for following through with many of the Council's push for openness and accessibility to government.

Councilor St. Hilaire's motion passed with no dissenting votes.

- Consent Agenda Items -

Note: items listed as pulled from the consent agenda will be discussed at the end of the meeting.

Action: Along with items 12, 13 and 39, Mayor Bouley indicated that he would like to remove item 49 from the consent agenda. Councilor Kretovic moved approval of the consent agenda with items 12, 13, 39 and 49 moved to the end of the agenda for discussion. The motion was duly seconded and passed with no dissenting votes.

Referral to the Police Department and the Legal Department

8. Petition, signed by New Hampshire citizens, requesting the City of Concord establish and enforce a code to create a buffer zone of 35', the distance at which demonstrators and protesters must stay from the property of reproductive health care clinics within the City; together with communications from Rebecca Herman in support of said petition.

Referrals to the Traffic Operations Committee and the Parking Committee

9. Petition requesting the installation of a four way stop intersection at the intersection of Thorndike and South State Streets as well as a request that additional improvements in that area be considered.
10. Communication from Kathleen Dunn requesting consideration be made for traffic flow improvements in the vicinity of Centre Street and Main Street in Concord.

Referral to City Administration – to forward Planning Board and Conservation Commission comments to the U.S. Department of Energy (DOE)

11. Communication from the Board of McKenna's Purchase Unit Owners Association (MPUOA) requesting City Council submit comments to the DOE regarding the proposed Northern Pass Transmission project. (4-18a)

Items Tabled for a June 10, 2013 Public Hearing

12. Resolution authorizing the City Manager to enter into a development and purchase and sales agreement with the Siena Bodwell Joint Venture Group to accomplish the following 1) to purchase a +/- 2.7 acre parcel from the State of New Hampshire, identified as MBL 111E-1-12 for \$955,000 and a \$1,100 administrative fee with the costs for this purchase being borne by the Siena Bodwell Joint Venture Group; and 2) to sell +/- .58 acres of City of Concord land identified as MBL 111E-1-17 and MBL 111E-1-18 to the Siena Bodwell Joint Venture Group to allow for the Siena Bodwell Joint Venture Group's construction of certain public improvements identified as City CIP #39 and the development of +/- 31,000 square feet of commercial real estate; together with a report from the Deputy City Manager – Development. *(Pulled from consent by Councilor Bouchard)*

Action: Item to be discussed at the end of the agenda.

13. Resolution authorizing the City Manager to convey a portion of the North State Street right-of-way to WBIN Media, Inc. and to accept a portion of land along Bouton Street to become

new public right-of-way; together with report from the City Planner. *(Supplemental report received from the City Planner; item pulled from consent by the City Manager)*

Action: Item to be discussed at the end of the agenda.

14. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking, Conant Drive; together with report from the Parking Manager and the Traffic Engineer.
15. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-7, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX, Abbot Downing Elementary School area.
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20. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept, appropriate, and administer grant proceeds of up to \$500,000 in Community Development Block Grant funds on behalf of the Capital Regional Development Council.
21. Resolution re-adopting the City of Concord's Housing and Community Development Plan.
22. Resolution re-adopting the City of Concord's Anti-Displacement and Relocation Plan.
23. Resolution accepting and appropriating the sum of \$41,000 from the sale of the Triacca property to Equity Trust, Inc., as previously authorized by Resolution #8632; together with report from the Conservation Commission.

24. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index; together with report from the Purchasing Manager.
25. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11, Leave, Section 34-11-3, Injury Leave; together with report from the Human Resources and Labor Relations Director.

Items tabled for a June 20, 2013 Public Hearing

26. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the fiscal year 2014 ending June 30, 2014. *(Not previously distributed)*
27. Resolution amending the amount of money to be appropriated by the City of Concord for the fiscal year 2014 ending June 30, 2014. *(To be submitted under separate cover)*
28. Resolution closing and completing certain capital projects; rescinding/de-authorizing appropriations; returning funds to their sources; and transferring, reappropriating or otherwise making remaining balances available for future purposes; together with report from the Senior Accountant.
29. Resolution for bonded projects within the Capital Budget for Fiscal Year 2014 (July 1, 2013 to June 30, 2014) hereby is authorizing and approving the expenditure of \$9,018,000 and authorizing the issuance of \$9,018,000 in bonds and notes for various capital projects more specifically identified below and in the attached worksheet 1; together with report from the Deputy City Manager – Finance. *(Not previously distributed)*
30. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Water Rates. *(Not previously distributed)*
31. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates. *(Not previously distributed)*

From the City Manager

32. Positive Citizen Comments.
33. Council meeting date calendar.

Consent Reports

34. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,153.64 as provided for under the preauthorization granted by City Council.

35. Report from the Recreation and Parks Department and the Recreation and Parks Advisory Committee in response to a communication from Marshall Crane, the Frank Monahan Foundation, proposing the establishment of a High School Basketball Summer League to be held at White Park in Concord beginning in June 2013. (3-7)
36. Semi-annual Pay-As-You-Throw (PAYT) report from the General Services Department.
37. Concord City Auditorium Annual Report from the Deputy City Manager – Finance.
38. Quarterly Financial Statements and report from Deputy City Manager – Finance.
39. Report from the Engineering Services Division on the Pleasant/Warren/Fruit Intersection Traffic Operations Improvement Project, CIP #283. *(Pulled from consent by Mayor Bouley)*

Action: Item to be discussed at the end of the agenda.

40. Council Quarterly Priorities Report from the City Manager.

Consent Resolutions

41. Resolution transferring the sum of \$20,000 from the Compensation Adjustment Account; together with report from the Deputy City Manager – Finance.
42. Resolution in recognition of the services of Master Police Officer Daniel Reilly.
(For presentation in June)
43. Resolution authorizing the City Manager to provide a letter to the Friends of the Concord City Auditorium that explains the relationship between the City of Concord City and Friends of the Concord City Auditorium that will be used in conjunction with a grant application by the Friends of the Concord City Auditorium for an Arts Conservation Grant that may be awarded directly to the Friends of the Concord City Auditorium for plaster restoration work in the City Auditorium; together with report from the Deputy City Manager – Finance.

Consent Communications

44. Street closure request from the Concord Veterans Council for a Memorial Day Parade to be held on May 27, 2013.
45. Street closure request for Midsummer Night Magic festivities to be held on Friday, June 21, 2013.
46. Street closure request for the World Refugee Day and Multicultural Celebration to be held on Thursday, June 20, 2013.

Appointments

47. Mayor Bouley's proposed reappointments to the Transportation Policy Advisory Committee.
Thomas Irwin, Dick Lemieux, Ursula Maldonado and Brent Todd
48. Mayor Bouley's proposed reappointments to the Community Development Advisory Committee (CDAC). *Michael Gfroerer and Nadine Salley*
49. Mayor Bouley's proposed appointment to the Personnel Appeals Board.
Steven Winer

Action: Item to be discussed at the end of the agenda.

50. City Manager's proposed reappointments to the Concord Housing Authority.
James Fowler and Ari Pollack

****End of Consent Agenda****

51. **May 13, 2013 Public Hearings**

- A. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 17, Vehicles and Traffic; Article 17-7, Rights and Duties of Pedestrians, panhandlers; together with report from the City Solicitor. (1-9) (2-33b; 2-35) (3-38) (4-7)

Action: City Manager Tom Aspell provided a brief overview.

City Solicitor Jim Kennedy explained that staff came before the Council with ordinances over the past few months in regards to panhandling and that staff, since then, has worked with various organizations and individuals in a collective effort. He stated that what they are seeing is that the most immediate problem is panhandling activity at intersections. He indicated that the proposed ordinance addresses safety issues relative to persons at those intersections receiving or exchanging any type of handout with the occupant of a motor vehicle.

Police Chief John Duval added that this proposed ordinance will allow them the necessary tools to deal with issues that have been brought forth to their attention in terms of safety and other various problems.

Referencing concerns in regards to panhandling in the downtown area, Councilor Blanchard inquired whether there are currently ordinances that can be enforced to take care of harassment and loitering. Chief Duval responded that the nature of the issues reported to the Police Department observed in downtown is different in terms of safety concerns. He noted that the problems downtown relate more to behavioral issues directly towards citizens and existing laws and ordinances will address those issues. He added that they have already started putting their focus in these areas.

Councilor McClure questioned whether both the person who hands out and the person who receives will be in violation and subjected to a fine of \$500 each. Mr. Kennedy responded that it's the person who is exchanging, distributing or receiving and not the occupant of a motor vehicle; it's the person who is on the side that is distributing and engaged in the conduct of distracting a driver. He clarified that the fine is up to \$500.

Councilor Shurtleff questioned whether a person that is fined the \$500 would have a criminal record. Mr. Kennedy replied that it is a violation and pointed out that it's important to note that the fine is up to \$500.

Councilor Bouchard asked what would happen if a person doesn't have the money to pay the fine. Mr. Kennedy responded that it would be up to the Prosecutor's Office to work out with the court noting that he anticipates something can be done at that level – some type of payment or conduct in lieu of payment. Councilor Bouchard referenced the firefighters that ask for donations in the island in the intersection of Loudon Road and questioned whether they would be in violation of this ordinance if it is passed this evening. Mr. Kennedy responded absolutely noting that what is important about this ordinance is that it's content neutral and is not targeting any type of speech or conduct. The goal is to maintain safe roadways in the City of Concord.

Councilor Werner inquired as to how the judgment is made in terms of the severity of the violation obtained. Mr. Kennedy responded that it is the discretion of the court and based upon his experience before judges, they will look at the individual before them, look at the track record, and what the circumstances are. He noted that the judge will have the tool to fine up to \$500.

The Mayor opened the public hearing.

Public Testimony

Roy Schweiker, Concord resident, noted that he feels that, for the purposes of the residents of the city, the ordinance should be more assertive and provide for the safety and protection of the residents. He noted that they were told at the previous meeting that this law was not needed because the existing traffic laws could be used to prevent people in cars from exchanging items with people on the side. He indicated that he was originally told that this law would apply to both people; the person in the vehicle and the person on the side. He noted that he feels that this should also apply to the person in the vehicle because they are making it unsafe at the intersection by stopping. He spoke of the idea of individuals having to apply for permits.

Elliott Berry, NH Legal Assistance Attorney, expressed his gratitude to all for the energy and effort that was put into the need to balance public safety, free speech and also the need not to increase the burdens of being poor and homeless. He noted that he feels that everyone has dealt with this issue in the utmost good faith and this is a good compromise that promotes the public safety.

David Frydman, resident and board member of the Concord Coalition to End Homelessness, presented a letter of support for this proposed ordinance from the coalition. He stated that the coalition strongly supports this proposed ordinance and commends the city for the efforts it did to really focus on behaviors.

Devon Chaffee, Civil Liberties Union Executive Director, noted how impressed she is with the amount of work that has been put into figuring out this issue. She further noted she is impressed with Mr. Kennedy and Chief Duval for the amount of thought and effort that they put into the proposal that Council is considering this evening. She stated that this really does get at the issue of what the conduct is that is potentially posing a safety issue to the people of Concord and not focusing on what is the content of speech.

Mayor Bouley indicated that the Town of Newington proposed an emergency rule which stays in effect until the next time they meet. He questioned whether Ms. Chaffee has been there to visit with those folks. Ms. Chaffee responded no but they are aware of the proposed ordinance and are very concerned with it because it's incredibly broad and, on its face, would limit any number of first amendment activities from sidewalks and private property anywhere close to a roadway.

Kevin Curdie, Concord resident, noted that he personally doesn't believe that anyone should be standing by the street at an intersection soliciting for anything. He indicated that he feels that nobody seems to be concerned about his rights to be able to travel downtown without being harassed by individuals asking for money.

There being no further public testimony, the Mayor closed the hearing.

- B. Resolution accepting and appropriating \$30,000 from the New Hampshire Housing Finance Authority Community Planning Grant Program for the development of a new Penacook Village Center Zoning District; together with report from the City Planner. (4-8)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony, the Mayor closed the hearing.

April 8, 2013 Public Hearing Action

- 52. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (2-7) (3-10) (4-29A) *(Public hearings held in March and April; action to be taken in May)*

Action: Councilor Nyhan moved approval. The motion was duly seconded.

Councilor Coen inquired whether this will be implemented if Council approves this resolution questioning whether there is staff available to do this. Mr. Aspell responded that all staffing is in place to do this and the Board of Assessors has been asked that if they get to the point that they don't think this is possible to undertake, to come back well in advance to the City Council and then Council can make the decision to move forward or not.

Councilor Blanchard questioned as to what has been happening in regards to the commercial properties; have there been a lot of applications for abatement. Mr. Aspell responded that there are typically several hundred applications that come in and that there may be 100 more commercial applications this year than is typical.

Councilor St. Hilaire noted that if some Councilors are dissatisfied with how the commercial assessments came out, it might be prudent to vote in favor of this so that when the assessment is done for the next year, potentially things could be balanced out in a more fair way.

Mayor Bouley indicated that he is extremely troubled by what transpired this past year with commercial assessments. He stated that he believes that it's important to continue the annual assessments one more year to flush this out and maybe correct some things. He noted that he did make the request at a previous public hearing that they hear back from the Board of Assessors so they could avoid this in the future and make sure that it doesn't happen again. He stated that maybe something happened in the department and it didn't get done and his hope is that it will not happen again.

The motion to approve passed with no dissenting votes.

May 13, 2013 Public Hearing Action

53. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 17, Vehicles and Traffic; Article 17-7, Rights and Duties of Pedestrians, panhandlers; together with report from the City Solicitor. (1-9) (2-33b; 2-35) (3-38) (4-7)

Action: Councilor Nyhan moved approval. The motion was duly seconded.

Councilor Nyhan referenced testimony from individuals that stated that the city is not doing enough to protect the residents noting that in many ways he does agree with what they have to say. He recognizes this ordinance as an important first step in addressing a behavior that Council can address relatively quickly. He noted his support of the ordinance and feels that it's an important first step. He indicated that he has spoken to a few Councilors who do believe this is a first step but not a final step and that there is more to be done in curbing what he considers to be aggressive panhandling not a homeless issue or a freedom of speech issue.

Councilor Bouchard commented that she is not comfortable with the fine and finds it to be a little excessive.

Councilor Blanchard noted that she is still concerned that the person in the motor vehicle is not in violation because they are the ones that are actually holding up traffic and creating a situation.

Councilor Werner noted his support of the ordinance because he feels that it strikes the balance between the constitutional protections of speech and public safety. Referencing testimony with regard to concerns about being protected in the downtown area from being accosted by people, he noted that it's his understanding that the city has ordinances on the books that can be enforced that could reasonably protect individuals who find themselves in that situation. Mr. Aspell responded that is the case and the Police Chief has stated on several occasions that what it takes is someone that has been accosted needs to make a complaint to the Police Department.

Councilor Coen noted that he is supporting this ordinance. He feels that that issue of a fine of up to \$500 sends a signal out that they are taking this seriously. He added that he is comfortable with the court handling this with the flexibility and is comfortable with the maximum of \$500.

Councilor St. Hilaire indicated that he feels that a judge will rarely issue a fine of \$500 for an offense such as this. He stated that nobody is going to be arrested for a city ordinance and will just be given a summons to appear in court. He explained that the \$500 is more of a cap instead of going up to \$1,000 if nothing is in place. He added that they need something in place in case someone is there ten times and is not getting the message. He noted his support.

Councilor Keach indicated that he is in support of this ordinance and that it addresses a quality of life issue for the residents of the city. He noted that, at some point, the community needs to go back and look at the fact that this is a symptom of a larger problem and that it's not their focus or responsibility to solve that problem.

Mr. Aspell asked the Council to look in the revenue source for restitution and fines within their budget and that they will see they are dramatically down because judges are not issuing those fines and ordering that restitution because they are taking into consideration people's ability to pay.

In response to Councilor Blanchard's concern with the person in the vehicle not being charged with a violation, City Solicitor Kennedy explained that the ordinance is not written for addressing that type of conduct. He stated that the type of conduct that they are concerned about is the person that is actually trying to distribute or receive or exchange some item with the occupant of a motor vehicle; they are going after the triggering event, the person that is triggering that type of activity as opposed to the occupant of a motor vehicle that is responding to that triggering type of event.

The motion to accept the ordinance passed with no dissenting votes.

54. Resolution accepting and appropriating \$30,000 from the New Hampshire Housing Finance Authority Community Planning Grant Program for the development of a new Penacook Village Center Zoning District; together with report from the City Planner. (4-8)

Action: Councilor Shurtleff moved approval. The motion was duly seconded and passed 13 to 0 on a roll call vote with Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Keach, Kretovic, McClure, Nyhan, Patten, St. Hilaire, Shurtleff and Werner voting yes.

Appointments by the Mayor

Reports

55. Presentation from the Friends of the Merrimack River Greenway Trail.

Action: Dick Lemieux, FMRGT President, indicated that since July 2011 they have cleaned up almost a mile of the river between Loudon Road and Terrill Park; they have flagged and mapped the wetlands; have become a registered non-profit corporation; received their 501(c)(3) tax exempt designation from the IRS; have assembled a highly skilled and enthusiastic board of trustees including: Greg Bakos, Jim Green, Chris Kane, Claudia Prendergast, Craig Tufts, Mag Blacker, Jonathan Gregory and Alex Vogt.

Greg Bakos, FMRGT Trustee, highlighted a photo of the trail following the Merrimack River which is approximately 14 to 15 miles long and the vision is that it would be a 10 to 12 foot wide paved trail and provide connectivity north-south. He explained that eventually the trail will connect eighteen towns from the Massachusetts border to Vermont; the fact that they are a central and incomplete link along this route is very important and their organization is trying to complete their portion. Mr. Bakos explained that they are beginning with a phased approach: Phase 1 will go from Manchester Street to Loudon Road and that they are looking for community support to make it a reality.

Mr. Lemieux noted that to date they have received over \$80,000 in donations for the trail and are actively beginning to raise the rest of the money they need to design and permit the first phase. He stated that they are not here this evening to ask for money from the taxpayers explaining that as they make their rounds and asking for financial support some people have been asking them what assurance they have that the city is behind this project; what assurance do they have that, once the money is raised and spent, the city will accept the trail and build it. He stated that they are here this evening to receive some indication that the Council continues to support the building of the trail with mostly donated funds.

Councilor Blanchard inquired whether the trail will be ultimately paved. Mr. Lemieux responded yes explaining that it will be a paved 10 foot bike trail.

Councilor Werner questioned what their goal is in terms of completion. Mr. Lemieux responded that their goal is to build it as fast as they can raise the money and to raise the money as fast as they can. He indicated that they hope to complete the design in 2014 and if

they can raise \$2 million they hope that the completion of Phase 1 can be done by the end of 2015. Councilor Werner inquired whether there was a portion of dollars that would not come from private donations. Mr. Lemieux replied that they are pursuing private grants and government grants.

Councilor Nyhan asked what the challenges were to complete a 15 mile project other than funding and whether there were obstacles such as land acquisition or rights of way. Mr. Lemieux responded that they have quite a few hurdles to cross for getting permissions to cross on property.

Councilor St. Hilaire moved that the City of Concord supports the proposed Merrimack River Greenway Trail as a contributing project to the quality of life of our community and that the city authorizes the Friends of the Merrimack River Greenway Trail to seek permits and preliminary design of Phase 1 of the trail on city property bounded by Manchester Street to the south and Loudon Road to the north. The motion was duly seconded and passed with no dissenting votes.

56. Main Street Project Update from the Community Development Department.

(Constituent communication regarding Main Street redesign received)

Action: A detailed powerpoint presentation of visual elements was given to the City Council. *(Full printed presentation on file at the City Clerk's Office).*

City Engineer Ed Roberge highlighted information contained within his report including ADA accessibility, underground utilities, snow melt system and public comment.

Councilor Werner asked what the anticipation was of the new arrangement with lanes in terms of speed and traffic downtown noting that a major concern that he has is the speed in which cars currently travel up and down Main Street. Mr. Roberge responded that he feels that the lane conversion component of this project has significant benefits in eliminating that aggressive driver. He noted that this project is about trying to create a safe environment downtown for either pedestrians crossing or people traveling along that is going to co-exist with bikes. He feels that there is great gain with this travel lane arrangement. Councilor Werner asked how many recycling receptacles are anticipated to be available the length of the project. Mr. Gene McCarthy, McFarland-Johnson Project Manager, responded that there are twelve which are a combination of trash and recycling.

Councilor Blanchard asked for an explanation of the solar concept in the trash receptacles and how \$4,200 is justified for each. Jonathan Law replied that the receptacle is dual, one side for recycling and one side for trash. He indicated that if you had had a standard receptacle each individually would cost \$1,200. He explained that the solar power receptacles have a compactor inside which crushes the trash and the recycling therefore reducing the amount of man hours needed to empty the receptacles.

Councilor Nyhan inquired as to the life cycle of the trash receptacles. Mr. Law responded that he did not know the exact timeframe but indicated that he believes that it is more than five years. Councilor Nyhan requested information on the life cycle of the receptacles.

Councilor McClure pointed out that if you Google "Big Belly" one can find out more information on these trash receptacles.

Referencing Concord Steam, Councilor Blanchard noted that it's been indicated that it sounds as if the city is still negotiating for this project but in a memo Council received from Carlos Baia, Deputy City Manager-Development, it indicated that it's not going forward. Mr. Baia responded that the project that's been envisioned in all agreements that the city has entered into, that project he is confident to say is not going forward, however, there are parties involved with the representative of Concord Power and Steam to secure a package of financing for perhaps an alternative to that project that might be a reduced scale power plant. He indicated that they are moving forward positively thinking that Concord Power and Steam will be able to come together with some sort of proposal. Councilor Blanchard noted that it's her recollection that the steam for the snow melt process was going to be excess steam and didn't realize it would be so costly. Mr. Baia responded that the project, as it's been presented, is that the steam into the snow melt system is part of the cooling process for the plant in which there would be excess product but there still is cost associated with all the piping that would go into the sidewalks. He noted that there shouldn't be a large cost ongoing if it's just based on the excess steam from the plant.

Councilor Werner asked what it means for the project as a whole and the financing of the project if Concord Steam does not reach a viable solution. He asked if this would free up any additional resources if it doesn't happen and how would those be applied. Mr. Roberge replied that they included the cost in the estimate, at least the grant limits of what a snow melt system was considered originally. He noted that if it's not viable and doesn't occur that the line item that's in the budget today would be removed.

Councilor Nyhan noted that the \$634,500 for the snow melt system is for the core area only and inquired as to what that core area is. Mr. Roberge indicated that it was from Loudon Road at Centre Street on Main Street to Pleasant Street, the downtown core, for the sidewalk only. Councilor Nyhan asked what the costs are at for what it's going to cost for steam to melt the snow on that sidewalk area. Mr. Roberge responded that the system was predicated upon a waste energy element so staff thinks there would be little to no cost. Councilor Nyhan asked, for clarification, if the additional \$275,000 maintenance cost does not include the cost of steam. Mr. Roberge indicated that to be correct.

Councilor Kretovic pointed out that the report indicates that the owners of the clock are not interested in having it moved to Phenix Avenue and that the Council has heard numerous times from the businesses behind Main Street on Low Avenue and their concerns about closing Phenix Avenue and eliminating that access point. She questioned whether there was an alternative plan; is the clock going to be moved; are they still intending to close Phenix Avenue if it's not going to be moved; are they doing something to help these businesses in regards to delivery trucks. Mr. Roberge indicated that they developed a design that showed

the relocation of the clock and approached the owners of the clock tower today. He stated that there was a lot of time and effort that was expended to get the clock tower to where it is today and it might not have ended up in the spot in which everybody wanted at the time but that was a compromise in its effort to get it there. He noted that he feels that there is community attachment to its current location but that it's not the ideal location.

Councilor Keach asked who is the owner of the clock tower and questioned whether it was up to the city where that clock tower ends up. Mr. Roberge responded that the clock tower is owned by the NH Historical Society and is licensed at that location within the public right of way.

Mayor Bouley asked if it's being suggested that the city revoke the license if the city wants to move the clock tower. Mr. Roberge replied that he hopes that they would be able to work out an agreement to relocate it to an acceptable location and grant them a new license. Mayor Bouley inquired whether the NH Historical Society was interested in moving it. He stated that it indicates that they are not interested in moving it. Mr. Baia responded that the owners are concerned, because it is a change, as to where it's going to go and that people are attached to where it is today. He stated that he doesn't characterize them being opposed to it but just concerned that they need more detail.

Councilor St. Hilaire inquired as to why the decision was made to shift the clock tower 45 degrees. Mr. Roberge responded that it was to utilize that space a little bit better. Councilor St. Hilaire questioned whether people could see the clock less ideally if it's shifted that way rather than straight on with motorist and pedestrian traffic. Mr. Law explained that the reason why they twisted it was to try to get away from everything running parallel and perpendicular to the building faces.

Councilor Bouchard questioned whether some of the businesses at Eagle Square pay towards the electricity of the clock tower. Mr. Roberge indicated that to be correct. Councilor Bouchard asked if different businesses would contribute to electricity of the clock if it is moved to another location or would the city be paying. Mr. Roberge responded that it could potentially be either. Councilor Bouchard stated that, potentially, the city could be picking up an extra cost there. She inquired as to the cost of this. Mr. Roberge replied that he believes it is a very nominal cost and that it may be \$300 to \$400 a year.

Councilor Kretovic asked if the clock doesn't move to Phenix Avenue what is the intention there; is the intent to continue to close it. Mr. Roberge responded that, from a traffic/safety standpoint, it's really important to close this. He stated that the access and egress of vehicles at that close interchange with pedestrians on the sidewalk there, with limited sight distance, is really a safety problem. He indicated that he still recommends that it be closed to vehicle traffic even if the final design alternative it can't be decided on. Councilor Kretovic asked if staff is working with the businesses on Low Avenue that have concerns about Phenix Avenue closing. Mr. Roberge responded that they have been working closely with them and feels that they have received some great comments and points. Mr. Baia added that one of the things that is recommended for the upcoming budget year is to look at the entire parking system and proposing some other changes to parking and over the next year, as construction

starts to take off, they will be looking at loading zones, parking spaces, how to manage parking, etc. so there may be some changes that could help as well.

Councilor DelloIacono indicated that he is hearing a lot of unknowns and asked about the process and where they need to be.

Councilor Shurtleff asked if the water feature is supposed to be ornamental or is it to encourage public bathing. He noted that he feels that the memorial arches in front of the State House is not an appropriate play area. Mr. Law responded that it's an area in which they wanted to bring some vitality to this area and felt that the location was appropriate and that, by adding this, it's going to encourage more people to come to this street.

Mayor Bouley asked if they envision kids in this area playing in the water. Mr. Law responded yes. Mayor Bouley inquired whether it's appropriate to have this type of feature in front of two war memorials. Mr. Law responded that it depends on the person and it can be looked at in very different ways.

Councilor Bouchard pointed out that this particular sidewalk is used a lot and there is always a lot of activity in this area. She noted that she has concerns of putting a water display in this area and that maybe this could be a feature in one of the other pocket parks. Mr. Law indicated that the water could be shut off if something is planned within this area.

Councilor Werner indicated that he visits Boston often and feels that the Rose Kennedy Greenway is a fantastic addition to the city and every time he has been there in the warm weather those fountains have been utilized. He wondered if there may be an alternative noting that he thinks the aspect with the area in front of the State House is a bit barren. He asked that instead would it be possible to extending some kind of landscaping into these areas rather than a fountain. He noted that he shares Councilor Bouchard's concerns about the typical usage of that area and the need to respect this space because of the memorials. Mr. Roberge indicated they thought, because it is a primary gathering space at times, that leaving this space as open as possible without landscaping elements was a priority. He noted that he thought that the design team looked at an innovative way as to how they could utilize a feature there.

Councilor Nyhan questioned, of the incremental \$275,000, how much of this is related to ongoing maintenance of this fountain. Mr. Roberge responded that with the startup, winterization, annual maintenance and the cost of water it is approximately \$7,000 a year.

Mayor Bouley indicated that a question came to him from the Governor's office as to who actually owns the State House Plaza and questioned who does own it. Mr. Roberge replied that he believes it to be part of the Main Street public way. Mayor Bouley asked if the city owns it. Mr. Roberge responded that the city wouldn't own the underlying land but it's been occupied as part of the Main Street public way for quite some time. Mayor Bouley indicated that it has been relayed to him by individuals in the State House that they do not want fountains on the State House Plaza. He asked if the state could tell the city to take them out if the city decides to install them. Mr. Roberge responded that, based on the exhaustive

research that staff has done, he is not sure the state is going to find any other record that the city doesn't have.

Councilor McClure noted that staff has apprehension for the back in angled parking and wondered if staff could elaborate more on this and how it's a different maneuver that a car has to make with parallel parking. With respect to the back in angled parking, Mr. Roberge explained that this was part of the project advisory committee's deliberations early on and had concerns; they recognized the theoretical benefits of back in parking with respect to bike safety but they didn't feel that could and should be explored. He explained that they did leave the door open by saying maybe there's an opportunity to test this somewhere. Councilor McClure inquired as to the number of required accessible parking spaces in the project area and how many is the city providing. Mr. Roberge responded that there is some conflicting guidance/guidelines and they balanced those off and tried to look at a block count by the number of spaces. He indicated that they came up with a number of seven within the downtown core area. Councilor McClure noted that it mentions that it's recommended that timed parking be introduced during construction and questioned whether this was over and above what they have now since there is timed parking now. Mr. Roberge responded that there is timed parking but that it's metered parking and recognizing that once they start construction it's going to be tough for them to leave unanchored kiosks in the downtown core. He explained that staff is suggesting that they modify all of the downtown or segments of the downtown that it be a timed permitted parking only. Councilor McClure indicated that the presentation showed different width sidewalks and as she understands it, what is proposed are nineteen foot sidewalks. She referenced a letter from Mark Cibrowski that Council received suggesting amendments with width and asked staff to describe the difference between what's proposed versus what the letter is suggesting. Mr. Roberge responded that they are really talking about the side where there is parallel parking today; the parallel parking bay is eight feet wide and if they go to angled parking on that other side of the street, that becomes seventeen feet wide so it's an additional nine feet of area that needs to be made up somewhere. In the letter it suggests maybe reducing the dimension of the parking bay depth and suggests reducing the width of the median that would make up some of that difference. He indicated that, right now, they are talking about a nine foot difference between the layout that is seen today and potentially a future layout with angled parking in downtown. Councilor McClure clarified indicating that she is just trying to figure out, compared to nineteen foot sidewalks, what the letter is suggesting. Mr. Roberge replied that fourteen foot sidewalks is being suggested.

Councilor Nyhan asked whether Mr. Cibrowski participated in any of the meetings. Mr. Roberge responded that he was a project advisory committee member.

Councilor Keach questioned whether this design, as it currently exists, address as the issue of accessibility and is there an obligation of the city to address those issues. Mr. Roberge replied that the aspirational goal of the project was to make Main Street as accessible as possible and when they started the project there were four accessibility elements that they had to deal with and that they have addressed three; the last piece is related to business access and that's a different section of ADA title and there are challenges.

Councilor Bouchard asked if there were any concerns expressed by ADA individuals with the use of brick or granite pavers. Mr. Roberge indicated that they heard that in the public process and what the design team looked at was durable surfaces that are as ADA compliant as possible.

Referencing the presentation, Councilor Kretovic indicated that they talked about pedestrians crossing the street and she took it as jaywalking across the street. She noted that she is curious as to whether the cobblestone is ADA compliant. Mr. Law responded no indicating that they don't want to encourage people walking down the median.

Councilor Werner questioned whether any thought was given to permeable or porous surfaces and what has the experience been with other communities, if any, that have pursued that kind of surface. Mr. McCarthy responded that this is something that they have considered and are continuing to consider. He stated that this is something that they are not probably going to use throughout and that there are areas in which they may want to explore it adding that there are some concerns they have using it in the sidewalk next to older buildings that have basements. Councilor Werner inquired whether they have any sense of where they would be looking. Mr. McCarthy responded in the first section adjacent to the curb line.

Councilor Keach asked if there has been active input from the Disability Rights Commission during this process. Mr. Roberge responded yes affirming that they had engaged them early in the process.

Referencing wayfinding signs, Councilor St. Hilaire pointed out that the report didn't mention internal lighting and asked whether this is an oversight. Mr. Roberge responded that they are still developing the signage plan and this is one of the last details that the process goes through. He indicated that they will bring back better details to the Council. Councilor St. Hilaire asked if it's being suggested that there will be another presentation in the future to talk about even more details of the project.

Mayor Bouley questioned as to why the signage isn't done for tonight pointing out that staff has been pushing for dates and indicating that many items will be coming soon. Mr. Roberge responded that he thinks that it's a matter of timing and the amount of constrained design time and that they are trying to fit as many items in detail as much as they go. He noted that staff recommended that there is another public meeting to make sure they finalize any little outstanding issues that is out there, including signage. Mayor Bouley asked if it was a matter that staff has not had time. Mr. Roberge responded that it's not a matter of not having time but a matter of going through the process. Mr. Baia clarified that the dates have been put on the city by the federal government. He added that this project has been rather accelerated and that they received the green light at the end of November and are trying to work in the confines of the limitations that they are under.

Councilor St. Hilaire indicated that they had a public meeting and a suggestion had been made for internal lighting. He questioned whether this is something that should be recommended or that is not going to be recommended. Mr. Roberge responded that, from a

code perspective, he doesn't believe the city's zoning regulations allow internally lit signs. He noted that he believes that they may have discussed this at the last public meeting along with electronic message centers. Councilor St. Hilaire noted that he does not recall this being discussed at a meeting. He indicated that they were discussing a map of Main Street pointing out places that had an internal light and that a lot of signs in Concord have an internally lit sign. Mr. Baia noted that if the direction of the Council is that internally lit signs are the preference and if they have to make proposed changes to the zoning ordinance to accommodate that, staff can bring this to the Council. Councilor St. Hilaire stated that it's not that he is harping on internally lit signs, his concern is that a suggestion is made at a public meeting and he asks about it tonight and he feels like he doesn't get an answer one way or another whether staff supports it or not. He noted that if he doesn't have an answer he just wants to know when it is that this Council will be discussing those details so that they can vote on a plan that they all agree to.

Mayor Bouley asked whether the Council would consider the following schedule: hold a public hearing on May 23rd on the final design as presented this evening to the Council; hold Council work sessions on May 28th, 29th and 30th; a public hearing and final adoption of the design for Main Street on June 6th. He explained that he would like consideration of this schedule so that the community has the benefit to hear what the Council has done and what they have changed and then the Council would be able to vote on a final adoption. He stated that the reason he picked June 6th as the final date is because Mr. Baia has informed him that they need to have the design completed and finished by June 13th and if Council were to make any changes, the design team would need some time to make the changes to prepare the document for June 13th.

Councilor DelloIacono questioned whether Council will be getting additional details for the May 23rd meeting or for the work sessions. Mayor Bouley responded that his assessment is that as the answers are developed, they will be given to the Council. Mr. Baia added that staff will bring answers to the Council as quickly as they can.

Councilor St. Hilaire moved the adoption of the schedule proposed by Mayor Bouley: to hold a public hearing on May 23rd on the final design as presented this evening; hold Council work sessions on May 28th, 29th and 30th; a public hearing and final adoption of the design for Main Street on June 6th. Councilor St. Hilaire amended his motion to include the suspension of the rules of City Council, section 4, to waive the ten day notice for a public hearing for the May 23rd meeting. The motion was duly seconded.

After brief Council discussion, Councilor St. Hilaire's motion was approved with no dissenting votes.

Councilor St. Hilaire indicated that he would like go over a few items that were mentioned at the last public meeting he attended. He inquired in regards to public bathrooms and that this was brought up by many of the merchants. Mr. Baia responded that, based on the input from the last public meeting, they asked the design team to look into metropolitan urban type restrooms; pricing them out and seeking out possible locations. Councilor St. Hilaire indicated that he noticed that a lot of planters are low now whereas before the pictures

showed higher planters and questioned whether they will be rectified with fencing so people don't walk through them. Mr. Law explained that the planters have always been a six inch raised curb with a fence and that the images may have confused people. Councilor St. Hilaire questioned up lighting for the trees. Mr. McCarthy indicated that there will be electricity at all the planters so that it's possible to do. Councilor St. Hilaire asked about irrigation for the trees. Mr. Law responded yes there will be irrigation installed.

Councilor Nyhan asked if any of these items have been costed out noting that he doesn't see any accountability for lighting and signage. Mr. McCarthy responded that the lighting fixtures and conduit is included in costs. He explained that the cost estimate that Council is looking at is really a conceptual estimate that itemizes all the real expensive hard items and they have contingencies for all of the other items such as signage. Councilor Nyhan inquired as to the cost of signage. Mr. McCarthy noted that the way finding are more expensive and currently the budget includes ten of these. Councilor Nyhan questioned whether that type of signage is included in the estimate within the contingency. Mr. McCarthy confirmed that to be correct. Councilor Nyhan asked what the estimated cost was for the way finding signs. Mr. Law replied that they cost \$10,000 per sign.

Councilor St. Hilaire inquired as to the way finding sign with internal lighting similar to ones in the photos from Boston. Mr. Law responded that they are open to providing those signs but wasn't sure if it was an appropriate design route to take because of the rules and regulations.

Councilor Keach noted that it's his understanding that internal lit signs are allowable.

Councilor St. Hilaire indicated that maybe this can be researched.

Councilor Bouchard asked if the minimum cost for maintenance was \$275,000 a year. Mr. Roberge replied this was above what they normally have. Councilor Bouchard inquired as to how this gets paid for. She stated that with this added cost, she has real concerns about the rest of the city and other gateways and being able to maintain those which they are not able to do currently.

Mayor Bouley noted that he wants to have a successful public hearing on May 23rd and the more information they can provide, the better. He indicated that what he is looking for is a recommendation, what is the recommendation and what do they want the public to testify to. Mr. Law explained that the design is set and they just showed additional ones to show what other cities had chosen. Referencing ADA accessibility, Mayor Bouley noted that the TIGER grant does not pay for buildings. Mr. Law confirmed that to be correct. Mayor Bouley indicated that when they are talking about the issue accessibility they are talking about managing the grades and doing the best that they can. He asked to be shown how they have done the best they can so that Council can better answer questions when they come up during this process. He asked for more information regarding signage.

Councilor Werner noted that it's indicated that the design is set and questioned what this means in the context of the additional meetings and input. Mayor Bouley responded that

Council is tasked with making a final decision and believes they will make a better decision if they hear from the design team, the public and by talking amongst themselves.

City Manager Tom Aspell commented in regards to the trash receptacles he indicated that if someone has to empty them once a week as opposed to every day, there is a savings there but is there a number of these that are needed where it makes sense; if there are only two it would never save money but if there are twelve, maybe that's where they want to be. Regarding the signage, he suggested he be given leeway working with Mr. Baia and Mr. Roberge to come up with some decisions.

Following brief Council discussion, Councilor Coen moved to accept the report outlining the final design and to follow through with the schedule of public hearings and work sessions as approved in an earlier motion. The motion was duly seconded and passed with no dissenting votes.

Unfinished Business

57. Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (6-17) (7-36B; 7-38) (8-53) (9-39)(10-31) (11-43) (12-42) (1-52) (2-49) (3-37) (4-36) (*Action on this item tabled following a July 9, 2012 public hearing*)

Action: Item remains on the table.

58. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (*Action on this item tabled following a February 2013 public hearing*)

Action: Item remains on the table.

Comments, Requests by Mayor, City Councilors

Mayor Bouley indicated that Councilor Grady Sexton was unable to attend this evening's meeting but she wanted to compliment the Police Department for their quick work in making an arrest in regards to a home invasion that occurred recently within the city.

Comments, Requests by the City Manager

City Manager Tom Aspell indicated that he would like to change the Council agenda in regards to the Council meeting calendar. He indicated that the city now has a website that has all that information out there. He asked that it be eliminated from the agenda moving forward. Council agreed to remove the Council meeting calendar from the agenda.

Consideration of items pulled from the consent agenda for discussion

Items 12, 13 and 39 have been pulled from the consent agenda for discussion.

12. Resolution authorizing the City Manager to enter into a development and purchase and sales agreement with the Siena Bodwell Joint Venture Group to accomplish the following 1) to purchase a +/- 2.7 acre parcel from the State of New Hampshire, identified as MBL 111E-1-12 for \$955,000 and a \$1,100 administrative fee with the costs for this purchase being borne by the Siena Bodwell Joint Venture Group; and 2) to sell +/- .58 acres of City of Concord land identified as MBL 111E-1-17 and MBL 111E-1-18 to the Siena Bodwell Joint Venture Group to allow for the Siena Bodwell Joint Venture Group's construction of certain public improvements identified as City CIP #39 and the development of +/- 31,000 square feet of commercial real estate; together with a report from the Deputy City Manager – Development. ***(Pulled from consent by Councilor Bouchard)***

Action: Councilor Bouchard indicated that she just wanted to inform the public that this a public hearing having to do with Loudon Road, Old Loudon Road and D'Amante Drive. Councilor Bouchard moved to set this resolution for a public hearing to be held on June 10, 2013. The motion was duly seconded and passed with no dissenting votes.

13. Resolution authorizing the City Manager to convey a portion of the North State Street right-of-way to WBIN Media, Inc. and to accept a portion of land along Bouton Street to become new public right-of-way; together with report from the City Planner. ***(Supplemental report received from the City Planner; item pulled from consent by the City Manager)***

Action: City Manager Tom Aspell indicated that this item does not have to be set for a public hearing and asked the Council to accept this as a consent resolution.

Councilor Nyhan moved approval. The motion was duly seconded and passed with no dissenting votes.

39. Report from the Engineering Services Division on the Pleasant/Warren/Fruit Intersection Traffic Operations Improvement Project, CIP #283. ***(Pulled from consent by Mayor Bouley)***

Action: Mayor Bouley pointed out that there are two maps included and with those maps is a future roundabout option. He indicated that he would like the City Manager to clarify that this report does not recommend a roundabout and simply defers this project to the future.

City Manager Tom Aspell explained that it simply states that one of the potential future options is a roundabout. He noted that this, in no way, binds the Council to the construction or funding of a roundabout any time in the future.

Councilor St. Hilaire moved to accept the report. The motion was duly seconded and passed with no dissenting votes.

49. Mayor Bouley's proposed appointment to the Personnel Appeals Board.

Steven Winer

Action: Mayor Bouley noted that the City Clerk informed him that this does not meet the fifteen days per the Council Rules which is indicated within the last section of the appointment. He indicated that by accepting this and receiving this Council has already suspended the rules, but for purposes of pure clarification he asked for a motion to suspend section 15 of the Council Rules to accept the report.

Councilor Bouchard moved to suspend section 15 of the Council Rules to accept the report. The motion was duly seconded and passed with no dissenting votes.

Consideration of Suspense Items

Councilor St. Hilaire moved to suspend the rules to take up suspense item not previously advertised. The motion was duly seconded and passed with no dissenting votes.

5 Sus1 Referral to General Services and the Conservation Commission

Communication from Robert T. Baker, asking City Council to consider requesting an accounting of tree removals and plantings within the City of Concord as well as the implementation of policies that value shade trees vs. ornamental plantings within the city. (5Inf12)

Councilor Bouchard moved to refer this item to General Services and the Conservation Commission. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 10:13 p.m., Councilor Keach moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

Michelle Mulholland

Deputy City Clerk

Concord Terrace, LLC
73 Fisherville Road
Concord, NH 03303
225-3091 phone 228-5561 fax
cterr@comcast.net



May 20, 2013

City of Concord
Mayor Jim Bouley and City Council Members
41 Green Street
Concord, NH 03301

Honorable Mayor Jim Bouley and City Councilors:

I have spoken with Mr. Craig Walter and Mr. Ted Evans and they suggested that I write to you regarding this. I would like to propose an amendment to the current City Zoning Ordinances. This amendment would be for Concord Terrace Mobile Home Park and other parks, if applicable. This change would be extremely beneficial to all, especially elderly and handicapped homeowners.

I propose to change the current zoning ordinance to allow for car ports. The current ordinance calls for a 20' set back from the road for structures. I believe that carports should be allowed as close as 4' to an existing private road in a park. The change I believe is needed is as follows:

1. Allow only metal carports (to alleviate any fire hazard).
2. Allow the carports no closer than 4' to the road to allow for snow removal, pedestrians and bicycle traffic on the road.
3. To require that the carport be no closer than 30' to a home other than the one serviced by the carport.
4. To limit the size to 250 sq. ft. for a single carport or 400 sq. ft. for a double carport.
5. All carports to be open design, with no doors and only winter seasonal side enclosures.
6. Not to allow storage of unregistered vehicles or other items in the carport. It is designed to help people only.
7. Approved by Park Owner/Administrator.

The roads in Manufactured Housing Parks are private. The zoning in the city has changed over the years as to distance between homes. Presently it is 40' between homes. It has been as close as 30' between homes. The distance that homes are to be located from the setback has also changed from 20' to 25'. It is presently 20', I believe. There are existing car ports in Concord Manufactured Home Parks.

What all these changes have done is create confusion. Many of the parks in Concord have single wide (typically 14' x 70') homes that are set perpendicular to the roads. There are varying distances between the homes and also from the homes to the street. By allowing a carport at the front of the home, it gives the opportunity for the residents who need this structure a chance to have it.

As previously stated, we have many elderly, handicapped and special need residents in Concord who need a carport for their safety. Being able to enter your vehicle in a dry environment is important. Also, it is important to be able to operate a vehicle that does not need extensive snow and ice removal if you are unable to safely clean snow and ice from your vehicle.

There are no negative impacts from this zoning change since all the roads are privately owned and maintained. Each park would need to be able to adapt the ordinance to their circumstance because of infrastructure, etc. in the park. The changes I propose would be the broadest allowed.

Thank you for your consideration of this proposed amendment.

Sincerely,



Dana M. Rood, Managing Member
Concord Terrace, LLC

May 25, 2013

Herbert F Leisy Jr
CenterStone Residence
12 Pine Acres Road
Suite 1229
Concord NH 03301 USA
(603) 225 9129

TJA

Ms. Candace Bouchard,
Concord City Councilor
71 N.E. Village Road
Concord, New Hampshire 03301

Old Loudon Road Area
Clean Up

Dear Councilor Bouchard:

I enjoyed talking with you Thursday, May 23, 2013 about the continuing and recurring refuse problem along Old Loudon Road. As the accumulation of litter and rubbish in this Area is persistent, your assistance by bringing this condition to the attention of the City of Concord is especially appreciated.

As discussed, the recent "Clean Up" of Old Loudon Road and surroundings resulted in the removal of:

- (30 gallon Trash Bag of Litter):
- 2 Bags from along Old Loudon Road
- 1 Bag " " " " " , Pond Edge
- 1 Bag " Median Strip Entry to Old Loudon Rd.
- 1 Bag " Electrical Thruway Service Rd., near Alton Woods
- 5 Bags " Woods behind fire hydrant, Old Loudon Rd.
likely source, Homeless living there
- 2 loaded/torn bags placed in hollow area
- 3 loaded bags left on South side of Old Loudon Rd.
- 2 Used Tires from Woods behind fire hydrant, accepted by
Town Fair Tire for disposal, c/o "AJ"

Any increased vigilance by the City of Concord to restore the residential quality of life in the Old Loudon Road Area (patrols, pick-up, anti-letter signage, etc.) will be greatly appreciated.

If you have any questions or need additional information please feel free to contact me (above) or The Day's (ref. Dick Day Motors 225-4777) who have concerns where they reside on Old Loudon Road as well.

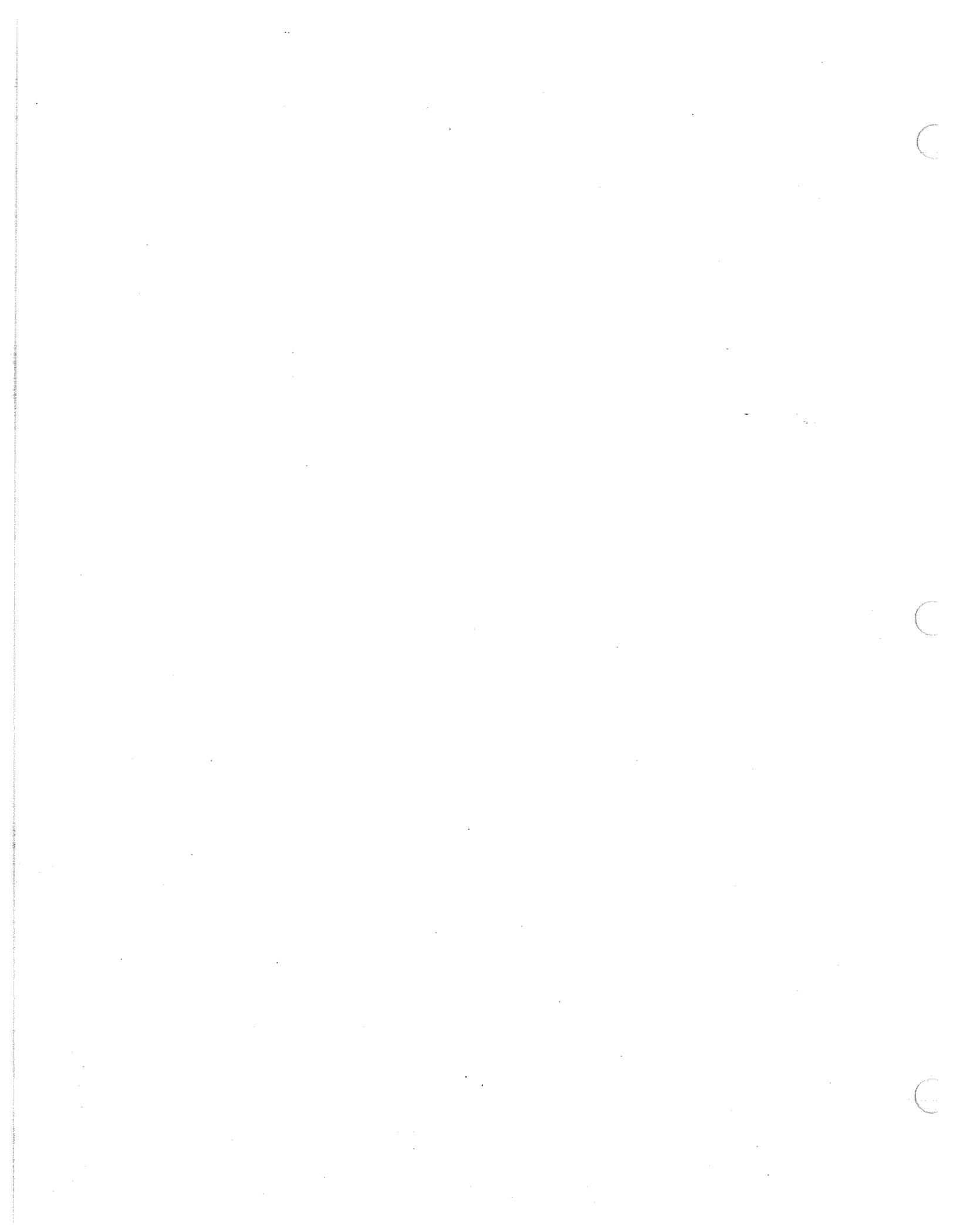
Thanking you for your assistance,

Sincerely,



Herbert F Leisy Jr.

cc: Mr. Dick Day, Proprietor, Dick Day Motors, 198 Loudon Rd.,
Concord, New Hampshire 03301



CITY OF CONCORD

Ben 5-26
5/9/13
6-11

In the year of our Lord two thousand and thirteen

RESOLUTION FIXING AND DETERMINING THE AMOUNT OF MONEY TO BE APPROPRIATED
BY THE CITY OF CONCORD FOR THE FISCAL YEAR 2014 ENDING JUNE 30, 2014.

Page 1 of 5

The City of Concord resolves as follows:

Section 1: **General Fund**

That there be appropriated the sum of\$53,446,132
for general purposes as detailed in the Fiscal 2014 Budget recommended to
the City Council by the City Manager as summarized below:

GENERAL FUND BUDGET

<u>APPROPRIATIONS</u>	<u>MANAGER PROPOSED</u>
Administration	\$5,549,253
Public Safety	23,236,228
General Services	7,895,038
Community Development	2,462,219
Leisure Services	4,013,935
Human Services	1,000,059
Miscellaneous	3,553,600
Capital Outlay and Transfers	755,500
Debt Service	<u>4,980,300</u>
Total Appropriations	\$53,446,132
Reserve for Overlay and War Service Credits	<u>567,089</u>
TOTAL	\$54,013,221
<u>REVENUE</u>	
Miscellaneous	\$19,740,202
Surplus from Prior Year's Operation	<u>0</u>
Total Miscellaneous and Surplus	\$19,740,202
Amount to be Raised by Taxation	<u>34,273,019</u>
TOTAL	\$54,013,221

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION **FIXING AND DETERMINING THE AMOUNT OF MONEY TO BE APPROPRIATED BY THE CITY OF CONCORD FOR THE FISCAL YEAR 2014 ENDING JUNE 30, 2014.**

Page 2 of 5

That there shall be raised and there is hereby ordered to be raised on the ratable estates within the City the sum of \$34,273,019
to defray the necessary expenses and charges of the City for Fiscal Year 2014 which together with the sum which may be raised from other sources in the amount of \$19,740,202

Section 2: **Parking Meter Fund**

A. That there shall be appropriated the sum of \$2,116,685
for enforcement of the parking ordinances; maintenance of parking meters; operation and maintenance of plazas and off-street parking areas; payment of bonds, notes and interest thereon; capital transfer and capital outlay as provided in the Fiscal 2014 Budget.

Funds to meet said appropriation shall be derived from income of the Parking Meter Fund as provided for in the Fiscal 2014 Budget

B. That there shall be appropriated the sum of..... \$38,000
in the Parking Capital Project Fund for Capital Projects. Said sum shall be available as follows: Parking / Capital Transfer and Parking Close-out.

Section 3: **Airport Fund**

A. That there shall be appropriated the sum of \$411,342
for the operation, maintenance and improvements to the Concord Municipal Airport as provided for in the Fiscal 2014 Budget.

Funds to meet said appropriation shall be derived from income to the Concord Municipal Airport Fund as provided for in the Fiscal 2014 Budget.

B. That there shall be appropriated the sum of \$64,656
in the Airport Capital Project Fund for Capital Projects. Said sum shall be available as follows: Airport / Capital Transfer.

Section 4: **Miscellaneous Special Revenue Funds**

A. **Community Development Conservation Property Management Fund**
That there shall be appropriated the sum of \$94,800
for administration of the Community Development Conservation Property Management Fund.

Funds to meet said appropriation shall be made available from Conservation Trust funds or other funds as deemed appropriate by City Council.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION FIXING AND DETERMINING THE AMOUNT OF MONEY TO BE APPROPRIATED BY THE CITY OF CONCORD FOR THE FISCAL YEAR 2014 ENDING JUNE 30, 2014.

Page 3 of 5

Section 4: **Miscellaneous Special Revenue Funds (cont'd)**

B. Community Development – Engineering Inspection Fund

That there shall be appropriated the sum of \$243,470
for administration of the Community Development Engineering Inspection Fund.

Funds to meet said appropriation shall be made available from Engineering Inspection funds or other funds as deemed appropriate by City Council.

C. Community Development Revolving Loan Program

That there shall be appropriated the sum of \$6,050
for administration of the Community Development Revolving Loan Program.

Funds to meet said appropriation shall be made available from Community Development Revolving Loan funds or other funds as deemed appropriate by City Council.

Section 5: **Beaver Meadow Golf Course Fund**

A. That there shall be appropriated the sum of \$941,900
for the operation and maintenance of the Golf Course; payment of bonds, notes and interest thereon; capital transfers and capital outlay as provided in the Fiscal 2014 Budget.

Funds to meet said appropriation shall be derived from income of the Municipal Golf Course and General Fund subsidy as provided in the Fiscal 2014 Budget.

B. That there shall be appropriated the sum of \$3,000
in the Beaver Meadow Golf Course Project Fund for Capital Projects. Said sum shall be available as follows: Golf / Capital Transfer.

Section 6: **Douglas N. Everett Ice Skating Arena Fund**

A. That there shall be appropriated the sum of \$632,188
for the operation and maintenance of the Everett Arena; payment of bonds, notes and interest thereon; capital transfers and capital outlay as provided in the Fiscal 2014 Budget.

Funds to meet said appropriation shall be derived from income of the Arena facility, retained earnings, and General Fund subsidy as detailed in the Fiscal 2014 Budget.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION **FIXING AND DETERMINING THE AMOUNT OF MONEY TO BE APPROPRIATED BY THE CITY OF CONCORD FOR THE FISCAL YEAR 2014 ENDING JUNE 30, 2014.**

Page 4 of 5

- B. That there shall be appropriated the sum of \$152,806
in the Douglas N. Everett Ice Skating Arena Capital Project Fund for Capital Projects. Said sum shall be available as follows: Arena / Capital Transfer and Arena Closeout.

Section 7: **Water Enterprise Fund**

- A. That there shall be appropriated the sum of \$6,017,548
for the operation and maintenance of the water system and the water filtration facilities; necessary construction and replacements of water mains and other facilities and equipment; payment of bonds, notes and interest thereon as detailed in the Fiscal 2014 Budget.

Funds to meet said appropriations shall be derived from water sales and other income and retained earnings of the Water Fund as provided in the Fiscal 2014 Budget.

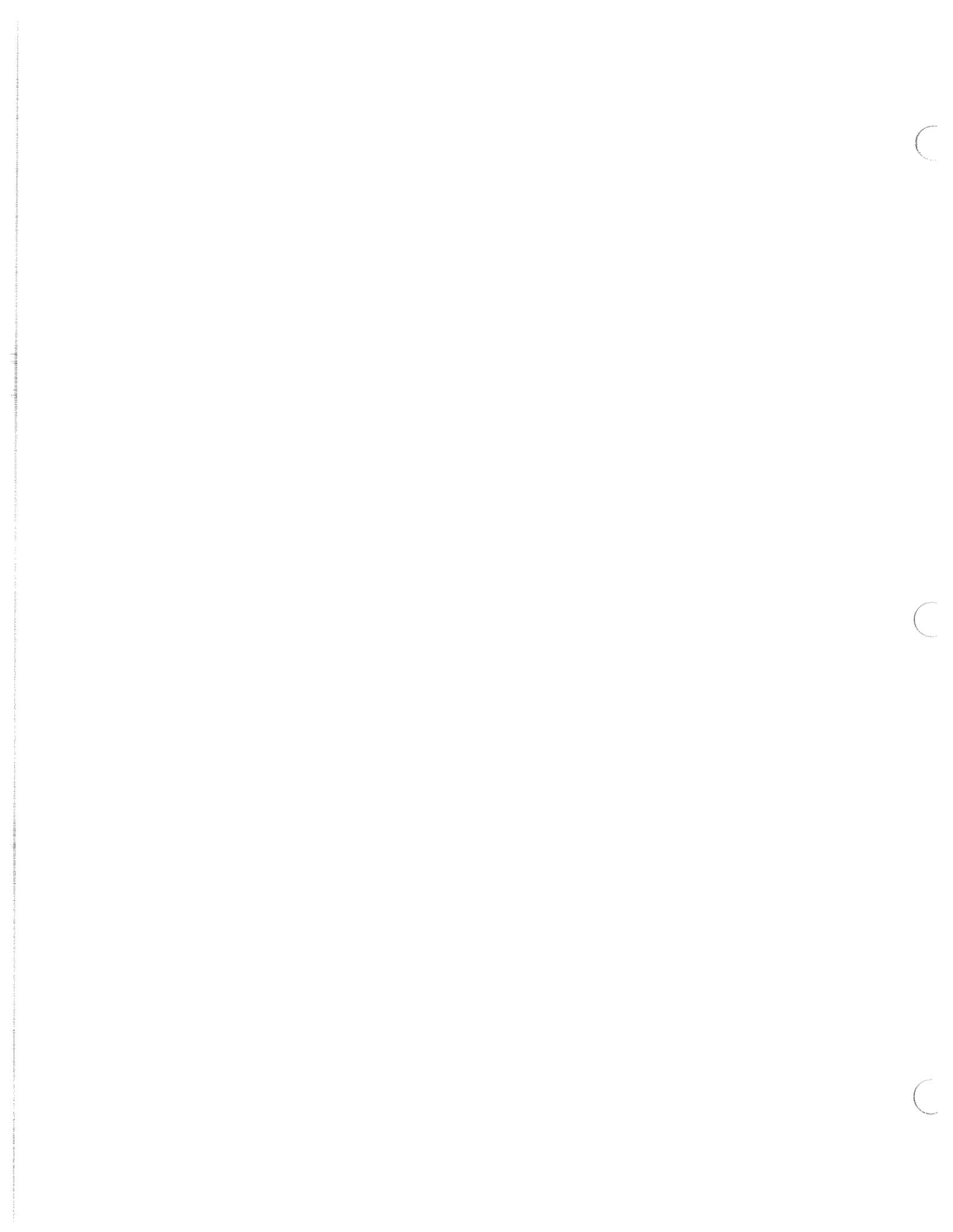
- B. That there shall be appropriated the sum of \$139,000
in the Water Enterprise Project Fund for Capital Projects. Said sum shall be available as follows: Water / Capital Transfer.

Section 8: **Wastewater Enterprise Fund**

- A. That there shall be appropriated the sum of \$7,475,418
for operation and maintenance of the sanitary sewer system and wastewater treatment facilities; necessary construction and replacement of sanitary sewer facilities and equipment; and payment of bonds, notes and interest thereon as provided in the Fiscal 2014 Budget.

Funds to meet said appropriation shall be derived from income and retained earnings of the Sewer Fund as provided in the Fiscal 2014 budget.

- B. That there shall be appropriated the sum of \$178,989
in the Wastewater Enterprise Project Fund for Capital Projects. Said sum shall be available as follows:
 Sewer / Capital Transfer.....\$ 131,800
 Sewer / Capital Close Out.....\$ 47,189



Bm
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CITY OF CONCORD

5-28

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In the year of our Lord two thousand and thirteen

RESOLUTION CLOSING AND COMPLETING CERTAIN CAPITAL PROJECTS; RESCINDING/DE-AUTHORIZING APPROPRIATIONS; RETURNING FUNDS TO THEIR SOURCES; AND TRANSFERRING, RE-APPROPRIATING OR OTHERWISE MAKING REMAINING BALANCES AVAILABLE FOR FUTURE PURPOSES

Page 1 of 5

The City of Concord resolves as follows:

WHEREAS, a comprehensive analysis of capital project appropriations was undertaken in the late Fall of 2012 for projects appropriated from various funds; and

WHEREAS, this analysis has identified projects that have been completed, which have excess appropriations that need to be rescinded and available balances that need to be returned to their sources; and balances available to fund other projects; and

WHEREAS, there are existing projects with over-expenditures that need to be funded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

1. a) The sum of original appropriations of \$23,087.00 in Fund 3400 (Capital Project Fund-2008 & on) is hereby rescinded and returned to its original sources.

Res# 8477 adopted 6/27/2011 – Airport Capital Transfer \$ 23,087.00
Construct Parallel Taxiway (CIP0073 3400-2012Construct1230)

- b) The sum of \$9,556.35 in excess Fund 3400 (Capital Project Fund-2008 & on) appropriations are hereby rescinded, and available balance returned to their original sources as follows:

Res# 8379 adopted 6/21/2010 – Gen Fire Equipment Reserve ... \$ 2,840.14
Fire Apparatus Equipment (CIP0004 3400-2011)

Res# 8286 adopted 6/22/2009 – Impact Fee Fund Traffic#3 \$ 1,596.99
Signalization Project-Broadway/West Streets Intersection
(CIP0031 3400-2010)

Res# 8379 adopted 6/21/2010 – Impact Fee Fund Traffic#3 \$ 5,119.22
Clinton Street Signalization (CIP0041 3400-2011)

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION CLOSING AND COMPLETING CERTAIN CAPITAL PROJECTS; RESCINDING/DE-AUTHORIZING APPROPRIATIONS; RETURNING FUNDS TO THEIR SOURCES; AND TRANSFERRING, RE-APPROPRIATING OR OTHERWISE MAKING REMAINING BALANCES AVAILABLE FOR FUTURE PURPOSES

Page 2 of 5

- c) The sum of \$15,920.90 in excess Fund 3310 (Capital Project Fund – Open Space 2008 on) appropriation is hereby rescinded and available balance returned to its source as follows:

Res# 8459 adopted 4/11/2011 – Conservation Trust \$ 15,920.90
Open Space Protection-Hopkinton Road
(CIP0352 3310-2011HopkintonRd)

- d) The sum of \$33,907.25 in excess Fund 7710 (Solid Waste Capital Fund) appropriations are hereby rescinded and available balances returned to their sources as follows:

Res# 8285 adopted 6/22/2009 – Solid Waste Fund \$ 786.64
Old Landfill Reuse (CIP0381 7710-2010OldSunckMgt)

Res# 8379 adopted 6/21/2010 – Solid Waste Fund \$ 18,203.77
Old Landfill Reuse (CIP0381 7710-2011OldSunEnviro)

Res# 8477 adopted 6/21/2010 – Solid Waste Fund \$ 14,916.84
Old Suncook Rd Management (CIP0381 7710-2012OldSunRdMgmt)

- e) The sum of \$6,368.08 in excess Fund 7810 (Water Capital Fund) appropriations are hereby rescinded and available balances returned to their sources as follows:

Diminimus Approved 3/12/2012 – Water Fund \$ 5,910.10
Water Main Replacement – Loudon Road Phase 1
(CIP0085 7810-2011)

Res# 8477 adopted 6/21/2010 – Water Fund \$ 457.98
Water Main Replacement – Design Loudon Road Phase 2
(CIP0085 7810-2012DesLoudRdPh2)

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION CLOSING AND COMPLETING CERTAIN CAPITAL PROJECTS; RESCINDING/DE-AUTHORIZING APPROPRIATIONS; RETURNING FUNDS TO THEIR SOURCES; AND TRANSFERRING, RE-APPROPRIATING OR OTHERWISE MAKING REMAINING BALANCES AVAILABLE FOR FUTURE PURPOSES

Page 3 of 5

- f) The sum of \$4,798.35 in excess Fund 7911 (Waste Water Renovation Capital Project Fund Hall Street) appropriation is hereby rescinded and available balance returned to its source as follows:

Res# 8285 adopted 6/22/2009 – Sewer Investment Fee Trust \$ 4,798.35
 Spiral Vertical Conveyor Repair (CIP0104 7911-2010SpiracConvey)

2. The amounts in capital appropriations from Fund 3400 (Capital Project Fund-2008 & on) and Fund 7810 (Water Capital Fund), details of which are listed in the attached Addendum A, are hereby de-authorized for the specified capital projects below to adjust budgets to actual funds received.

	Fund	Capital Project	De-Authorized Amount
a.	Fund 3400	Fire Apparatus Equipment (CIP0004 3400-2011)	\$ 154.68
b.	Fund 7810	Water Main Replacement – Loudon Road Phase (CIP0085 7810-2011)	3,868.75
	Total		\$ 4,023.43

3. The sum of \$2,263.50 in excess Fund 3310 (Capital Project Fund – Open Space 2008 on) appropriation is hereby rescinded and available balance returned to the General Fund 11 to pay bond interest expense.

Res# 8510 adopted 10/11/2011 – Bonds \$ 2,263.50
 Open Space Protection- Stickney Hill
 (CIP0352 3310-2012StickneyHill)

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION CLOSING AND COMPLETING CERTAIN CAPITAL PROJECTS; RESCINDING/DE-AUTHORIZING APPROPRIATIONS; RETURNING FUNDS TO THEIR SOURCES; AND TRANSFERRING, RE-APPROPRIATING OR OTHERWISE MAKING REMAINING BALANCES AVAILABLE FOR FUTURE PURPOSES

Page 4 of 5

4. The amounts in the following unexpended capital project fund appropriation balances from prior Capital Improvement Projects, details of which are listed in the attached Addendum A, are hereby made available for use in the City Manager's FY2014 proposed Capital Improvement Project Program.

Fund	Fund Description	Available Balance for FY2014 Projects
a. Fund 3400	<i>Capital Project Fund – Misc (2008 & on)</i>	\$ 70,466.39
b. Fund 7410	<i>Arena Capital Fund</i>	53,306.10
c. Fund 7910	<i>Waste Water Capital Fund</i>	47,189.17
Total		\$ 170,961.66

5. Projects totaling \$6,502,261.52 in the following capital project funds, all with no balances remaining, listed in attached Addendum B, are hereby closed.

Fund	Fund Description	Amount
a. Fund 3400	<i>Capital Project Fund – Misc (2008 & on)</i>	\$ 2,282,821.89
b. Fund 3411	<i>Capital Project Fund-Rte. 3 Corridor N.</i>	1,952,588.68
c. Fund 7810	<i>Water Capital Fund</i>	900,930.87
d. Fund 7910	<i>Waste Water Capital Fund</i>	275,000.00
e. Fund 7911	<i>WWTP Renovations-Hall Street Fund</i>	1,090,920.08
Total		\$ 6,502,261.52

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

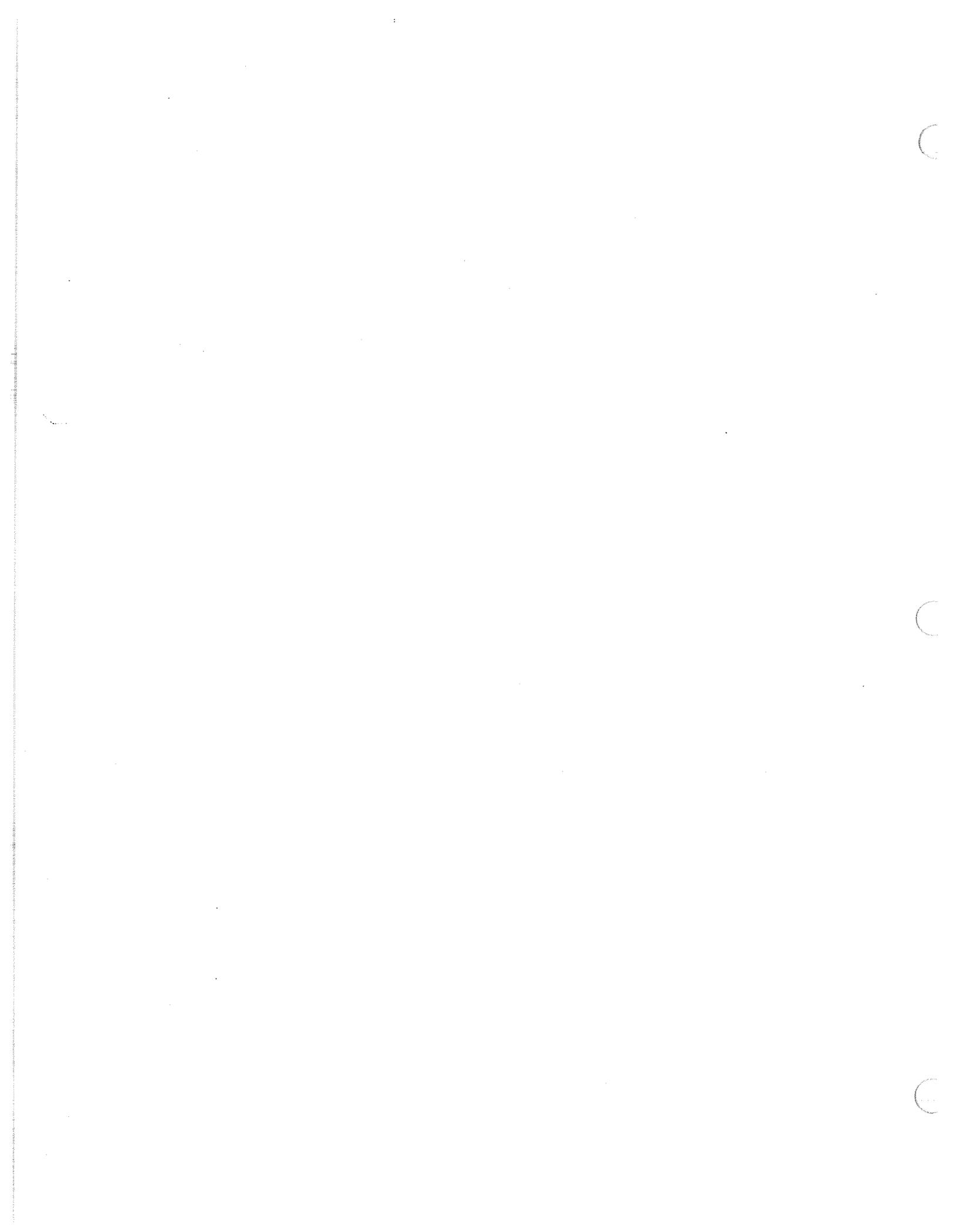
RESOLUTION CLOSING AND COMPLETING CERTAIN CAPITAL PROJECTS; RESCINDING/DE-AUTHORIZING APPROPRIATIONS; RETURNING FUNDS TO THEIR SOURCES; AND TRANSFERRING, RE-APPROPRIATING OR OTHERWISE MAKING REMAINING BALANCES AVAILABLE FOR FUTURE PURPOSES

Page 5 of 5

6. Projects totaling \$2,517,748.18 in the following capital project funds with balances distributed as shown in this resolution, and attached as Addendum C, are hereby closed.

	Fund	Fund Description	Amount
a.	Fund 3310	<i>Capital Project Fund – Open Spaces</i>	\$ 511,815.60
b.	Fund 3400	<i>Capital Project Fund – Misc (2008 & on)</i>	377,773.97
c.	Fund 7710	<i>Solid Waste Capital Fund</i>	41,009.59
d.	Fund 7810	<i>Water Capital Fund</i>	1,569,739.02
e.	Fund 7911	<i>WWTP Renovations-Hall Street Fund</i>	17,410.00
		Total	<u>\$ 2,517,748.18</u>

7. This resolution shall take effect upon its passage or June 30, 2013, whichever is earlier.



ADDENDUM "A"

Attachment - Resolution No. _____

		ORIGINAL PURPOSE (From)				NEW PURPOSE (To)				
CIP Close out RES. PAGE #	CIP Close out Res. Section/ Item	Project & Sub-project	Project Description	Res. #	Dept	Action Taken	De-Authorize Capital Appropriation	Return Amount to Original Fund or Other Funding Sources	Transfer to FY2014 CIPs	Funding Source
FUND 3310 - Capital Project Fund – Open Space (2008 on)										
2	1c	CIP0352 3310-2011HopkintonRd	Open Space Protection-Hopkinton Rd	8459	CD-PL	Return to Conservation Trust		15,920.90		Conservation Trust
3	3	CIP0352 3310-2012StickneyHill	Open Space Protection-Stickney Hill	8510	CD-PL	Return to General Fund from Capital Fund to pay bond interest		2,283.50		Bonds
FUND 3310 TOTALS							\$0.00	\$18,184.40	\$0.00	\$18,184.40
FUND 3400 - Capital Project Fund - Misc (2008 & on)										
4	4	CIP0002 3400-2012	Information System Replacement / Upgrade	8477, 8478	IT	Transfer funds to CIP0002 3400 2014 information System Replacement Upgrade			663.25	Gen Capital Close Outs
1	1b	CIP0004 3400-2011	Fire Apparatus Replacement	8379	Fire	Return to Gen Fire Equipment Reserve		2,840.14		Gen Fire Equipment Reserve
3	2a	CIP0004 3400-2011	Fire Apparatus Replacement	8379	Fire	De-authorize original budget appropriated for CIP0004 3400-2011 thereby adjusting budget to actual funds received from Unanticipated Revenues	154.68			Unanticipated Revenues
1	1b	CIP0031 3400-2010	Signalization Project-Broadway/West Street Intersection	8286	CD-ENG	Return to Impact Fee Fund, Traffic Benefit District #3		\$1,598.99		Impact Fee Fund
1	1b	CIP0041 3400-2011	Clinton Street Signalization	8379	CD-ENG	Return to Impact Fee Fund, Traffic Benefit District #3		5,119.22		Impact Fee Fund
4	4	CIP0050 3400-2009ChapelRoof	Repair of Chapel roof	8189	REC	Transfer funds to CIP0002 3400 2014 Information System Replacement Upgrade			2,200.00	General Capital Transfer

ADDENDUM "A"

Attachment - Resolution No. _____

		ORIGINAL PURPOSE (From)				NEW PURPOSE (To)				
CIP Close out RES. PAGE #	CIP Close out Res. Section/Item	Project & Sub-project	Project Description	Res. #	Dept	Action Taken	De-Authorize Capital Appropriation	Return Amount to Original Fund or Other Funding Sources	Transfer to FY2014 CIPs	Funding Source
4	4	CIP0050 3400-2011ChapelRoofAd	Additional Repair of Chapel Roof	8379	REC	Transfer funds to CIP0002 3400 2014 Information System Replacement Upgrade			2,522.33	General Capital Transfer
1	1a	CIP0073 3400-2012Construct1230	Construct a Parallel Taxiway fr Runway 12/30 to Regional Dr	8477	CD-ENG	Return to Airport Fund		23,087.00		Airport Capital Transfer
4	4	CIP0078 3400-2012	Roadway Surface Improvements-Cold Plane/Overlay	8573	GS	Transfer funds to CIP0078 3400 2014 Roadway Surface Improvements			12,657.50	Paving Reimbursement from Concord School District
4	4	CIP0335 3400-2012ThermCamRepl	Thermal Camera Replacement	8477	Fire	Transfer funds to CIP0002 3400 2014 Information System Replacement Upgrade			2,080.56	General Capital Transfer
4	4	CIP0433 3400-2013	Durgin Block Parking Garage Capital Repairs	8583 dtd 6/18/12	PD	Transfer funds to CIP0432 3400 2014 Parking Garage Repair-Firehouse Block Garage			35,000.00	Bonds
4	4	CIP0435 3400-2008SEndUWEndPen	Neighborhood Traffic Improvements	8189	CD-ENG	Transfer funds to CIP0002 3400 2014 Information System Replacement Upgrade			5,342.75	General Capital Transfer
4	4	CIP0370 3400-2011	PD Ballistic Vest Re	8380 dtd 6/21/10	PD	Transfer funds to CIP0521 3400 2014 PD Firearms Range Improvement			10,000.00	Gen Capital Close Outs
FUND 3400 TOTALS							\$154.68	\$32,643.35	\$70,466.39	\$103,264.42
FUND 7410 - Arena Capital Project Fund										
4	4	CIP0064 7410-2011	Arena Facility Improvement	8458	GS	Transfer funds to CIP0064 7410 2014 Arena Facility Imp			53,306.10	Bonds 1/19/12 issue
FUND 7410 TOTALS							\$0.00	\$0.00	\$53,306.10	\$53,306.10

ADDENDUM "A"

Attachment - Resolution No. _____

		ORIGINAL PURPOSE (From)				NEW PURPOSE (To)				
CIP Close out RES. PAGE #	CIP Close out Res. Section/Item	Project & Sub-project	Project Description	Res. #	Dept	Action Taken	De-Authorize Capital Appropriation	Return Amount to Original Fund or Other Funding Sources	Transfer to FY2014 CIPs	Funding Source
FUND 7710 - Solid Waste Capital Fund										
2	1d	CIP0381 7710-2010OldSunckMgt	Old Landfill Reuse	8285	GS	Return to Solid Waste Fund		786.64		Solid Waste Capital Transfer
2	1d	CIP0381 7710-2011OldSunEnviro	Old Landfill Reuse	8379	GS	Return to Solid Waste Fund		18,203.77		Solid Waste Capital Transfer
2	1d	CIP0381 7710-2012OldSunRdMgmt	Old Suncook Road	8477	GS	Return to Solid Waste Fund		14,916.84		Solid Waste Capital Transfer
FUND 7710 TOTALS							\$0.00	\$33,907.25	\$0.00	\$33,907.25
FUND 7810 - Water Capital Fund										
2	1e	CIP0085 7810-2011	Water Main Replacement-Loudon Rd Phase 1	8394	CD-ENG	Return to Water Fund		5,910.10		Unanticipated Revenues
3	2b	CIP0085 7810-2011	Water Main Replacement-Loudon Rd Phase 1	8394	CD-ENG	De-authorize original budget appropriated for CIP0085 7810-2011 thereby adjusting budget to actual funds received from Unanticipated Revenues	3,868.75			Unanticipated Revenues
2	1e	CIP0085 7810-2012DesLoudRdPh2	Design Loudon Road Phase II	8477	CD-ENG	Return to Water Fund		457.98		Water Capital Transfer
FUND 7810 TOTALS							\$3,868.75	\$6,368.08	\$0.00	\$10,236.83

ADDENDUM "A"

Attachment - Resolution No. _____

		ORIGINAL PURPOSE (From)				NEW PURPOSE (To)				
CIP Close out RES. PAGE #	CIP Close out Res. Section/Item	Project & Sub-project	Project Description	Res. #	Dept	Action Taken	De-Authorize Capital Appropriation	Return Amount to Original Fund or Other Funding Sources	Transfer to FY2014 CIPs	Funding Source
FUND 7910 - Waste Water Capital Fund										
		CIP0089 7910-2011	Hall Street WWTP	8380	GS	Transfer funds to CIP0104 7911 2014 Hall St WWTP Renovations			28,327.53	Sewer Capital Close Outs
		CIP0275 7910-2012HDustinRePav-R SewerGOBonds	Hannah Dustin Re-Paving	8479	GS	Transfer funds to CIP0104 7911 2014 Hall St WWTP Renovations			18,861.64	Bonds 1/19/11 Issue
FUND 7910 TOTALS							\$0.00	\$0.00	\$47,189.17	\$47,189.17
FUND 7911 - WWTP Renovations-Hall Street Fund										
		CIP0104 7911-2010SpiracConvey	Spirac Vertical Con	8285	GS	Return to Sewer Investment Fee Trust Fund		4,798.35		Sewer Investment Fee Trust Fund
FUND 7911 TOTALS							\$0.00	\$4,798.35	\$0.00	\$4,798.35
GRAND TOTALS							\$4,023.43	\$95,901.43	\$170,961.66	\$270,886.52

ADDENDUM "B"**Resolution Section # 7****Closed CIP Projects WITH NO Remaining Balances
Fund 3400 - Capital Project Fnd - Misc (2008-)**

Fiscal Year	CIP No.	Project & Sub-Project #	Project Description	PROJECT COST AS COMPLETED
2010	2	CIP0002 3400-2010	Information System Replacement/Upgrade	\$ 149,987.83
2012	13	CIP0013 3400-2012Conversion	Master Plan Update	-
2011	51	CIP0051 3400-2011WalkwayMntce	White Park Walkway Maintenance	13,889.20
2011	51	CIP0051 3400-2011HockeyRinkMn	White Park Hockey Rink Maintenance	11,487.00
2012	58	CIP0058 3400- 2012ConcessBathr	Memorial Field Concession Demolition & Bathroom Renovation (Partial)	8,065.00
2012	59	CIP0059 3400-2012InterimFdImp	Terrill Park Interim Field Improvements	-
2012	63	CIP0063 3400-2012GSCCDesImpr	Green St - Design Improvements	25,000.00
2012	63	CIP0063 3400-2012GSCCFacImpr	Green St Facility Improve-Gym Floor & Roof	37,543.00
2008	65	CIP0065 3400-2008LobbySignage	City Hall Lobby Signage	1,350.00
2011	68	CIP0068 3400-2011FurnSignage	Library Furniture & Signage	19,150.61
2012	78	CIP0078 3400-2012Inspection	Roadway Surface Improvements-2012 Inspection	35,000.00
2010	80	CIP0080 3400-2010MaintOverlay	Maintenance Overlay	526,702.79
2011	121	CIP0121 3400-2011	Equipment Replacement-General	590,000.00
2010	297	CIP0297 3400-2010LayerDevelop	GIS Layer Development	9,000.00
2010	297	CIP0297 3400- 2010AerialPhotos	GIS Aerial Photo Update	120,853.00
2010	325	CIP0325 3400-2010 GRTUSDOE	Energy Improvements-EECBG Project Management -NHOEP & Ph2 (Partial)	203,800.00
2010	325	CIP0325 3400-2010 ProjMgtOEP	Energy Improvements-EECBG Energy Grant-US Dept of Energy	20,462.76
2012	368	CIP0368 3400-2012	Portable & Mobile Radio Replacement Program-Year 1 of 3 (10 cruiser mobiles, 30 portable radios)	74,986.45
2012	407	CIP0407 3400-2012CityHallRoof	City Hall Roof Repair/Replacement	49,992.29
2012	432	CIP0432 3400-2012StairTwrRep	2012 Stair Tower Repair-Firehouse Block Garage	-
2012	484	CIP0484 3400-2012PDWindowRepl	2012 Police Dept Window Replacement	70,000.00
2012	506	CIP0506 3400-2012HistSurveys	Historical Surveys	10,075.00
2012	10 Prince	CIP10Prince 3400-2012	10 Prince Street	200,000.00
2012	ADR	CIPADR 3400	Architectural Design Review	23,340.00
2012	PubImp pEng	CIPPubImpEng3400-2012AmeradaHess	Public Improvements (Engineering Dept)-Amerada Hess Express 175 N. Main (Petroleum Eng)	28,394.38
2012	PubImp pEng	CIPPubImpEng3400-2012StoneHaven	Public Improvements (Engineering Dept)-Stone Haven	53,742.58
TOTAL - FUND 3400				\$ 2,282,821.89

ADDENDUM "B"**Resolution Section # 7**

Closed CIP Projects WITH NO Remaining Balances
Fund 3411 - Cap Proj Fund-Rte. 3 Corridor N.

Fiscal Year	CIP No.	Project & Sub-Project #	Project Description	PROJECT COST AS COMPLETED
2010	35	CIP0035 3411-2010Phase3	Route 3 Corridor (North), Phase 3	\$ 1,952,588.68
			TOTAL - FUND 3411	\$ 1,952,588.68

Closed CIP Projects WITH NO Remaining Balances
Fund 7810 - Water Capital Fund

Fiscal Year	CIP No.	Project & Sub-Project #	Project Description	PROJECT COST AS COMPLETED
2010	85	CIP0085 7810-2010	Water Main Replacement	\$ 19,993.37
2012	85	CIP0085 7810-2012ConSpringSt	Spring St. Water Replacement - Construction	192,000.00
2012	86	CIP0086 7810-2012ConAirpManch	Water Main Construction, 2012ConAirport	79,905.51
2010	88	CIP0088 7810-2010MeterImprove	Water Production Plant Upgrades-Raw Water Metering & Process Improvements	330,763.28
2012	244	CIP0244 7810-2012	Meter Improvements	99,763.06
2010	345	CIP0345 7810-2010	Reopen Well Supply @ Pump Station 2	60,953.00
2012	345	CIP0345 7810-2012PS2Refurbish	Pump Station 2 continued refurbishment	37,318.00
2011	347	CIP0347 7810-2011AuburnSt	Water Storage Tank Repairs-AuburnSt	55,234.65
2012	347	CIP0347 7810-2012SnowPond	Water Storage Tank Repairs-Snow Pond	25,000.00
			TOTAL - FUND 7810	\$ 900,930.87

ADDENDUM "B"**Resolution Section # 7**

Closed CIP Projects WITH NO Remaining Balances
Fund 7910 - Wastewater Capital Fund

Fiscal Year	CIP No.	Project & Sub-Project #	Project Description	PROJECT COST AS COMPLETED
2012	91	CIP0091 7910-2012AccessRoad	Sewer Interceptor Access Road	\$ 35,000.00
2012	410	CIP0410 7910-2012	TV Video Inspection COBRA Unit-2012	15,000.00
2012	466	CIP0466 7910-2012 ConcreteRpr	Penacook WWTP Renovations-Concrete Repair - SBR Process	225,000.00
TOTAL - FUND 7910				\$ 275,000.00

Closed CIP Projects WITH NO Remaining Balances
Fund 7911 - WWTP Renovations-Hall Street

Fiscal Year	CIP No.	Project & Sub-Project #	Project Description	PROJECT COST AS COMPLETED
2010	104	CIP0104 7911-2010BioTowerCons	Hall St WWTP Bio-tower construction	\$ 1,079,912.52
2012	104	CIP0104 7911-2012ReplacePumps	Hall St WWTP Water Pump Replacemen	11,007.56
TOTAL - FUND 7911				\$ 1,090,920.08

ADDENDUM "C"**Resolution Section # 8****Closed CIP Projects WITH Remaining Balances
Fund 3310 - Capital Project Fund - Open Spaces**

Fiscal Year	CIP No.	Project & Sub-Project #	Project Description	PROJECT COST AS COMPLETED
2011	352	CIP0352 3310-2011HopkintonRd	Open Space Protection-Hopkinton Road	\$ 174,079.10
2012	352	CIP0352 3310-2012StickneyHill	Open Space Protection- Stickney Hill	337,736.50
TOTAL - FUND 3310				\$ 511,815.60

**Closed CIP Projects WITH Remaining Balances
Fund 3400 - Capital Project Fund - Misc (2008 & on)**

Fiscal Year	CIP No.	Project & Sub-Project #	Project Description	PROJECT COST AS COMPLETED
2011	4	CIP0004 3400-2011	Fire Apparatus Equipment	\$ 229,490.18
2010	31	CIP0031 3400-2010	Signalization Project-Broadway/West Streets Intersection	38,403.01
2011	41	CIP0041 3400-2011	Clinton Street Signalization	109,880.78
2012	73	CIP0073 3400-2012Construct1230	Construct Parallel Taxiway	-
TOTAL - FUND 3400				\$ 377,773.97

**Closed CIP Projects WITH Remaining Balances
Fund 7710 - Solid Waste Capital Fund**

Fiscal Year	CIP No.	Project & Sub-Project #	Project Description	PROJECT COST AS COMPLETED
2010	381	CIP0381 7710-2010OldSunckMgt	Old Landfill Reuse	\$ 37,713.36
2011	381	CIP0381 7710-2011OldSunEnviro	Old Landfill Reuse	3,296.23
TOTAL - FUND 7710				\$ 41,009.59

ADDENDUM "C"**Resolution Section # 8****Closed CIP Projects WITH Remaining Balances
Fund 7810 - Water Capital Fund**

Fiscal Year	CIP No.	Project & Sub-Project #	Project Description	PROJECT COST AS COMPLETED
2011	85	CIP0085 7810-2011	Water Main Replacement -- Loudon Road Phase 1	\$ 1,550,197.00
2012	85	CIP0085 7810-2012DesLoudRdPh2	Water Main Replacement -- Design Loudon Road Phase 2	19,542.02
TOTAL - FUND 7810				\$ 1,569,739.02

**Closed CIP Projects WITH Remaining Balances
Fund 7911 - Waste Water Renovation Capital Project Fund Hall Street**

Fiscal Year	CIP No.	Project & Sub-Project #	Project Description	PROJECT COST AS COMPLETED
2010	104	CIP0104 7911-2010SpiracConvey	Spiral Vertical Conveyor Repair	\$ 17,410.00
TOTAL - FUND 7911				\$ 17,410.00





CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Carol B. Andersen, Senior Accountant

DATE: May 1, 2013

SUBJECT: Resolution Closing Certain Capital Improvement Projects (CIPs); Rescinding Excess Appropriations and Returning Funds to their Sources; Transferring, Re-appropriating or Otherwise Making Available Balances for Future Purposes.

Recommendation

Accept this resolution and set it for Public Hearing at the June 20, 2013 City Council Meeting.

Background

Resolution No.7479 passed 06/23/2003 established a policy for closing-out specified capital appropriations of a reoccurring nature and/or with diminimis unspent balances. That resolution states that the City Manager will report the results of and reason for actions taken to the City Council. The attached resolution accomplishes that requirement.

We also continue with the close-out process started in FY03 as the attached resolution lists recommendations for rescinding certain appropriations, returning funds to their original sources, re-appropriating funds and making available funds for use in the FY14 Capital Improvements Program.

Discussion

A total of 155 separate capital project appropriations were reviewed. They spanned a period of time ranging from 2008 to 2012. These projects represented the Capital Projects General, Water, Sewer, Airport, Golf, and Arena Funds totaling over \$36+ million in appropriations.

Of the total 155 appropriations, 54 were reported and determined to be complete, 44 of those had no remaining balances, 10 had remaining balances, and 101 appropriations remained open. Completed projects with no remaining balances were closed, along with completed projects with balances, by resolution accompanying this report. Balances were resolved as indicated in this report.

The following summarizes the data included in the six (6) sections of the resolution:

Section 1, and Addendum "A", rescind original appropriations of \$93,637.93 for 11 projects of which \$23,087 will be returned to the Airport fund balance; \$2,840.14 will be returned to the General Fire Equipment Reserve Fund balance; \$6,716.21 will be returned to the Impact Fee Fund balance; \$15,920.90 will be returned to the Conservation Trust Fund balance; \$33,907.25 will be returned to the Solid Waste Fund balance; \$6,368.08 will be returned to the Water Fund balance and \$4,798.35 will be returned to the Sewer Investment Fee Trust Fund balance.

Section 2, and Addendum "A", report de-authorized appropriations for specified capital projects to adjust budget appropriations to actual funds received.

Section 3, and Addendum "A", apply \$2,263.50 to General Fund debt service.

Section 4, and Addendum "A", list a summary of the balances available for the City Manager's FY2014 proposed CIP budget from each capital project fund. Addendum "A" shows a detailed list of capital projects that are still open and current but have available balances that can be made available for the FY2014 CIPs. The available balances were due to savings incurred by the department and invoices being paid below estimate. These balances are available and included in the City Manager's FY2014 proposed Capital Improvement Projects in the total amount of \$170,961.66.

Section 5, and Addendum "B", represent projects that are completed and had no remaining balances.

Section 6, and Addendum "C", represent completed projects that had positive balances that were resolved in sections 1 to 4 above.

This resolution was prepared to close completed projects with both positive and negative balances. In this resolution, the proposals are as follows:

PROPOSED PURPOSES	AMOUNT	RES. SECT
FY2014 Projects per IT Dept. Recommendation: CIP# 002 - Information System Replacement/Upgrade	\$ 12,808.89	4
FY2014 Projects per General Services Recommendation: CIP# 078 - Roadway Surface Improvements = \$12,657.50 CIP# 064 - Arena Facility Improvement = \$53,306.10 CIP# 104 - Hall St WWTP Renovations = \$47,189.17	113,152.77	4
FY2014 Projects per Police Dept. Recommendation: CIP# 521 - PD Firearms Range Improvements = \$10,000 CIP# 432 - Firehouse Block Parking Garage Repair = \$35,000	45,000.00	4
Total Balance Included in the City Manager's Proposed FY2014 CIPs	\$ 170,961.66	4
Rescind original appropriations & return to original sources of funds	93,637.93	1
De-authorize part of original appropriations	4,023.43	2
Apply to General Fund debt service	2,263.50	3
TOTAL TRANSFERS & RESCISSIONS	\$ 270,886.52	

CC
 City Manager
 Deputy City Manager - Finance
 Deputy City Manager - Community Development
 Assistant Finance Director
 Assistant for Special Projects
 City Clerk
 Treasurer
 Purchasing Director

Director of General Services
 Deputy Director -General Services
 City Engineer
 Associate Engineer
 Police Chief
 Fire Chief
 Library Director
 IT Director

Brian 5-2
5/9/13
6-14

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION FOR THE BONDED PROJECTS WITHIN THE CAPITAL BUDGET FOR FISCAL YEAR 2014 (JULY 1, 2013 TO JUNE 30, 2014) HEREBY IS AUTHORIZING AND APPROVING THE EXPENDITURE OF NINE MILLION EIGHTEEN THOUSAND DOLLARS (\$9,018,000) AND AUTHORIZING THE ISSUANCE OF NINE MILLION EIGHTEEN THOUSAND DOLLARS (\$9,018,000) IN BONDS AND NOTES FOR VARIOUS CAPITAL PROJECTS MORE SPECIFICALLY IDENTIFIED BELOW AND IN THE ATTACHED WORKSHEET 1.

Page 1 of 2

The City of Concord resolves as follows:

WHEREAS, the 2014-2023 Capital Improvement Plan (CIP) includes recommendations for various capital projects; and

WHEREAS, the projects are noted as General Fund G.O. Bonds CIP #s 4, 35, 63, 65, 121, 323, 460, 521, 527, 551 and 557; and Water Fund G.O. Bonds CIP #s 84, 85, 88, 121, 323, and 347; and Sewer Fund G.O. Bonds CIP #s 91, 104, 121, 275, 323, 410 and 466; and Arena Fund G.O. Bonds CIP # 64; and Golf Fund G.O. Bonds CIP #s 107, 235 and 530; and

WHEREAS, CIP #22 (Sewalls Falls Bridge), CIP #19 (Loudon Road Rte. 9 Corridor Improvements) and CIP #332 (Facility Security Measures) require matching funds from Federal Sources; CIP #460 (Downtown Complete Streets Improvement Project) requires matching funds from donations and revisions to the Sears Block Tax Increment Finance District; CIP #18 (Storrs Street Extension North & South) requires revisions to the Sears Block Tax Increment Finance District; CIP# 508 (Former Allied Leather Tannery Complex Redevelopment Project) requires matching funds from donations and the Soderstrom trust account; CIP# 73 (Parallel Taxiway), CIP #77 (Airport Snow Removal Equipment and Building Upgrade), CIP #53 (Localizer Compliance) and CIP #506 (Historical Surveys) require matching funds from State and Federal sources; and CIP #483 (Transfer Station Modification) is tentative pending Solid Waste contract negotiations; and portions of these projects are specifically not included as part of this CIP appropriation and may be considered at a later date for City Council approval when confirmation of outside funding has been received and contract negotiations have been completed; and

WHEREAS, each year, as part of the CIP closeout process, an additional review of all authorized and unissued projects will occur in conjunction with the City Treasurer and either the projects will be completed shortly or submitted to the City Council for de-authorization; and

WHEREAS, RSA 33:9 mandates that a two-thirds vote of all members of the City Council is required to pass a bond resolution, which shall be taken by roll call vote; and

WHEREAS, the City of Concord has the financial capability to support principal and interest repayments, and the ongoing operation and maintenance costs of these capital improvement projects.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION FOR THE BONDED PROJECTS WITHIN THE CAPITAL BUDGET FOR FISCAL YEAR 2014 (JULY 1, 2013 TO JUNE 30, 2014) HEREBY IS AUTHORIZING AND APPROVING THE EXPENDITURE OF NINE MILLION EIGHTEEN THOUSAND DOLLARS (\$9,018,000) AND AUTHORIZING THE ISSUANCE OF NINE MILLION EIGHTEEN THOUSAND DOLLARS (\$9,018,000) IN BONDS AND NOTES FOR VARIOUS CAPITAL PROJECTS MORE SPECIFICALLY IDENTIFIED BELOW AND IN THE ATTACHED WORKSHEET 1.

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

1. The sum of..... \$9,018,000
be and is hereby appropriated as follows:

General Fund Notes and Bonds (Detail Worksheet 1 attached).....	\$5,920,000
Arena Fund Notes and Bonds (Detail Worksheet 1 attached)	\$ 70,000
Golf Fund Notes and Bonds (Detail Worksheet 1 attached).....	\$ 135,000
Water Fund Notes and Bonds (Detail Worksheet 1 attached)	\$1,678,000
Sewer Fund Notes and Bonds (Detail Worksheet 1 attached)	\$1,215,000

2. In order to meet said expenditures, the City Treasurer, with approval of the City Manager, is authorized to issue up to \$9,018,000 in bonds and notes of the City of Concord under the Municipal Finance Act.
3. The discretion of the fixing of dates, maturities, rate of interest, form and other details of such bonds and notes and providing for the sale are hereby delegated to the City Treasurer.
4. Sums as appropriated shall be expended under the direction of the City Manager.
5. The useful life of the improvements is expected to be not less than ten (10) years and as noted on Worksheet 1.
6. This resolution shall take effect upon its passage.

WORKSHEET 1

FY2014 CAPITAL IMPROVEMENT PROGRAM - BOND FUNDED PROJECTS

<u>Fund</u>	<u>CIP#</u>	<u>Project Type</u>	<u>Useful Life</u>	<u>Project Title</u>	<u>FY2014 Bonded Amount</u>
General	4	Fire Vehicles	15	Apparatus Replacement	\$ 535,000
General	35	Street Corridor Impvts	20	Route 3 Corridor (North)	2,200,000
General	63	Public Buildings	15	City Wide Rec Facility Improvements	250,000
General	65	Public Buildings	15	City Hall Renovations	130,000
General	121	GSD Vehicles	10	Equipment Replacement Program	620,000
General	323	Public Buildings	15	COMF Improvements	80,000
General	460	Sidewalks & Streetscapes	25	Downtown Complete Streets Improvemt	1,285,000
General	521	Public Safety	10	Police Firearms Range Improvements	50,000
General	527	Public Safety	10	Cardiac Monitor Replacement Program	350,000
General	551	Public Buildings	15	Library Buildings Maintenance	20,000
General	557	Parks and Open Space	15	Memorial Field Facilities Improvements	400,000
					<u>\$ 5,920,000</u>
Arena	64	Arena	20	Arena Facility Improvements	\$ 70,000
					<u>\$ 70,000</u>
Golf	107	Golf	20	BMGC Club House & Buildings	\$ 80,000
Golf	235	Golf	15	BMGC Grounds Improvements	40,000
Golf	530	Golf	10	BMGC Equipment	15,000
					<u>\$ 135,000</u>
Sewer	91	Sewer Collection	50	Sanitary Sewer Main Rehab & Constr.	\$ 120,000
Sewer	104	Sewer Treatment	15	Hall Street WWTP Renovations	360,000
Sewer	121	GSD Vehicles	10	Equipment Replacement Program	45,000
Sewer	275	Sewer Collection	20	Pump Station Renovations	125,000
Sewer	323	Public Buildings	15	COMF Improvements	35,000
Sewer	410	Sewer Collection	15	TV Video Inspection COBRA Unit	80,000
Sewer	466	Sewer Treatment	15	Penacook WWTP Renovations	450,000
					<u>\$ 1,215,000</u>
Water	84	Water Distribution	50	Clean & Line Water Mains	\$ 700,000
Water	85	Water Distribution	90	Water Main Replacement	100,000
Water	88	Water Treatment	25	Water Production Plant Upgrades	670,000
Water	121	GSD Vehicles	10	Equipment Replacement Program	133,000
Water	323	Public Buildings	15	COMF Improvements	35,000
Water	347	Water Distribution	20	Water Storage Tank Repairs	40,000
					<u>\$ 1,678,000</u>
					<u>\$ 9,018,000</u>



CITY OF CONCORD

In the year of our Lord two thousand and thirteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines, and Penalties.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties; Schedule I, Fees, by revising Section 9-1-6, Water-Use Rates as follows:

Section 9-1-6, Water-Use Rates

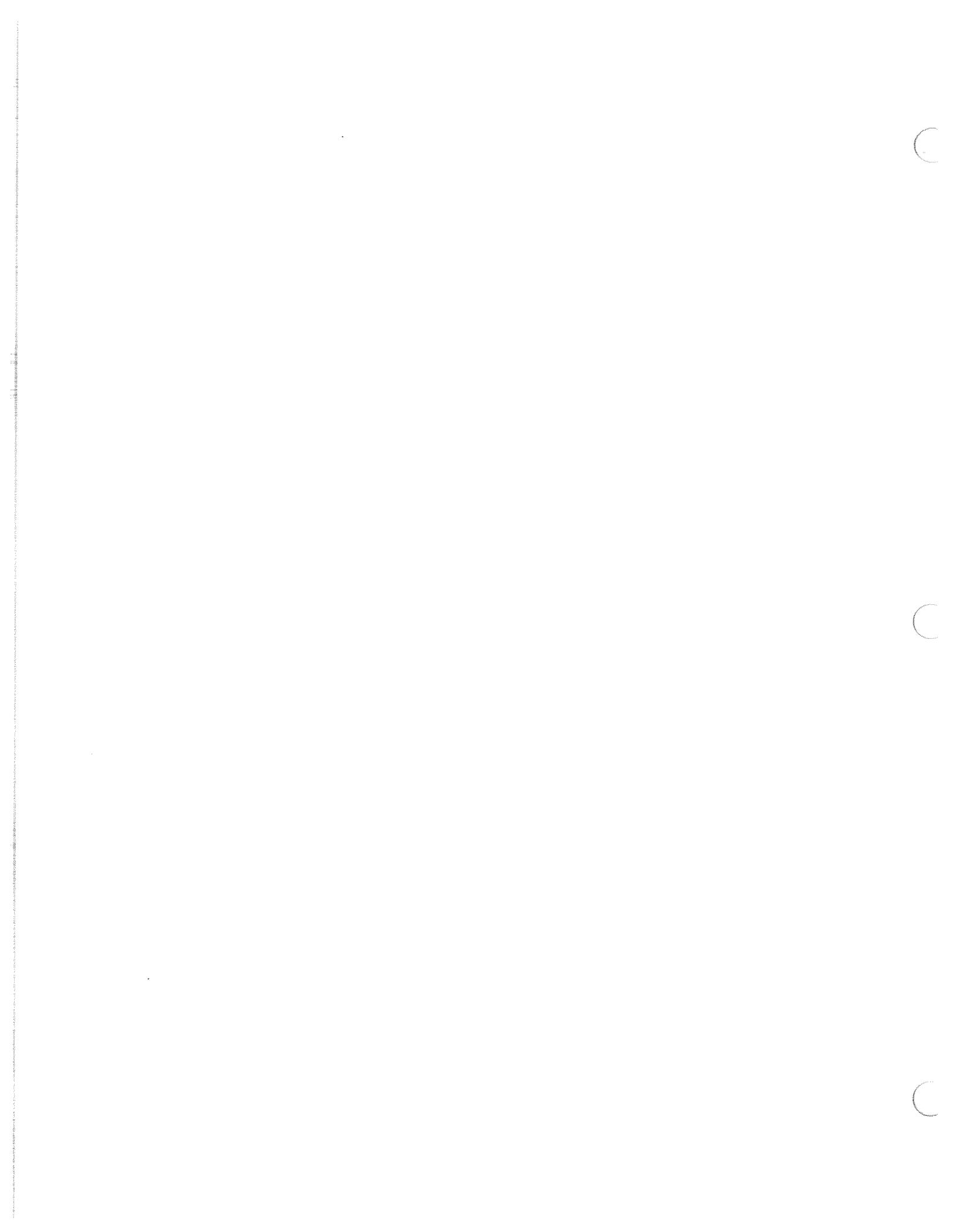
Monthly Water Rates:

For the first 300 cu. ft. or part thereof.....	\$6.72 \$6.90
For the next 3,000 cu. ft. or part thereof.....	\$2.24 \$2.30 per 100 cu. ft.
For the next 30,000 cu. ft. or part thereof.....	\$1.99 \$2.04 per 100 cu. ft.
For the next 300,000 cu. ft. or part thereof.....	\$1.79 \$1.83 per 100 cu. ft.
For all over 333,000 cu. ft.	\$1.73 \$1.77 per 100 cu. ft.

Monthly Minimum Charge:

<i>Meter Size (Inches)</i>	<i>Minimum Charge</i>		<i>Water Allowance (Cu. Ft.)</i>
5/8	\$6.72	\$6.90	300
3/4	\$13.44	\$13.80	600
1 or 1 1/4	\$26.88	\$27.60	1,200
1 1/2	\$60.48	\$62.10	2,700
2	\$103.77	\$106.50	4,800
3	\$233.12	\$239.10	11,300
4	\$386.35	\$396.18	19,000
6	\$824.86	\$845.28	41,900
8	\$2,111.87	\$2,161.05	113,800
10	\$3,576.09	\$3,657.99	195,600

SECTION II: This ordinance shall take effect September 1, 2013.



CITY OF CONCORD

In the year of our Lord two thousand and thirteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines, and Penalties.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties; Schedule I, Fees, Section 9-3-8 Sewer Use Rates, as follows:

Section 9-3-8, Sewer-Use Rates

Monthly Sewer Rates:

For the first 300 cu.ft. or part thereof.....	\$12.39	\$12.69
For all over 300 cu.ft. or part thereof, per 100 cu. Ft.....	\$4.13	\$4.23

SECTION II: This ordinance shall take effect September 1, 2013.



CITY OF CONCORD

In the year of our Lord two thousand and thirteen

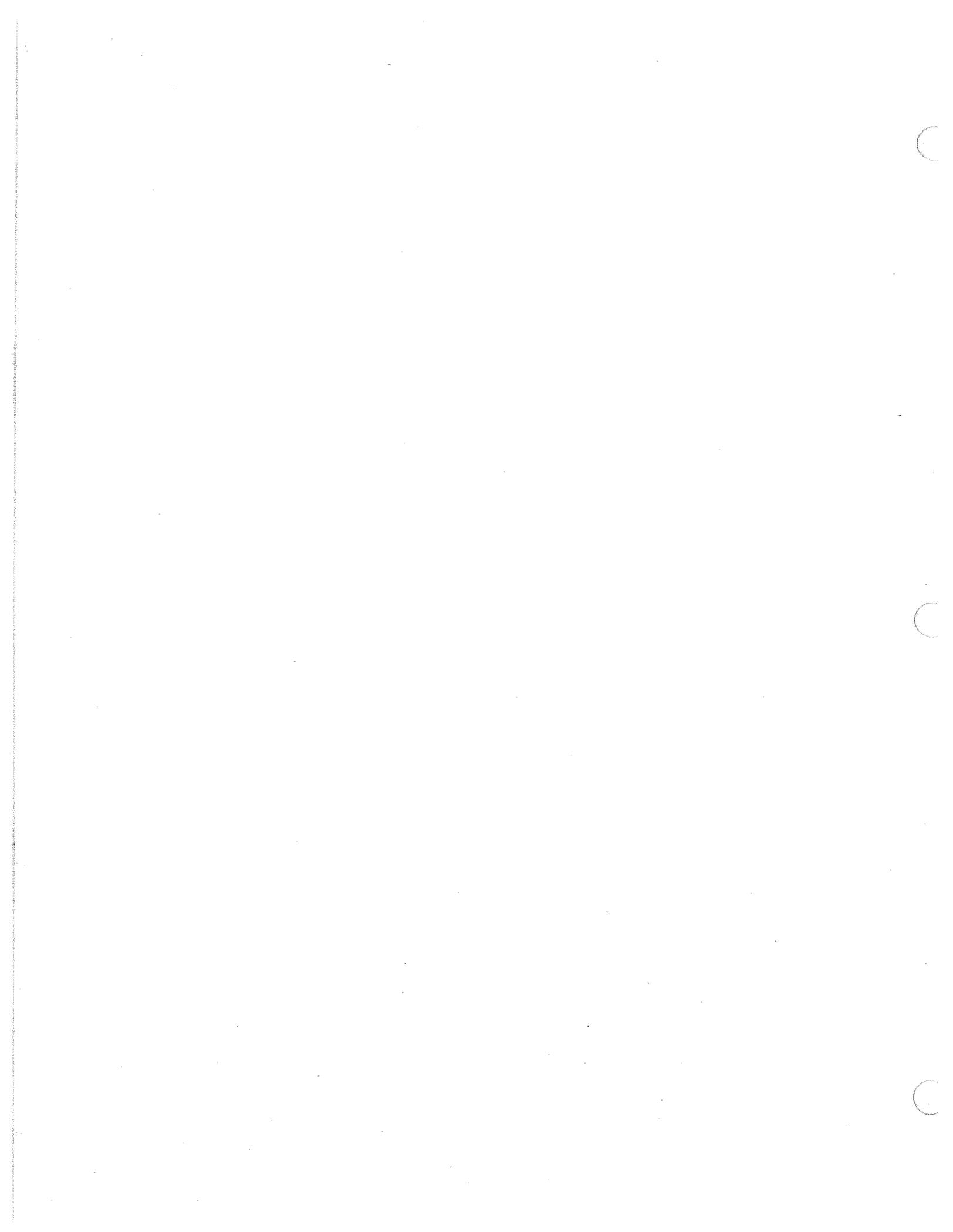
AN ORDINANCE amending the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Section 17-4-1 (a); Schedule V, Stop Intersections; by deleting the following:

Street	Intersecting Street	Stop When Traveling
Heather Lane	Gabby Lane	Both

SECTION II: This ordinance shall take effect upon its passage.





CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Robert J. Mack, PE, PTOE, Traffic Engineer

DATE: May 22, 2013

SUBJECT: Report from the Traffic Operations Committee in response to a referral from City Council to consider the removal/relocation of STOP signs on Heather Lane.

Recommendation

Accept this report and set a public hearing to amend the Code of Ordinances to remove the existing STOP signs on both Heather Lane approaches to Gabby Lane.

Background

On October 9, 2012, City Council referred a request to the Traffic Operations Committee (TOC) to consider relocating several stop signs at the Heather Lane intersections with New Meadow Road and Gabby Lane. The request included: removal of the existing STOP signs on the Heather Lane approaches to Gabby Lane; installation of a new STOP sign on the Gabby Lane approach to Heather Lane; and installation of a new STOP sign on the New Meadow Road approach to Heather Lane. TOC considered this request at its October 16, 2012 meeting and also sought additional feedback from the Transportation Policy Advisory Committee (TPAC) as well as neighborhood residents. Notice of the STOP sign request was distributed to residents in the Heather/Gabby/New Meadow neighborhood with invitation to participate in TPAC's discussion. TPAC convened its April 25, 2013 meeting with several residents in attendance, including written input from several more. The proposed recommendation is endorsed by both TOC and TPAC, and includes general support from neighborhood residents responding to the TPAC notice.

Discussion

As illustrated on the attached map, Heather Lane, New Meadow Road and Gabby Lane provide access to a small cul-de-sac neighborhood of about 29 homes. Traffic volumes are limited to neighborhood traffic (no through traffic) and are very light. Short street segments promote low travel speed and sight lines at intersections are ample.

The Heather/Gabby intersection is configured as a T-intersection, with Heather Lane being the 'straight-through' street and Gabby Lane being the stem of the T, or the side street. The Gabby/Heather intersection currently has two STOP signs, one on each Heather Lane approach to the intersection; Gabby Lane has no STOP sign. This is unusual in that Gabby Lane is the stem of this T intersection and under typical circumstances would be

functioning as the stopping side street. The reason for the odd configuration of STOP signs here goes back to the development of the subdivision on Gabby Lane in the 1990's when it was envisioned that Gabby Lane would ultimately become a 'through street' continuing east past Heather Lane to a future connection with Donovan Street. Plans for this extension were abandoned, but the two STOP signs on the Heather Lane approaches have since remained. TOC concurred that the current two Heather Lane STOP signs are inappropriate given the current intersection configuration and could be removed; Gabby Lane should function as the stopping side street. Because the rules of the road are clearly evident at an intersection such as this, a STOP sign on the Gabby Lane eastbound approach is not necessary and could be considered optional.

The Heather/New Meadow intersection is also configured as a T-intersection, with Heather Lane being the 'through' street and New Meadow Road being the stem of the T, or the side street. Although there is no STOP sign at this intersection, assignment of right-of way per the rules of the road is evident with New Meadow Road acting as the stopping side street. There have been no reported crashes at this intersection back to the 2004 limit of the Police Department's crash database. TOC concurred that a STOP sign on the New Meadow approach is not necessary and could be considered optional.

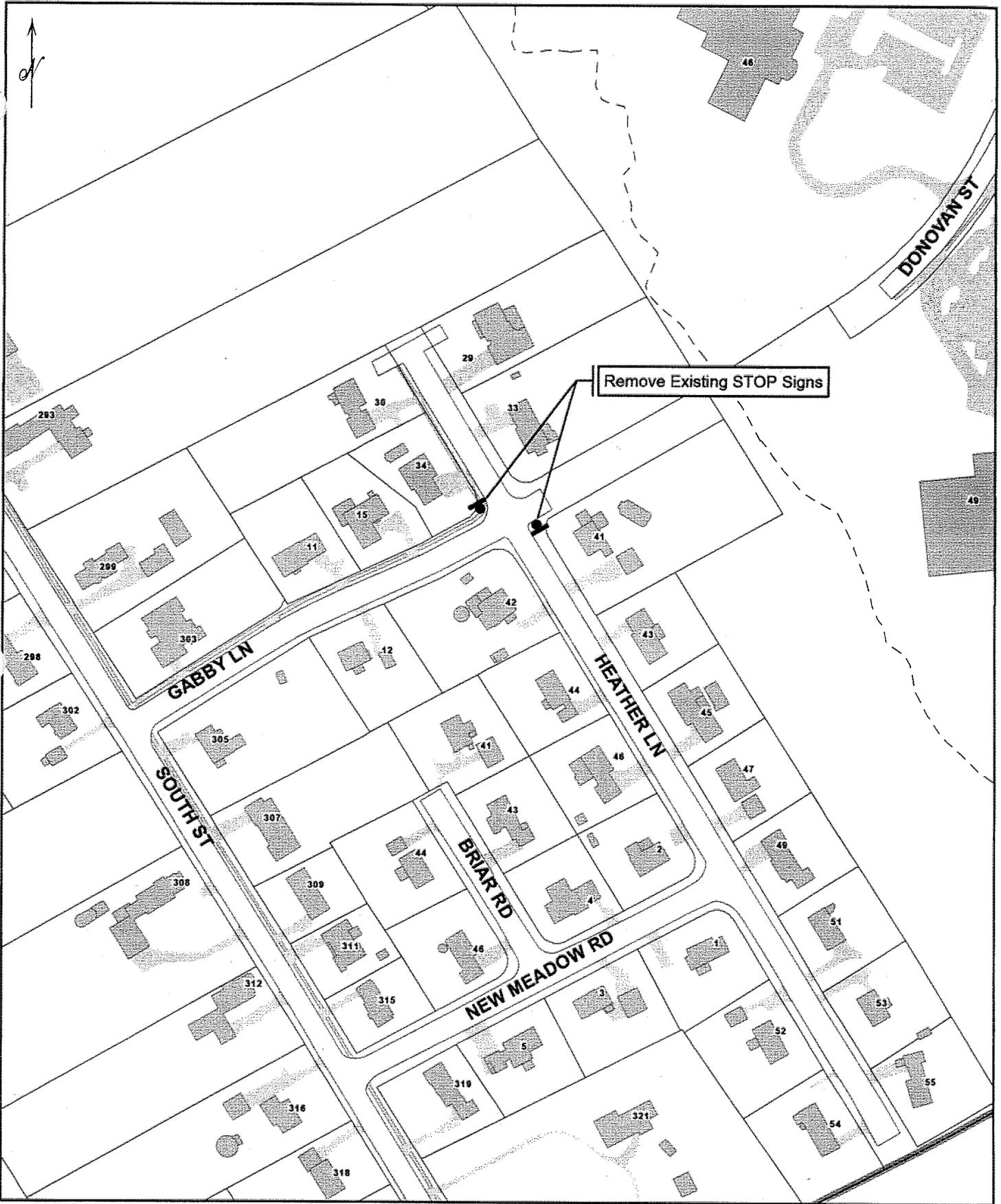
Regarding placement of new STOP signs at locations where their use is considered optional, city policy provides guidance that side-street approaches to collector/arterial streets be given preference to new STOP sign location as opposed to local side-street approaches to other local streets. As such, TOC members noted preference to remove the two STOP signs at the Heather/Gabby intersection and make them available for use elsewhere in the city as appropriate. TOC preference was to not add new STOP signs on either the Gabby Lane or New Meadow Road approaches to Heather Lane. Because of the policy and neighborhood aspects of this request, TOC also referred this item to TPAC for additional consideration.

TPAC discussed this request at its April 25, 2013 meeting. In advance of this meeting, staff sent written notice of the requested STOP sign changes to 33 property owners in the Heather/Gabby/New Meadow neighborhood, including an invitation to participate in the meeting. Six residents provided a response: three attended the TPAC discussion and three others provided written or telephone correspondence to staff. The majority of resident responses were favorable to removing the two existing STOP signs on Heather Lane at Gabby Lane and opposed to the installation of new STOP signs on either Gabby Lane or New Meadow Road. Following a thoughtful discussion of the request, and in consideration of the City's policy on STOP signs as well as neighborhood feedback, TPAC unanimously endorsed the removal of the two existing STOP signs on the Heather Lane approaches to Gabby Lane. TPAC did not endorse the installation of new STOP signs on either the New Meadow Road or Gabby Lane approach to Heather Lane.

RJM/rjm

Attachment: Location Map

cc: Traffic Operations Committee
Transportation Policy Advisory Committee
John Duval, Police Chief
Carlos Baía, Deputy City Manager – Development



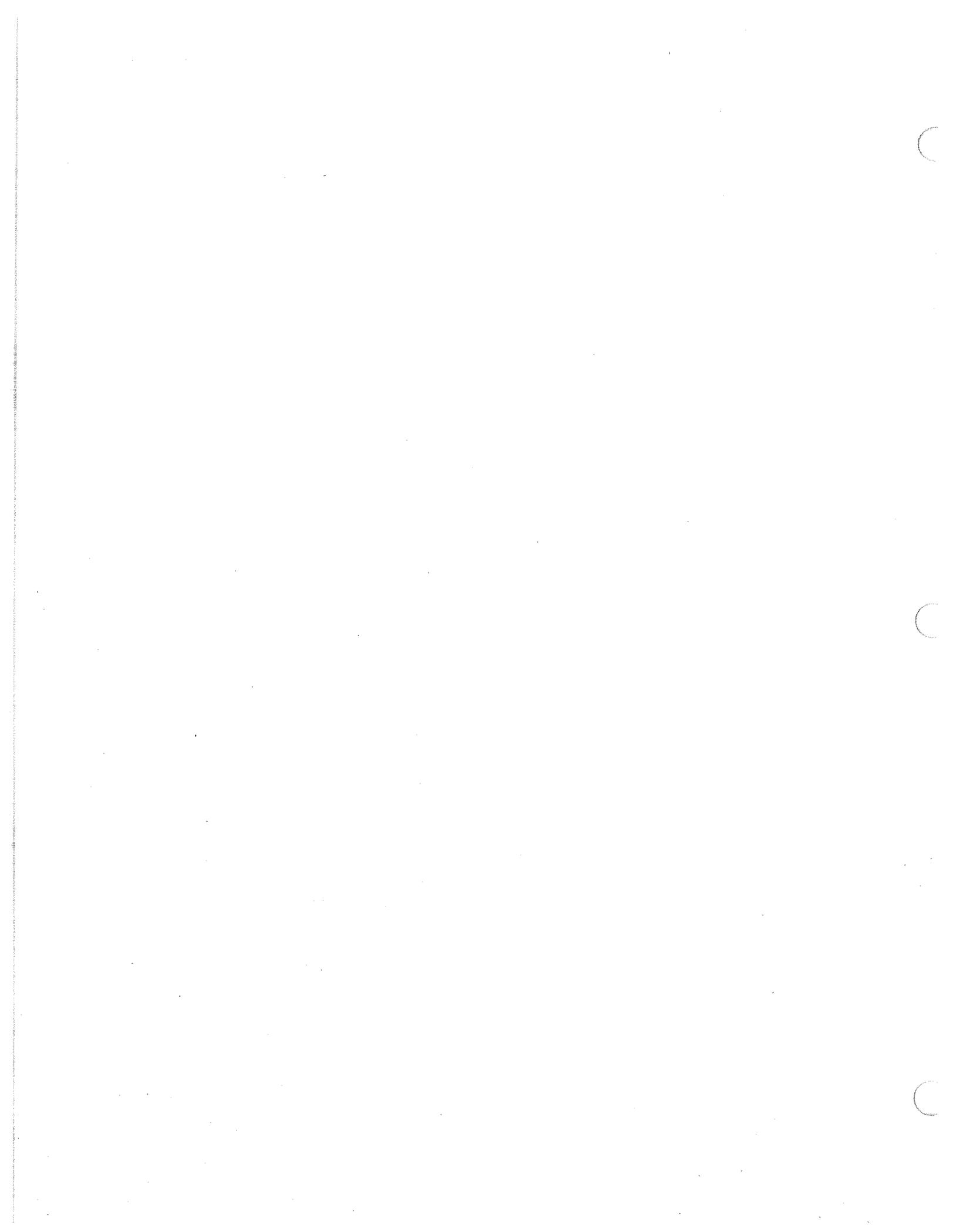
Heather Lane

Proposed STOP Sign Removals

City of Concord, New Hampshire
May 22, 2013

Legend

-  STOP Sign
-  Property Boundaries
-  Driveways & Parking
-  Stream
-  Buildings
-  Sidewalk



Brian
5/29/13
6-18

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION ADOPT AN AMENDED AND RESTATED DEVELOPMENT PROGRAM AND FINANCING PLAN FOR THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT.

Page 1 of 2

The City of Concord resolves as follows:

WHEREAS, by Resolution #6761, adopted October 20, 1997, the City Council adopted the provisions of NH RSA 162-K, as amended, for the purposes of establishing one or more tax increment financing districts;

WHEREAS, the City adopted Resolution #7205 on July 9, 2001, to establish the Sears Block Tax Increment Finance District and enact a Development and Financing Plan in support of a Development Agreement between the City of Concord and a developer, which was never executed as that developer subsequently withdrew from the project;

WHEREAS, pursuant to Resolution #7515, adopted on September 8, 2003, the City repealed the Sears Block Tax Increment Finance District, together with its Development and Finance Plan, as adopted by Resolution #7205, and created a new Sears Block Tax Increment Finance District and adopted a new Development and Finance Plan pursuant to a Development Agreement with Capital Commons L.L.C. concerning redevelopment of certain property formerly known as the Sears Block, previously located at 11 South Main Street, currently known as the Capital Commons Office Building and Municipal Parking Garage;

WHEREAS, on April 11, 2005, the City adopted Resolution #7722, which modified the Development Program and Financing Plan for the Sears Block Tax Increment Finance District due to certain changes in scope for the public improvements and cost escalations related thereto associated with the so-called Capital Commons Redevelopment Project located at 11 South Main Street and 75 Storrs Street;

WHEREAS, on May 8, 2006, the City adopted Resolution #7890, which further modified the Development Program and Financing Plan for the Sears Block Tax Increment Financing District due to certain scope changes and cost escalations associated with the Capital Commons Redevelopment Project located at 11 South Main Street and 75 Storrs Street;

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION **ADOPT AN AMENDED AND RESTATED DEVELOPMENT PROGRAM AND FINANCING PLAN FOR THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT.**

Page 2 of 2

WHEREAS, on February 13, 2012, the City adopted Resolution #8534, which further modified the Development Program and Financing Plan for the Sears Block Tax Increment Financing District in order to support the Bindery Redevelopment Project located at 43-45 South Main Street, including conversion of approximately \$2.505 million in previously issued tax exempt debt to taxable status associated with the conversion of 91 public parking spaces to long-term lease spaces for tenants of the Bindery Redevelopment Project, as well as expansion of the District's geography to include the NHES property located at 32-34 South Main Street and certain other surrounding properties thereto; and,

WHEREAS, the City desires to further amend the Development Program and Financing Plan for the Sears Block Tax Increment Finance District for the purpose of issuing additional bonds and notes for installation of underground utilities on South Main Street, in conjunction with the Downtown Complete Streets Project (CIP 460), to support redevelopment of the NH Employment Security property located at 32-34 South Main Street, as well as surrounding properties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

1. After holding a public hearing and taking public testimony, the City Council hereby finds that the Amended and Restated Sears Block Tax Increment Finance District Development and Finance Plan presented at this meeting and attached hereto, and the construction of the public parking garage and associated public improvements described therein, serve a public purpose pursuant to NH RSA 162-K:5.
2. In accordance with NH RSA 162-K:6, 162-K:9, and 162-K:10, the City Council hereby amends and restates in its entirety the Sears Block Tax Increment Finance District Development Program and Financing Plan, adopted by Resolution #7515 on September 8, 2003, and amended by Resolutions #7722, #7890, and #8534 respectively, by adopting the Amended and Restated Sears Block Tax Increment Finance District Development Program and Financing Plan, dated August 12, 2013, presented at this meeting and attached hereto.
3. This resolution shall take effect upon passage.

AMENDED AND RESTATED SEARS BLOCK TAX INCREMENT DEVELOPMENT PROGRAM AND FINANCING PLAN

August 12, 2013

Adopted by Resolution #7205 on July 9, 2001
Amended by Resolution #7515 on September 8, 2003
Amended by Resolution #7722 on April 11, 2005
Amended by Resolution #7890 on May 8, 2006
Amended by Resolution #8534 on February 13, 2012
Amended by Resolution # [REDACTED] on August 12, 2013

I. Introduction:

The purpose of the Sears Block Tax Increment Finance District (SBTIF) is to foster redevelopment of real estate and other economic development activity within the central portion of the Opportunity Corridor and Downtown Concord along the South Main Street corridor through strategic public investment in parking facilities and other infrastructure as further described within this Development Program and Financing Plan. The components of the Development Program and Financing Plan include:

- Statement of Objectives
- District Boundaries
- Determination of Compliance with District Size Limitations
- Development Program
- Financing Plan
- District Administration
- Advisory Board Responsibilities

II. Statement of Objectives:

The City Council has identified economic development in the Opportunity Corridor and Downtown Concord as a City priority. Economic development includes, but is not limited to, the expansion of the property tax base and employment opportunities through the redevelopment of blighted, underutilized, contaminated, or abandoned properties.

The adoption of the Sears Block Tax Increment Development Program and Financing Plan provides a valuable tool for implementing redevelopment activities to address the following goals and objectives:

- Create redevelopment opportunities;
- Improve the visual image of the southerly entrance to the Downtown;
- Expand the real estate property tax base;
- Construct, expand, and rehabilitate public parking facilities, streets, utilities, parks, plazas, and pedestrian ways to provide improved access

and expanded capacities sufficient to encourage private investment within the District;

- Remove blighted land uses and cleanup environmental contamination; and,
- Improve transportation components to permit the efficient use of land for redevelopment.

III. District Boundaries:

The following is the legal description for the Sears Block Tax Increment Finance District. A graphic depiction of the District is included as Exhibit 1.

Beginning at a point in the northerly side line of Pleasant Street at its intersection with the westerly side line of N. Main Street; thence

1. Northerly along the westerly side line of N. Main Street to a point at its intersection with the westerly extension of the northerly side line of Depot Street; thence
2. Easterly along the westerly extension of the northerly side line of Depot Street, crossing the N. Main Street right-of-way, to a point at its intersection with the easterly side line of N. Main Street; thence
3. Continuing easterly along the northerly side line of Depot Street to a point at its intersection with the westerly side line of Storrs Street; thence
4. Continuing easterly along the easterly extension of the northerly side line of Depot Street, across the Storrs Street right-of-way, to a point at its intersection with the easterly side line of Storrs Street; thence
5. Southerly along the easterly side line of Storrs Street to a point at its intersection with the easterly extension of the southerly side line of Theatre Street; thence
6. Westerly along the easterly extension of the southerly side line of Theatre Street, crossing the Storrs Street right-of-way, to a point at its intersection with the westerly side line of Storrs Streets; thence
7. Continuing westerly along the southerly side line of Theatre Street to a point at its intersection with the easterly side line of S. Main Street; thence
8. Continuing westerly along the westerly extension of the southerly side line of Theatre Street, crossing the S. Main Street right-of-way,

- to a point at its intersection with the westerly side line of S. Main Street; thence
9. Northerly along the westerly side line of S. Main Street to a point at its intersection with the southerly side line of Thompson Street; thence
 10. Westerly along the southerly side line of Thompson Street to a point at its intersection with the easterly side line of S. State Street, said point being the southeast corner of the intersection of said streets; thence
 11. Continuing westerly along the extension of the southerly side line of Thompson Street to a point at its intersection with the westerly side line of S. State Street, said point being the southwest corner of the intersection of said streets; thence
 12. Northerly along the westerly side line of S. State Street to a point at its intersection with the southerly side line of Pleasant Street; thence
 13. Northerly along the extension of the westerly side line of S. State Street, crossing the Pleasant Street right-of-way to a point at the intersection of the westerly side line of N. State Street with the northerly side line of Pleasant Street; thence
 14. Easterly along the northerly side line of Pleasant Street to a point at its intersection with the easterly side line of N. State Street; thence
 15. Continuing easterly along the northerly side line of Pleasant Street to a point at its intersection with the westerly side line of N. Main Street and the point of beginning.

Meaning and intending to describe a Tax Increment Finance District, as shown on a plan (Exhibit 1) entitled "Sears Block Tax Increment Finance District", dated December 6, 2011, prepared by the City of Concord Community Development Department, Engineering Services Division.

IV. Determination of Compliance with District Size Limitations:

In accordance with RSA 162-K:5, the following information is provided to demonstrate compliance with State Law at the time of the designation of the District in 2001. Some of this information was updated in 2011 and 2013, respectively.

Total Taxable Value of the City	\$4,321,396,542
8%	\$345,711,723
16%	\$691,423,477
Sears Block TIF	\$51,418,000
North End Opportunity Corridor TIF	\$50,223,600
Penacook Village TIF	\$11,149,600
Combined Total	\$112,792,000
Total Land Area of the City	41,100 Acres
5%	2,055 Acres
10%	4,110 Acres
Sears Block TIF	21.00 Acres
North End Opportunity Corridor TIF	67.70 Acres (Updated 2013)
Penacook Village TIF	47.09 Acres
Combined TIFs	135.79 Acres (Updated 2013)

Using the data above, the City has determined that the SBTIF District, in combination with the other TIF Districts within Concord, does not exceed the taxable value or land area limitations. Please note that there remains a significant capacity, both in terms of allowable value and allowable land area, for the creation of additional tax increment finance districts as deemed necessary by the City Council.

V. Development Program

1. Purpose: The purpose of this section is to comply with RSA 162-K:6 by describing the general scope of public investments in infrastructure and other public facilities to be undertaken in order to support redevelopment of public and privately owned real estate within the SBTIF District.
2. Public Facilities and Infrastructure Improvements to be Constructed: Redevelopment activities within the SBTIF and associated public investment in infrastructure improvements will occur in multiple phases, as follows:
 - a. Phase I Improvements: Phase I investments were completed in 2007 and included the construction of the Capital Commons Municipal Parking Garage, as well as related improvements including the Capital Commons Plaza, Pleasant Street Extension / Storrs Street Pocket Park, reconstruction of the Hills Avenue Municipal Parking Lot, together with related utility, sidewalk, highway, and streetscape improvements on South Main Street and Storrs Street, respectively. These improvements were undertaken to support redevelopment of the former Sears Block located at 11 South Main Street (now known as the Capital Commons Office Building) as well as other parcels in the area.

- b. Phase II Improvements: Phase II improvements shall consist of the installation of underground electrical and telecommunications utilities from #16 - #40 South Main Street. Total area affected is approximately 750 linear feet. The purpose of these improvements is to promote redevelopment of the New Hampshire Employment Security property located at 32-34 South Main Street, as well as adjacent parcels.

Due to timing considerations, this improvement shall be undertaken simultaneously with the Downtown Complete Street Project (City Capital Improvement Program Project #460) which is scheduled for construction between September 2013 and July 2015.

- c. Other Improvements Not Financed by the SBTIF District: It should be noted that other investments in public infrastructure have occurred within the District since its inception. These have included utility, roadway, sidewalk, and streetscape improvements associated with the following private development projects: SMILE Office Building located at 49 South Main Street, Mennino Place Apartments located at 51 Storrs Street, and the so-called NH Book Bindery Redevelopment at 43-45 South Main Street.

In addition, the City plans to undertake additional utility, roadway, sidewalk, and streetscape improvements associated with the Downtown Complete Streets Project (CIP #460) during 2013-2015. This project will include complete reconstruction of North and South Main Streets within the SBTIF District. The SBTIF shall support this project with a \$2.5 million investment to bury aerial utilities as discussed herein. The remainder of the project will be financed by a TIGER Grant from the US Department of Transportation, private donations, as well as bonds and notes supported by the City's General Fund.

3. Open Space Created: Redevelopment within the Sears Block Tax Increment Finance District will help to preserve open space within the City of Concord by providing opportunities for commercial and residential uses on previously developed and, in some cases, contaminated properties, thereby relieving further development pressure on green field sites.
4. Regulatory Controls Applied: The City and all private developers undertaking development projects within the SBTIF shall be required to comply with the following laws, ordinances, rules, and regulations, as applicable:
- City Subdivision and Site Plan Review Regulations;
 - City Code of Ordinances;

- City of Concord Zoning Ordinance;
- State and Federal Laws, Codes, Rules, Regulations, and Standards related to abatement of hazardous materials and environmental contamination; and,
- Compliance with City and State Building Codes and National Life Safety Codes.

5. Operations, Maintenance, and Administrative Costs:

- a. Capital Commons Parking Garage: Operating and maintenance costs associated with the Capital Commons Parking Garage shall be financed through the City Parking Fund. Operating and maintenance costs may be supplemented with funds from the SBTIF or other sources as needed.
- b. Plazas & Pocket Parks: Operating and maintenance costs for the Capital Commons Plaza and Storrs Street pocket park shall be financed by incremental property tax revenues generated by new development within the SBTIF District. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs of the district, these costs shall become a Parking Fund or General Fund obligation as necessary.
- c. Sidewalks and Highways: No new highways or sidewalks are proposed within the SBTIF District. However, existing roads and sidewalks may be reconstructed to support development activities. Because of this circumstance, the operating and maintenance costs associated with reconstructed sidewalks and highways within the SBTIF shall be financed by the City's General Fund and Parking Fund, as applicable. However, these funding sources may be supplemented or replaced by revenues generated by the SBTIF District, provided the District's gross revenues are sufficient to support all other debt service, operating costs, as well as financial contributions to contingency and capital reserve funds.
- d. Public & Private Utilities:
 - i. Drainage: Operating and maintenance costs for drainage utilities shall be financed by incremental property tax revenues generated within the SBTIF District associated with new development or utility enterprise / special revenue funds, as appropriate. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs for drainage utilities within the district, these costs shall become a Parking Fund or General Fund obligation as necessary.

- ii. Water & Sewer: Operating and maintenance costs for water and sanitary sewer utilities shall be financed by the City's Water or Sewer Enterprise Funds, as applicable.
 - iii. Telephone, Cable Television, & Communications Utilities: Operating and maintenance costs for these utilities shall be the responsibility of the private corporations associated therewith.
 - e. Administration and Public Safety: Costs associated with administration of the District as well as public safety serving new development within the District shall be financed by incremental property tax revenues generated within the SBTIF District associated with new development. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs of the district, these costs shall become a Parking Fund or General Fund obligation as necessary.
 - f. Records and Reports: The City will maintain records of financial activity of the District in accordance with Generally Accepted Accounting Principles. The City will include the financial reporting requirement in the Comprehensive Annual Financial Report (CAFR).
6. Relocation and Displacement: It is not anticipated that businesses or residences will need to be acquired or relocated in order to construct municipal facilities or infrastructure improvements to be undertaken in accordance with this Development Program and Finance Plan. However, in the event of relocation of businesses or residences due to facilitate construction of municipal facilities or infrastructure improvements, the City shall follow the Uniform Relocation Act of 1970, as amended.

Private development projects within the District shall not be subject to this provision unless otherwise required by the State or Federal Government due to use of State or Federal funds, such as Community Development Block Grants or certain tax credit programs, to support private development activities, as applicable.

7. Property Acquisition and Disposition: The City hereby has the authority to purchase, sell, or lease real estate within the SBTIF District. The City shall also have the ability to acquire or convey easements and rights-of-way in order to carry out construction of infrastructure and public facilities, as well as to support private development activities.

In accordance with RSA 162-K:6,III,b, the City may acquire real property or easements through negotiation or through powers of eminent domain, except that property acquired through powers of eminent domain shall be put to public use, as defined in RSA 162-K:2, IX-a

8. Grants: The City may seek and use private, non-profit, or governmental grants, as it deems necessary, to provide financial assistance to support private development activities, as well as the design and construction of infrastructure and public facilities. All such applications for and appropriations of such grants shall be approved by the City Council. The City shall not be obligated to amend this Development Program and Financing Plan when accepting grant funds for infrastructure improvements, unless said grants are to be matched with SBTIF funds.

VI. Financing Plan

1. Purpose: The purpose of this section is to comply with RSA 162-K:9 by describing the capital, operating, and maintenance costs of infrastructure and other public facilities constructed to support redevelopment of public and privately owned real estate within the SBTIF District.
2. Capital Costs: Capital investments in infrastructure and public facilities will be undertaken in multiple phases during the duration of the SBTIF District's existence. The following is a description of capital costs for various infrastructure improvements undertaken by Phase within the SBTIF.
 - a. Phase I Improvements: Phase I improvements consisted of the construction of the Capital Commons Parking Garage and related improvements. Phase I improvements were completed in 2007.

Phase I Capital Investment Summary

Item	Amount
Financing / Capitalized Interest	\$300,000
Bond Sale Cost	\$123,000
Permitting	\$92,000
Contingency	\$728,400
Construction of Public Parking Garage	\$9,970,000
Construction / Relocation of Utilities	\$1,393,000
Construction of Streetscape Improvements	\$284,170
Construction of Public Plazas	\$529,100
Repair of City Municipal Parking Lot	\$71,500
Storrs Street / Pleasant Street Traffic Signal	\$150,000
Improvements to Abutting Properties	\$700,000
Developer Construction Management Fee	\$160,000
Construction Bond	\$145,000
Builder's Risk Insurance	\$23,830
Construction Oversight & Legal	\$160,000
Building Demolition	\$365,000
Property Acquisition, Legal Expenses, & Contingency	\$1,129,840
Total Project Cost	\$16,324,840

- b. Phase II Improvements: Phase II improvements shall consist of installation of underground utilities for approximately 750 linear feet located in the vicinity of #16 - #40 South Main Street. The total capital cost of this effort is \$2.5 million, including design and contingency. Costs of repairing / reconstructing sidewalks, roadways, and streetscape amenities associated with the installation of these utilities shall be financed by the City's Downtown Complete Street Project (CIP #460).
3. Sources of Revenue for Development Program Costs: The following is a summary of revenues to finance capital investments.
- a. Phase I Improvements: The following is a summary of funding sources used to finance the design and construction of Phase I improvements, as completed in 2007.

Phase I Capital Improvements Funding Sources

Funding Source	Amount	Notes
General Obligation Bonds		
Sears Block TIF District Supported		
Taxable	\$683,500	Resolution # 7721, April 11, 2005. Sold August 3, 2005
Tax Exempt	\$2,368,500	Resolution # 7721, April 11, 2005. Sold August 3, 2005
Parking Lease Supported		
Taxable	\$883,000	Resolution # 7721, April 11, 2005. Sold August 3, 2005
Tax Exempt	\$3,040,000	Resolution # 7721, April 11, 2005. Sold August 3, 2005
Parking Fund Supported		
Taxable	\$799,500	Resolution # 7721, April 11, 2005. Sold August 3, 2005
Tax Exempt	\$2,386,500	Resolution # 7721, April 11, 2005. Sold August 3, 2005
General Fund Supported		
Taxable	\$0	Resolution # 7891, May 8, 2006. Sold January 15, 2007
Tax Exempt	\$2,281,000	Resolution # 7891, May 8, 2006. Sold January 15, 2007
Subtotal - Bonds	\$12,442,000*	
Grants & Reserve Funds		
US HUD EDI Grant	\$482,840	Resolution # 7305, August 11, 2003
City Parking Fund	\$300,000	Resolution # 7504, August 11, 2003
	\$250,000	Resolution # 7891, May 8, 2006
City Economic Development Reserve Fund	\$250,000	Resolution # 7102, August 14, 2000
	\$800,000	Resolution # 7270, January 14, 2002
	\$1,100,000	Resolution # 7305, August 11, 2003
	\$700,000	Resolution # 7891, May 8, 2006
Subtotal - Grants & Reserve Funds	\$3,882,840	
Total Funding – All Sources	\$16,324,840	

*Note, in May 2012, the City converted approximately \$2.505 million in tax exempt debt previously issued in 2005 and 2007, respectively, in order to convert 91 hourly public parking spaces in the Capital Commons Municipal Parking Garage to lease status to support redevelopment of private property, including but not limited to, the NH Book Bindery Block located at 43-45 South Main Street.

- b. Phase II Improvements: Phase II improvements shall be financed by a \$2.5 million general obligation bond supported by the SBTIF District. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs of the district, these costs shall become a General Fund obligation as necessary.
4. Estimated Annual Debt Service and Operating Costs for the District: The following is a summary of annual debt service and operating costs for the district, including Phase I and Phase II improvements.

Annual Debt Service and Operating Costs

Debt Service		
Phase I Improvements: Capital Commons Garage (Completed 2007)	Average Annual Payment	Funding Source
Parking Lease Supported G.O. Bonds	\$283,150	Parking Fund
Parking Fund Supported G.O. Bonds	\$227,645	Parking Fund
TIF District Supported G.O. Bonds	\$220,404	SBTIF
General Fund Supported G.O. Bonds	\$164,498	General Fund / SBTIF
Converted \$2.505 Million Debt Service, Tax Exempt to Taxable Status	\$4,810	SBTIF, General Fund, & Parking Fund
Phase II Improvements: South Main Street Underground Utilities (2013)		
TIF Supported G.O. Bonds (Assumes \$2.5M @ 2.25% for 20 Years, Tax Exempt Issuance, Sold January 2014) (Average Annual Payment)	\$156,000	SBTIF
Subtotal	\$1,056,507	
Capital Commons Parking Garage Operating Costs		
	Amount	Funding Source
Parking Enforcement Costs	Excluded	Parking Fund
General Services Department Operating Expenses (FY2014) (Labor, Utilities, Supplies)	\$114,735	Parking Fund
Real Estate Taxes for Leased Parking Spaces (FY2014)	\$49,780	Parking Fund
Landscaping - Capital Commons Plaza & Storrs Street Pocket Park (FY2014)	\$8,500	SBTIF
Subtotal	\$173,015	
Administration Fees		
	Amount	Funding Source
Administration Fees	\$16,976	SBTIF
Subtotal	\$16,976	
Total Debt Service, Maintenance, & Operating Expenses		
	\$1,246,497	

5. Duration of the Program's Existence: The Sears Block Tax Increment Finance District shall exist until the purposes for which it has been created are fulfilled. Specifically, the District shall continue to exist until such time as:
- a. The repayment or legal defeasance of all debt service supported by the District;
 - b. Repayment of all reserve funds contributions from the Economic Development Reserve, Downtown Economic Development Reserve, and Parking Fund used to finance the development program;
 - c. Capitalization of a Capital Reserve Fund, in such amounts determined by City Council, to support future repair and reconstruction of SBTIF improvements; and,
 - d. Passage of the appropriate resolutions by City Council to officially dissolve the District.

It is projected that debt service for Phase II of the Development Program (i.e. South Main Street underground utilities) will be retired in 2035. Therefore, it is anticipated that the District shall not be dissolved until 2035.

6. Estimated Tax Increment Financing Impact on All Related Taxing Jurisdictions: All property tax revenues generated by incremental development within the SBTIF District occurring after the date of the District's creation shall be captured and retained by the District to support debt service and operating costs associated with infrastructure improvements constructed within the District.

It is anticipated that the debt service associated with Phase I and II improvements shall not be fully repaid until City FY2035. Therefore, property tax revenues associated with incremental assessed value created in the District from new development will not be available to the Concord School District, Merrimack County, or the State of New Hampshire until 2035.

The City Council may, on an annual basis, vote to release a portion of the captured incremental assessed value, and property taxes associated therewith, to the City's General Fund, as well as the Concord School District, Merrimack County, and the State of New Hampshire, as applicable. However, release of any portion of the captured incremental

assessed value shall only occur after the SBTIF has sufficient revenues to support:

- a. Existing debt service;
 - b. Repayment of equity contributions from the Economic Development Reserve Fund, Downtown Economic Development Reserve Fund, and Parking Fund;
 - c. Operating and maintenance expenses;
 - d. Capitalization of a contingency fund for the SBTIF; and,
 - e. Capitalization of a Capital Reserve Fund to support future repair and replacement of public facilities and infrastructure improvements financed by the SBTIF District.
7. Captured Value Dedicated Towards Retirement of Bonds and Notes: One hundred percent (100%) of the captured value of the District shall first be dedicated for the payment of the tax increment supported bonds and notes in accordance with NH RSA 162-k:10, II, a.

In the event the City receives captured value (and associated incremental property tax revenues) in excess of the minimum amount necessary to pay annual debt payment obligations for Sears Block TIF District Supported General Obligation Bonds, as well as operating and maintenance costs of the District, the City may, upon passage of all necessary resolutions by the City Council, allocate any portion of the excess captured value to support debt service previously issued, or to be issued, by the Parking Fund or the General Fund, for:

- a. Public improvements within the District, without limitation;
 - b. Additional debt service which might be incurred as a result of converting any portion of the taxable or tax exempt Sears Block TIF District, Parking Fund, Parking Lease, or General Fund supported General Obligation Bonds previously issued to finance design and construction of improvements within the District. Support of said debt service can be in the form of a financial transfer from the Sears Block TIF Fund to the Parking Fund or City's General Fund, as required.
8. Annual Allocation of Captured Value:
- a. In the event any annual Tax Increment Revenues from the Tax Increment District that, together with any unexpended balances of such revenues from prior years, exceed the amount necessary

annually to meet 1) current debt service payments on the portion of the bonds designated in the Amended and Restated Sears Block TIF Plan as payable from Tax Increment Revenues, 2) costs of maintenance and operation of the Capital Commons Municipal Parking Garage in excess of available revenues produced from such facility and 3) debt service payments on the Bonds to be due in the next fiscal year shall be used to reimburse the following funds of the City for Capital Commons Municipal Parking Garage project costs, or debt service related thereto, heretofore, or hereafter paid from such funds, plus interest unless otherwise approved by the City Council.

- i. The Parking Fund, to reimburse any equity (cash) contributions to finance public facilities and infrastructure improvements or to support debt service on bonds issued for the Capital Commons Parking Garage project.
 - ii. The General Fund, to reimburse any past or current payments from said Fund required for debt service on bonds issued for the project due to insufficient tax increment revenues or parking lease revenues, as applicable.
 - iii. The Economic Development Reserve Fund, to reimburse any contributions by said Fund to support capital improvements or maintenance activities.
 - iv. The Downtown Economic Development Reserve Fund, to reimburse any contributions by said fund to capital improvements or maintenance activities.
 - v. Capitalization of a contingency fund, or enhancement of the District's unrestricted fund balance, to support debt service, as well as operating and maintenance expenses in the event of potential reductions in property tax revenue associated with property tax abatements for incremental real estate development within the District.
- b. In the event the District generates sufficient captured assessed value (and associated incremental property tax revenues) resulting in a surplus of such incremental tax revenues after satisfying the District's annual debt service, operating expenses, and contingency fund obligations set forth within items i-v above, the City may also:
- i. Create a capital reserve fund to support future repair or replacement of infrastructure and public improvements

constructed within the District, including, but not limited to the Capital Commons Municipal Parking Garage; or,

- ii. Release a portion of the District's captured assessed value or associated "surplus" property tax revenues to the City's General Fund, as well as the Concord School District, Merrimack County, and State of New Hampshire, as applicable.

VII. District Administration

1. In accordance with RSA 162-K:13, the City Manager, or his designee, shall serve as the administrator for the District. The Administrator shall be responsible for:
 - a. Staffing the SBTIF Advisory Board;
 - b. Preparing reports;
 - c. Overseeing capital investments;
 - d. Coordinating maintenance activities within the District;
 - e. Negotiating agreements to acquire or sell real estate for City Council's approval;
 - f. Preparing grant applications to support development activities within the District; and,
 - g. Negotiating contracts for design, construction, or maintenance of public facilities and infrastructure improvements constructed within the SBTIF Districts.

VIII. Section VI Advisory Board Responsibilities

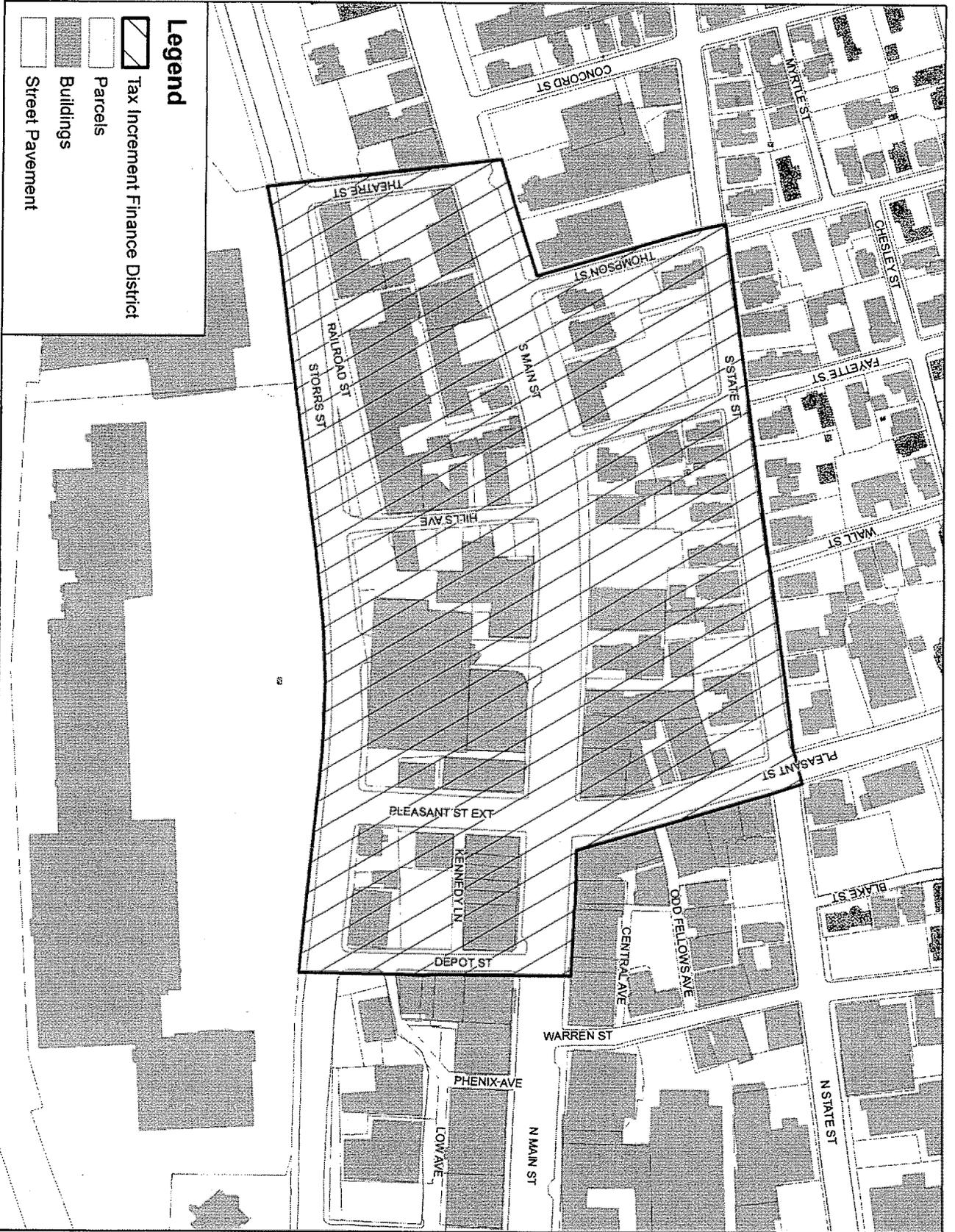
In accordance with RSA 162-K:14, the City Council passed Resolution #7740 on May 9, 2005, which created the Advisory Board. This resolution incorporated the provisions of RSA 162-K. The Advisory Board shall meet as circumstances warrant, as determined either by the City Manager, his designee, or members of the Advisory Board.

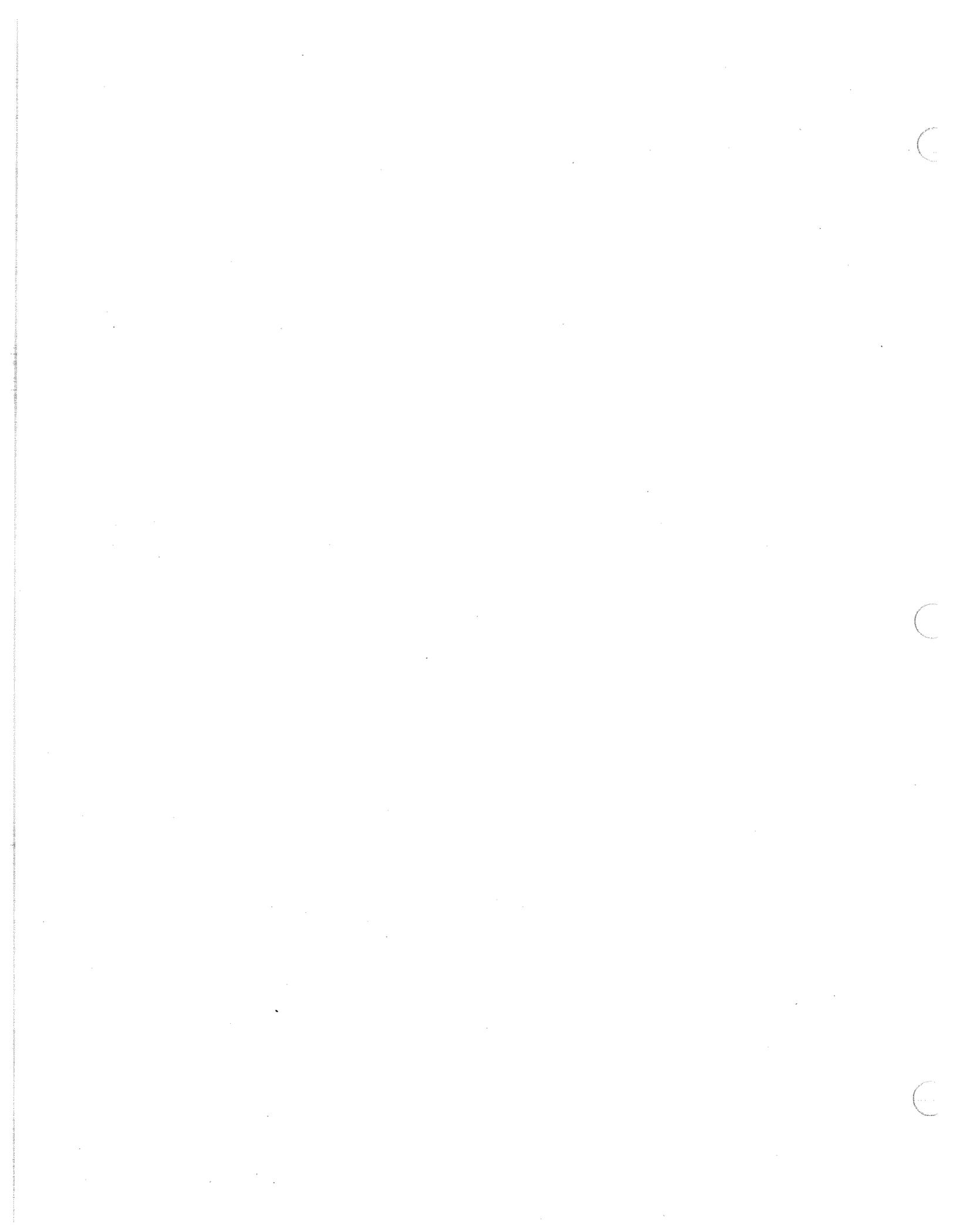
The Advisory Board shall have thirty (30) days to appeal any decision of the District Administrator to City Council for review and appropriate action.

The Advisory Board shall advise the governing body and the District Administrator on implementation of the development program, as well as maintenance and operations of the District until defeasance of all bonds and

notes supported by the SBTIF and a vote by the City Council to dissolve the District.

EXHIBIT 1: Sears Block TIF District Geography







CITY OF CONCORD

FAA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Matthew R. Walsh, Assistant for Special Projects

MRW

DATE: May 29, 2013

SUBJECT: Sears Block Tax Increment Financing District Amendments

Recommendations:

- Accept the following report;
- Set the attached resolution amending and restating the Sears Block Tax Increment Finance District Development Program and Financing Plan for public hearing on July 8, 2013, but delay City Council action until August 12, 2013; and,
- Set the attached resolution authorizing the issuance of bonds and notes in the amount of \$2,500,000 for installation of underground utilities on a portion of South Main Street for public hearing on July 8, 2013, but delay City Council action until August 12, 2013.

Background:

Municipalities are authorized to enact Tax Increment Finance Districts (TIFs) in accordance with State Law RSA 162-K.

The Sears Block Tax Increment Finance District (SBTIF) was established on July 9, 2001 in accordance with RSA 162-K by the City Council for the purpose of making public investments in infrastructure to foster redevelopment of the former Sears Block site located at 11 South Main Street, as well as other property located in the southern portion of Downtown and the central portion of the Opportunity Corridor.

Activities within SBTIF are governed by the District's Development Program and Financing Plan. These documents have been modified periodically since the SBTIF's inception in 2001. The most recent amendments were enacted by Resolution #8534 on February 13, 2012, in order to facilitate redevelopment of the so-called Bindery property located at 43-45 South Main Street.

Discussion:

The primary purpose of the current proposed amendments to the SBTIF Development Program and Financing Plan is to finance the installation of underground electrical and telecommunications utilities on a portion of South Main Street to encourage redevelopment of the NH Employment Security (NHES) property at 32-34 South Main Street, as well as

surrounding properties. In addition, the proposed amendments include minor modifications to the Development Program and Financing Plan to make these documents consistent with fiscal policies set forth within the FY2014 City Budget. Details are as follows:

- 1) Underground Utilities: The City Administration is recommending appropriation of these funds to bury aerial utilities on a portion of South Main Street due to the convergence of timing for two major downtown projects; specifically redevelopment of the NHES property and the Downtown Complete Streets Project (CIP 460).

As City Council knows, the City has been working with the State to market the NHES property at 32-34 South Main Street for redevelopment. In late January, the City issued a request for proposals package for the purpose of soliciting developers for the property. Multiple development proposals were received on May 15th. In conjunction with the State, staff has begun its due diligence and will likely provide an update to City Council during a nonpublic session in July. Preliminarily, all development proposals for the site are predicated, in part, on the installation of underground utilities along the South Main Street frontage of the site.

The Downtown Complete Streets Project (CIP 460) is set to begin construction this September. This project will result in a completely rebuilt roadway and streetscape along the NHES site's South Main Street frontage, as well as the frontage of surrounding properties, which might become part of a larger redevelopment plan.

While the process to select a developer is still in its infancy and no schedule for redevelopment of the site has been established, the imminent timing of the Downtown Complete Streets Project dictates that installation of underground utilities along the South Main Street frontage of the NHES site and surrounding parcels must be coordinated and undertaken simultaneously with the Complete Streets project. Installing the underground utilities now will allow the City, or the developers of the NHES site or surrounding properties, to avoid destroying the newly completed streetscape improvements in the future, and additional costs of replacing said improvements in order to necessitate installation of underground utilities. For these reasons, the City Administration proposes that the City issue \$2.5 million in SBTIF supported bonds to complete this work simultaneously with the Downtown Complete Streets Project.

Assuming City Council approval in August, bonds would be sold in January 2014. Presently, staff anticipates debt would be issued on a tax-exempt basis for 20 years at approximately 2.25% interest rate. Based upon these assumptions, the annual debt service payment will be approximately \$156,000.

Currently, the SBTIF is scheduled to terminate in FY2027. However, issuance of this additional debt service will cause the SBTIF to be extended to FY2035.

As City Council knows, the FY2014 budget proposes a multi-year plan to transfer money to the Parking and General Funds to reimburse these funds for equity and debt service investments in the Capital Commons project. The same plan also calls for the SBTIF to absorb future debt payments borne by these funds for the Capital Commons project. Issuance of this \$2.5 million in new debt service for underground utilities may require the City to revisit this strategy depending upon the timing of redevelopment of the NHES

site, the amount of new incremental tax revenues generated by said development, and numerous other variables within the SBTIF Fund Pro Forma. That said, the current SBTIF Fund Po Forma indicates the fund can support this new debt service, as well as ongoing payments to the Parking and General Funds, absorption of future Parking and General Funds debt service, while maintaining reasonable fund balances through FY2017. However, to maintain this strategy past FY2017, redevelopment of the NHES property must occur by April 1, 2017, and maintain an assessed value not less than \$6 million. If redevelopment of the NHES does not occur by this date, the City will need to revisit whether the SBTIF can support Parking Fund or General Fund debt service at that time as currently proposed.

- 2) Administrative Edits to Development Program and Financing Plan: In addition to updates associated with the underground utilities, the revised Development Program and Financing Plan has been revised to provide greater flexibility when prioritizing repayments to the Parking Fund and General Fund.

Other changes include provisions related to transfers from the SBTIF to the General Fund for administration of the district.

In addition, the document also calls for the creation of a SBTIF Capital Reserve Fund. Thus reserve fund will be capitalized when the SBTIF has sufficient excess revenues or fund balance. The goal of this new reserve is to create a dedicated source of funds to support future repairs or replacement of public facilities and infrastructure developed within the SBTIF District.

Lastly, the amended Development Program and Financing Plan also includes a variety of updates in order to make the document consistent with the City's current management practices and strategies for the District.

- 3) Advisory Committee Recommendation: The SBTIF Advisory Committee met on May 14, 2013 to discuss the proposed investment in underground utilities, as well as administrative changes to the Development Program and Financing Plan. It was the consensus of the Committee to recommend that the City proceed with installation of the underground utilities. However, the Committee also recommended the City seek financial support from developers of the NHES site and other surrounding properties to help mitigate costs to the SBTIF District for the utilities.

In addition, because underground utilities would terminate at Thompson Street, the Committee recommended that underground utilities be extended further south to the Capital Center for the Arts to improve the aesthetics of southern gateway into Downtown. The estimated cost to extend underground utilities through the Capital Center for the Arts is \$1 million.

Brian
5/29/13
6-19

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION APPROPRIATING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) INCLUDING AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR THE INSTALLATION OF UNDERGROUND UTILITIES AS PART OF AND WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT

Page 1 of 2

The City of Concord resolves as follows:

WHEREAS, On July 9, 2001 the City approved Resolution #7205 which established the Sears Block Tax Increment Finance District (SBTIF), which was subsequently amended by Resolutions #7515, #7722, #7890, and #8534; and

WHEREAS, the purpose of the SBTIF is to finance infrastructure improvements to encourage private investment in redevelopment of real estate and other economic development activities within Downtown Concord; and

WHEREAS, the City's initial investment within the SBTIF was in the amount of \$16,324,840 for construction of the Capital Commons Municipal Parking Garage, plazas, sidewalks, and related streetscape and utility improvements; and

WHEREAS, in conjunction with the Downtown Complete Streets Project (CIP #460), the City desires to make additional investments in the SBTIF in order to bury aerial electrical and communications utilities located approximately between 16 South Main Street and 40 South Main Street; and

WHEREAS, the purpose of burying said utilities will be to encourage redevelopment of the New Hampshire Employment Security Building located at 32-34 South Main Street and surrounding properties, as well as to improve aesthetics for the South Main Street corridor and reliability of electrical and communications utilities in this area of the City; and

WHEREAS, on the date hereof, the City Council has adopted the Amended and Restated Sears Block Tax Increment Development Program and Financing Plan (the "Amended Sears Block TIF Plan") to, among other things, include additional debt service costs for these proposed improvements; and

WHEREAS, RSA 33:9 mandates that a two-thirds vote of all members of the City Council is required to pass a bond resolution, which shall be taken by roll call vote.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION APPROPRIATING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) INCLUDING AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR THE INSTALLATION OF UNDERGROUND UTILITIES AS PART OF AND WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

- 1) The sum of\$2,500,000
be and is hereby appropriated as follows:

SBTIF Capital Projects Fund
Community Development Engineering Services
SBTIF Underground Utilities\$2,500,000

- 2) Revenue to meet said appropriation shall be provided from the following sources:

SBTIF Capital Projects Fund
Community Development Engineering Services
Bonds and Notes\$2,500,000

- 3) The City Treasurer, with approval of the City Manager, is authorized to issue up to two million five hundred thousand dollars (\$2,500,000) in bonds and notes of the City of Concord under RSA 162-K: 8, Chapter 280 of the Acts of 2000, and/or the Municipal Finance Act, it being the expectation of the City to pay the debt service costs on such bonds and notes from Tax Increment Revenues as designated and further described in the Amended Sears Block TIF Plan.

- 4) The discretion of the fixing of dates, maturities, rates of interest, form and other details of such bonds and notes (including whether such bonds or notes shall be issued on a tax exempt or taxable basis) and providing for the sale is hereby delegated to the City Treasurer.

- 5) Sums as appropriated shall be expended under the direction of the City Manager.

- 6) The useful life of the improvements is expected to be in excess of twenty-five (25) years.

- 7) This resolution shall take effect upon its passage.

Bin
5/29/13
6-20

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION

TO APPROPRIATE THE SUM OF ONE HUNDRED NINETY THOUSAND FOUR HUNDRED DOLLARS (\$190,400) FOR COMMUNICATION SERVICES FOR THE DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT FROM THE CITY OF CONCORD ECONOMIC DEVELOPMENT RESERVE FUND AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LOUIS KARNO & COMPANY, LLC FOR COMMUNICATION SERVICES

Page 1 of 2

The City of Concord resolves as follows:

- WHEREAS,** The City was awarded a \$4.71 million grant from the United States Department of Transportation for the Downtown Complete Streets Improvement Project in 2012; and
- WHEREAS,** The Downtown Complete Streets Improvement Project Advisory Committee in 2012 recommended that the City retain the services of a professional communications firm to ensure that regional residents know that the downtown is open for business during the aforementioned project; and
- WHEREAS,** A Request for Qualifications (RFQ) was issued for the provision of public relations services for this project; and
- WHEREAS,** Louis Karno & Company, LLC—a downtown Concord-based public relations company—replied to the RFQ and is recommended for City Council approval; and
- WHEREAS,** Louis Karno & Company’s fee for comprehensive public relations services for the Downtown Complete Streets Improvement Project is \$190,400; and
- WHEREAS,** This appropriation is not part of the FY 14 budget, as such it requires a roll call vote and 2/3 majority of the City Council.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION

TO APPROPRIATE THE SUM OF ONE HUNDRED NINETY THOUSAND FOUR HUNDRED DOLLARS (\$190,400) FOR COMMUNICATION SERVICES FOR THE DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT FROM THE CITY OF CONCORD ECONOMIC DEVELOPMENT RESERVE FUND AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LOUIS KARNO & COMPANY, LLC FOR COMMUNICATION SERVICES

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Concord that:

1. The sum of\$190,400
be and is hereby appropriated as follows:

General Capital Projects Fund

Community Development Engineering Services

Downtown Complete Streets Improvement (CIP #460).....\$190,400

2. Funding for this project is available as follows:

Capital Reserve Fund

Economic Development Reserves\$190,400

3. Sums as appropriated shall be expended under the direction of the City Manager.
4. The City Manager is authorized to execute an agreement with Louis Karno & Company, LLC for the provision of communication services for the Downtown Complete Streets project.
5. This resolution shall take effect upon its passage.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Carlos P. Baía, Deputy City Manager – Development

DATE: May 28, 2013

SUBJECT: Communication Services Agreement with Louis Karno & Company, LLC

Recommendation

Accept this report to authorize the City Manager to enter into an agreement with Louis Karno & Company, LLC for the provision of public relations/communications services for the Downtown Complete Streets construction project.

Background

The Downtown Complete Streets Project Advisory Committee recommended that the City retain a public relations firm to assist in the effective dissemination of construction information and marketing for the downtown during the project construction.

A Request for Qualifications (RFQ) was issued in March 2013 and four finalist firms were interviewed on May 3rd. The interview panel consisted of the City Manager, City Engineer, City Planner, Deputy City Manager for Development and a downtown merchant representative, Brian Shea—owner of the Barley House.

Discussion

The firm selected for negotiation of scope and fee was Louis Karno & Company, LLC. Karno is headquartered on Warren Street in the downtown. The firm will provide 24/7 availability and has included a wide and substantive variety of project elements in its proposed agreement (see attached document). These include—but are not limited to—a “Daily Dig” newsletter, photo and video updates, special event coordination, an ad campaign and an electronic communication platform.

The 20 month agreement is recommended for approval with a fee of \$190,400. This figure represents approximately 2.4% of the total Downtown Complete Streets project budget. As a point of comparison, the national ratio of marketing costs to revenues is usually 7-8% for companies with revenues of less than \$5 million.

The funds for this appropriation would be drawn from the Economic Development Reserve. As this is an appropriation not identified in the FY 14 budget, it would require a 2/3 roll call majority of Council.

LOUIS KARNO & COMPANY LLC
specializing in strategic communications

Quotation to City of Concord
for communication support of the
Main Street Improvement Project

This proposal and project communication budget is based on the approach we presented to you on 5/3 and the scope of work discussed with you on 5/17/13.

We anticipate our work to span July 2013 to December 2014 with an additional 2 months work in 2015 to support project wrap up and celebration (20 months total).

Communication project goal

Get the whole community behind the project.

Objectives

1. Maintain commerce.
2. Keep downtown business and property owners, employees and patrons informed about construction plans so that they can adapt and work around what's happening.
3. Have patrons and employees park in garages, side streets and in temporary lots.
4. Have merchants businesses and community member express support for the project.
5. Have members of the community and those who work in Concord understand and be excited about the future benefits of our new downtown.

Key message

Concord's Main Street is open for business.

WHAT WE'LL DO

Research

Review existing stakeholder research on anticipated project impact.

Conduct pre-construction face-to-face meetings/ survey of downtown merchants and businesses with representative of city and construction firm.

Conduct pre-construction survey of downtown patrons.

Conduct post-construction survey of audiences above.

Planning

Develop of formal project communication plan with goals, objectives, tactics, due dates and responsible parties.

Develop of crisis anticipation and communication plan.

Implementation

Take a boots-on-the-ground approach to the tactical support of project – be out on Main Street every day.

Full coordinate our work with the city engineer, downtown redevelopment, and project design and construction team (meetings, calls, emails, etc.).

Conduct spokesperson training for project team members (city, engineering, construction).

Develop Main Street Improvement “Open for Business” brand platform including logo.

Publish a “survival guide” for downtown businesses and patrons (different guide for each audience).

Develop a project electronic communication platform including website, Facebook, Twitter, e-news and integration with City website alerts and notification features (use existing resources whenever possible).

Produce and distribute the “Daily Dig” morning update on project status and Main Street events distributed across all communication platforms daily.

Produce and upload daily photo and video updates to communication platform.

Create 3-D illustrations of what Main Street will look like when completed (e.g. State House Plaza, Works pocket park, street scape with lights, planters, trees, buildings, sidewalks).

Create “Dig This” flexible wayfinding/education signage (with QR codes for more information on website).

Provide complete media relations support, including news releases and direct news media outreach and coordination.

Provide crisis communication support as needed.

Create and coordinate special events, including ground-breaking and project completion celebration, community and school events.

Encourage organizations to integrate Main Street Improvement / Open for Business theme into traditional Main Street events like Market Days, Halloween Howl, Midnight Merriment and the Rockn' Race.

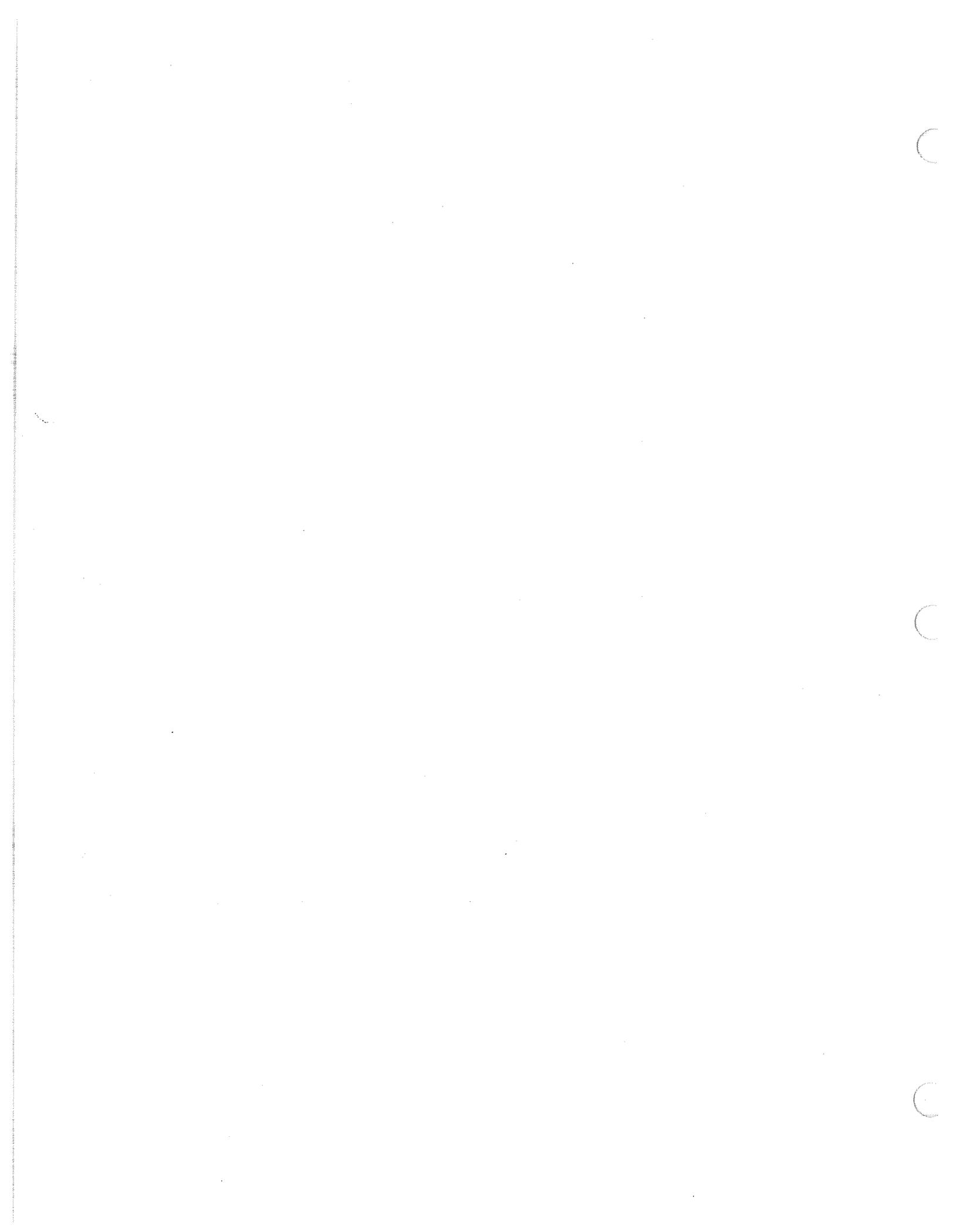
Produce a "Main Street is Open for Business" advertising campaign.

Evaluation

Establish an evaluation metrics dashboard (e.g. customer counts, parking, business occupancy, business sales, website use, email subscriptions, media impressions earned) and collect data that can be used to monitor campaign effectiveness and make adjustments as needed.

PROJECT BUDGET

<p>Research, planning, implementation and evaluation support</p> <p>Includes: face-to-face research program; communication plan; crisis plan; brand platform; spokesperson training, meetings; survival guides; Daily Dig production and distribution; daily electronic communication platform updates; photo and video updates; media relations support; special event coordination; evaluation metrics dashboard</p>	<p>\$125,000</p>
<p>Printing, signage, graphic design</p> <p>Production and distribution of survival guides; creation and maintenance, project progress sign; flexible QR wayfinding and education signs; 3, 3-D illustrations</p>	<p>\$18,400</p>
<p>Electronic communication platform</p> <p>Website, Facebook, Twitter, e-news, integration with City web site alert and notification features</p>	<p>\$6,000</p>
<p>Advertising</p> <p>Open for business ad campaign: print, radio, web</p>	<p>\$50,000</p>
<p>20-month communication project budget</p>	<p>\$190,400</p>



Mitchell, Keith

From: Duval, John
Sent: Saturday, April 27, 2013 3:00 PM
To: Mitchell, Keith
Subject: Fwd: Thank you

*Re: William Dexter
Daniel McDonald
Matthew Nelson*

John Duval

Begin forwarded message:

From: Sherry Burbank <smburbank@gmail.com>
Date: April 27, 2013, 2:44:53 PM EDT
To: "jduval@concordpolice.com" <jduval@concordpolice.com>
Cc: "Keith Burbank <3" <kjburbs@gmail.com>
Subject: Thank you

Dear Chief Duval,

Last Wednesday, around 9:00 in the morning, one of my neighbors on South Street called your department because he or she noticed an unusual person trying to enter my house at 172 South St.

The back story is that I had hired a former student, William "Shawn" Yates, to do yard chores, this was his second day of work and he had arrived at my house about 10 minutes before I got back from picking up my 9 year old daughter's friend for a play date at my house. My mom, who was in our house, did not hear Shawn knocking on the door. So Shawn, wanting to get started, went around looking for another way to get to the tools in the garage.

The second part of the back story is that Shawn grew up in foster care from the time he was 7 or 8. He lived in group home after group home after group home. Of all the students I worked with who were in DCYF care, Shawn has the least knowledge/contract with his birth parents of any of the students. Zero, zip, none. Shawn graduated from high school in 2010 and his foster family at the time kept him for a little while, but as you can guess, when he graduated, the income for the foster parents stopped and they pushed him out.

Shawn's now 21, and he contacted me a couple weeks ago to say: "I want to do something good with my life and I need help." We met a couple times and he's completed a financial aid application and an application to Manchester Community College.

He did, however, have some police contact in the time between 18-21. He tells me he spent some weekends in jail. The group homes he lived in used physical restraint to manage behavior. He's a young man who hasn't had much opportunity to learn self-control, except by trial and error.

So you can imagine how my heart dropped when I pulled up (with four kids in my car) and saw 2 CPD cruisers in front of my house. A thousand things went through my mind. (finally get to my

point): The two officers who responded to my neighbor's call showed incredible professionalism and handled the situation with delicately. Shawn was, of course, scared and confused, it would have taken nothing for Shawn to escalate, run his mouth and get in a mess of trouble. I truly credit the officers' demeanor, respect and regard for the outcome of this situation.

This is the first police contact Shawn has had without being arrested, he told me. He is so proud of that. He is doing a great job spreading my mulch. This may be the turning point Shawn needs, so that he can "do something good" with his life, become a tax payer and stay out of the system.

I hope you can help me recognize the superior work of the two officers who were at my house. I didn't get a chance to get their names.

Sincerely,

Sherry Burbank

Sherry MacKenzie-Burbank
172 South Street
Concord, NH 03301
603-225-2221
603-290-0703

Sent from my iPad

...for life's little mishaps. ☺

April 24, 2013

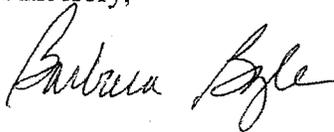
John Duval
Chief of Police
Concord Police Department
35 Green Street
Concord, NH 03301

Dear Chief Duval:

On April 17, 2013 the Walk – In Urgent Care Center at Horseshoe Pond had a sensitive and possibly volatile situation with a young child and their parent. This is a brief note of thanks and gratitude for the quick response from officers D. McDonald and K. Partington. One other officer, that I am sorry I did not get their name, was equally as helpful handling the parent in the parking lot. All went well for the child and our department because of their presence.

It is wonderful to work and provide care in a community like Concord and to know that if needed your department will be there to assist. Thank you for all that you do every day and on that day responding so quickly to our need.

Sincerely,



Barbara Boyle
Nurse Manager Concord Hospital Walk-In Urgent Care

Dan McDonald
Kevin Partington
Marc McGonagle

JEANNE SHAHEEN
NEW HAMPSHIRE



United States Senate
WASHINGTON, DC 20510

April 11, 2013

Chief John Duval
Concord Police Department
35 Green Street
Concord, NH 03301-4299

Dear Chief Duval,

Thank you for attending the discussion regarding the reauthorization of the Violence Against Women Act at the New Hampshire Coalition Against Domestic and Sexual Violence. I was pleased to hear that your department is confronting issues of domestic violence by adding an officer dedicated specifically to the issue. This shows a real commitment to addressing the problem, and I commend you for this effort.

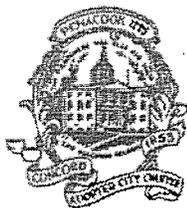
Thank you again for meeting with me and for your commitment to ending domestic violence. Please do not hesitate to contact my office if I can be of assistance to you in the future.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne".

Jeanne Shaheen
United States Senator

Thank you for all the good work of the Concord Department to address violence against women!



FIRE DEPARTMENT CITY OF CONCORD

24 Horseshoe Pond Lane
Concord, NH 03301
www.concordnh.gov/fire

May 1, 2013

Battalion Chief Guy Newbery
Captain Scott Anstey
Firefighter Christian Lund
Firefighter Michael Pawlowski

I am always very gratified when I receive a letter from a citizen commending members of the Department for the services they provide. It is particularly when that letter appears in the newspaper where the entire community can read it.

Thank you for your work at a vehicle fire at 172 North Main Street on April 15, 2013. The attached letter appeared in *The Concord Monitor* a few days later and was written by the mother of one of the occupants of the vehicle.

Thank you for your good work on this incident. Our vision statement calls us to "foster the trust, mutual respect, and support of our community." Your actions have certainly brought us closer to that high standard.

Sincerely,

Daniel L. Andrus
Chief of Fire Department

Administration
(603) 225-8650
(603) 225-5833 fax

Prevention
(603) 225-8651
(603) 225-5833 fax

Fire Alarm
(603) 225-8667
(603) 225-8509 fax

Communications
(603) 225-8669
(603) 225-8507 fax

Letter: Quick response saved the day

For the Monitor
Wednesday, April 17, 2013

I would like to thank all the firefighters and EMS personnel who responded to the car fire on Main Street Monday.

My daughter, Katie McGrail, was one of the women in the car. If it was not for the quick response and actions of the fire department and concerned citizens, the outcome could have been very different.

I am forever grateful to all of you.

LAURIE SCHWED

Concord

**City of Concord – Collections Department
Customer Comment Cards Survey**

Results based on total comment cards received for May 2013

I received services related (circle all that apply):

Motor Vehicle (5)	Property Taxes (0)	Utility Payments (0)	Misc. Billing (0)
Our staff was:	courteous (5)	knowledgeable (3)	professional (3)
Our service was:	courteous (5)	knowledgeable (3)	professional (3)

Comments and suggestions:

- 1) Need to put boat and trailer in same place.
- 2) Register boats.
- 3) Donna did a great job processing my three vehicles.
- 4) Donna assisted me. As always everyone is pleasant, courteous and extremely helpful.
- 5) Donna made it easy and pleasant.

Results based on total surveys received for April 2013

***City of Concord – City Clerk’s Office
Customer Service Survey***

I received services related to (circle all that apply): (Total surveys completed: (18))

City Council	Elections	Vital Records	Dog Licensing
()	()	(8)	(9)

Voter Registration	UCC Filings	Other: <u>General Information</u>
()	()	(1) Marriage

Were you greeted promptly and friendly?

(Worst)	1	2	3	4	5	6	7	(Best)
	()	()	()	()	()	()	(18)	

Was your wait for service reasonable?

(Worst)	1	2	3	4	5	6	7	(Best)
	()	()	()	()	(1)	(1)	(16)	

Was the staff person knowledgeable?

(Worst)	1	2	3	4	5	6	7	(Best)
	()	()	()	()	()	()	(18)	

Was your transaction complete and accurate?

(Worst)	1	2	3	4	5	6	7
	()	()	()	()	()	()	(18)

Comments and suggestion

“Very pleasant.”

“Colette was super nice! Very friendly.”

“Great service.”

“The people are great! Very friendly and accommodating. The computer system seems to take a while though. Maybe the computers could use an update.”

“She multi-tasked our request, a dog license and phone questions all at once!”

“Always friendly and helpful.”

“Keep on keeping on.”

“Excellent service.”

“Every City and State should have Concord Gen’l. Svcs.”

“Make it available to renew (dog licensing) by mail like car registration.”



City of Concord, New Hampshire

CONCORD PUBLIC LIBRARY

45 GREEN STREET • 03301-4257

6-22

TAA

PATRICIA A. IMMEN
LIBRARY DIRECTOR
603-225-8670

TO: Honorable Mayor and City Council
FROM: Patricia A. Immen, Library Director
RE: Authorization to Accept Monetary Gifts Totaling **\$1,616.20** as
Provided for Under the Preauthorization Granted by City Council
DATE: June 1, 2013

Recommendation

It is recommended that City Council approve the acceptance and expenditure of the gifts to the Concord Public Library cited below for the purpose indicated:

Donor	Amount	Purpose
Concord Public Library Patrons	\$392.50	Fees paid by patrons to replace lost and damaged library materials from 04/29/2013 through 05/24/2013
Concord Library Book Sale	\$788.70	Revenue from sale of used and donated books, audio materials and videos from 04/29/2013 through 05/24/2013
Rosemary A. Palfini	\$10.00	Donation to purchase Library Materials
Concord Public Library Foundation	\$425.00	To purchase incentive gifts and prizes for the library's teen summer reading program
TOTAL	\$1,616.20	

Background

1. Funds are requested to be expended under the authority established pursuant to Resolution #8120, adopted December 10, 2007.
2. The purpose of the gifts listed above is consistent with, and presents no conflict or obstacle to, the accomplishment of City Council goals, the Code of Ordinances, or the operating functions of the Concord Public Library.
3. No City match is required.
4. Funds have been received by the City of Concord, except as noted.
5. A letter of thanks on behalf of the City Council and the citizens of the City of Concord has been sent to donors listed above.

Discussion

Upon the City Council's approval of this report the materials indicated above will be ordered and placed in the Library's collection.

Cc: City Manager
Deputy City Manager for Finance
Controller
City Clerk

6-23
TFA



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

FROM: David Gill, Park and Recreation Director

RE: Authorization to accept monetary donations in the amount of \$400.00

DATE: June 9, 2013

Recommendation

It is recommended that City Council approve the acceptance and expenditure of the gifts to the City of Concord cited below for the purpose indicated:

Donor	Amount	Purpose	G/L Account
H.L Turner Group	\$250.00	July 4 Donation	GRTRECMISC 2910 July 4
Upton & Hatfield	\$150.00.	July 4 th Donation	GRTRECMISC 2910 July 4

Background

1. Funds are requested to be expended under the authority established pursuant to Resolution #8120, adopted December 10, 2007.
2. The purpose of the gifts listed above is consistent with, and presents no conflict or obstacle to, the accomplishment of City Council goals, the Code of Ordinances, or the operating functions of the Parks and Recreation Department.
3. A letter of thanks on behalf of the City Council and the citizens of the City of Concord have been sent to donors listed above.

Discussion

With these donations the City of Concord Parks and Recreation Department will be able to continue offering high quality special events to the community. Without these donations and sponsorships these events would not be possible.



6-24

12A



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Councilor Amanda Grady Sexton, Chair, Public Safety Board
DEATE: May 6, 2013
SUBJECT: Report from the Public Safety Board on the state of Public Safety in the City of Concord

Recommendation

Accept this report from the Public Safety Board.

Background

In accordance with section 30-3-25(b) of the Code of Ordinances for the City of Concord, the Public Safety Board met on May 6, 2013 and reviewed reports from the Police Chief and the Fire Chief on the state of affairs in their respective departments.

The board heard testimony from Police Chief John Duval and Fire Chief Daniel Andrus. The board voted unanimously to accept their reports and to transmit them to the City Council as written.



John F. Duval
 Chief of Police

City of Concord, New Hampshire

POLICE DEPARTMENT

35 Green Street • 03301-4299

(603) 225-8600

FAX (603) 225-8519

www.concordpolice.com

TO: Public Safety Committee
FROM: Chief John F. Duval
SUBJECT: 2013 – Annual Public Safety Report
DATE: April 8, 2013

At the request of the Chair, I respectfully submit this report to the Public Safety Advisory Committee detailing Public Safety-Police in the City of Concord at the close of 2012. This report will focus on five areas and will be based upon statistics as of December 31, 2012. The four areas will be Part I Crime, Part II Crime, Traffic Safety and the state of the Department.

Part I Crime*

Part I Crime, or index crime, by definition includes murder, forcible rape, robbery, aggravated assault, arson, burglary, motor vehicle theft, and larceny/theft. These eight offenses reflect the level of serious crime within a community. The City of Concord had 1,517 Part I Crimes reported last year.

<u>Part I Crime</u>	<u># of Offenses</u>
Murder/Manslaughter	0
Rape	26
Robbery	20
Aggravated Assault	54
Arson	15
Burglary	192
Motor Vehicle Theft	29
Larceny	1,181

This number is a decrease of approximately 3% over the previous year (1,569 Part I Crimes). The five year trend shows that Part I Crime has remained steady with slight yearly fluctuations.

Part I Crime is also reported as a crime rate per 100,000 people. Part I Crime rates are broken down into two categories: Violent Crime Rate (Murder/Manslaughter, Rape, Robbery, and Assault) and Property Crime Rate (Burglary, Larceny, Motor Vehicle Theft, and Arson).

The Violent Crime Rate in Concord for 2012 was 233 compared with 296 in 2011. For comparison purposes, the Violent Crime Rate in 2011 for select New Hampshire Cities was the

“Community Committed”

following: Manchester – 563, Nashua – 245, Derry – 244, Rochester – 339, Dover – 100. (2011 was the most recent year that Uniform Crime Report (UCR) data is available.)

As of this report the Department's Clearance Rate for Violent Crime in 2012 is approximately 80%. However, several cases involving violent crime are still open and under investigation. The clearance rate for these offenses will be affected by the outcome of these open cases. Clearance rate refers to those offenses cleared by an arrest, exceptionally cleared, or classified as unfounded or no crime involved.

The Property Crime Rate in Concord for 2012 was 3,301 compared with 3,360 in 2011. For comparison purposes, the Property Crime Rate in 2011 for select New Hampshire Cities was the following: Manchester – 3,823, Nashua – 2,459, Derry – 2,603, Rochester – 3,350, Dover – 1,948.

* Part I Crime statistics for 2012 are subject to change due to continued investigation and reclassification of offenses.

Part II Crime

Part II Crimes by definition are many of the crimes that are less serious than the Index Crimes. These include: simple assault, embezzlement, forgery and counterfeiting, disorderly conduct, driving under the influence, drug offenses, fraud, gambling, liquor offenses, offenses against the family, prostitution, public drunkenness, runaways, sex offenses, stolen property, vandalism, vagrancy, and weapons offenses. The City of Concord had 4,544 Part II Crimes reported last year. This number is essentially the same as the year previous (4,507). The five year trend with Part II Crimes shows a decrease of approximately 9% since 2008.

The Police Department aggressively targets many areas measured in this category. We proactively take action in the area of domestic violence, we have a comprehensive strategy to enforce DWI laws, and we pursue drug dealers and users within the community as well as several other areas listed. As a measure, we arrested 2,698 different individuals for a total of 4,301 charges last year.

The Department has also implemented several programs to address areas of concern. A newly formed Domestic Violence Unit was initiated and the first officer was assigned to the Unit in December of 2012. This officer maintains data on all domestic violence related calls for service that the Department responds to. This officer then follows up with victims and helps to coordinate any resources that may be helpful to the victim. This officer works closely with domestic violence service providers in the community as well as with victim advocates at the Concord District Court. The Domestic Violence Unit officer has also made several presentations to various community groups addressing the problem of domestic violence in the community and providing information about available resources to help individuals in domestic violence situations.

The Department continues with its Sex Offender Tracking program to monitor registered offenders and to aggressively target violators for arrest. We also have a robust Computer Crimes Unit that works to make the community safe from both computer based fraud and from internet sexual predators.

During 2012 the Department conducted extensive research to develop a plan to improve capabilities in handling calls for service involving people in mental health crisis. Following this research the Department established a "Memphis Model" Crisis Intervention Team. Critical in developing the Department's strategies was input from key stakeholders in the community including Riverbend Community Mental Health, the NH Hospital, Community Bridges, and NH NAMI. In January of 2013 the Department hosted a Crisis Intervention Team training course. This training occurred at Primex and was attended by police officers from communities around NH in addition to the Concord Police Department officers. The Department's Crisis Intervention Team currently consists of six officers with one sergeant overseeing the Team. The Department is in the process of implementing methods of tracking Team activity as well as documenting successes and shortcomings that may need to be addressed.

Traffic Enforcement

For several years, the Police Department has made traffic safety as its primary goal in the community. Last year, the Department issued 17,439 traffic tickets and warnings and arrested 171 drunk drivers. There were 1,192 traffic accidents in the community. DWI Arrests were up 22% over the previous year.

The Department continues to have representatives active with the City Traffic Operations Committee. The Department has enthusiastically participated in the statewide "Commute with Care – Operation Safe Commute" enforcement initiative. We are also an active participant in the Merrimack County DUI Task Force that will be starting its fourth year this coming spring. The Department participates in several grant funded initiatives including DWI Patrols, Downtown Pedestrian Safety Patrols, School Bus Safety Patrols, and Seatbelt Enforcement Patrols. All of these activities are funded through the NH Highway Safety Agency. In addition, all uniformed patrol officers are assigned a specific traffic enforcement project involving the identification of a particular problem within their patrol areas. Officers are asked to develop and implement a strategy to address the specific problem. Education and non-enforcement measures are effective strategies, in addition to enforcement, in changing motorist's behaviors.

The Department is in the process of implementing a police motorcycle to its fleet of vehicles. This motorcycle will be used primarily to address traffic related issues and concerns. It is anticipated that the police motorcycle will be on the road in April of 2013.

Generally, Police activity and participation in citywide traffic management planning and mitigation projects has been effective. Many neighborhood traffic issues have been resolved through a multi-pronged approach involving education, engineering, and enforcement resulting in increased safety for all. The Police Department will continue to remain responsive to the concerns of the neighborhoods and will also continue to make traffic enforcement activities a priority in the coming year.

High Visibility Proactive Community Policing Initiatives

The Department engaged in a high visibility project involving foot patrols and bicycle officers in the central part of the City. This initiative directly resulted in numerous arrests including, felony and misdemeanor level crimes, motor vehicle violations, as well as countless positive citizen contacts and interactions. The Department will continue this strategy of focused enforcement in other parts of the City providing staffing remains stable. An area that needs immediate attention is in the downtown area and problems with criminal behaviors and other conduct by members of the homeless population. Steps are already in place to mitigate many of these issues. Involvement from the downtown business community is crucial to the success of this strategy.

State of the Police Department

As of this report, the Concord Police Department had an authorized strength of 99.075 FTE staff members. Of this number, 84 are sworn Police Officers and the remainder are civilian support staff including Dispatchers, Records Professionals, and other part-time individuals. Of the 84 sworn staff, there were 78 positions filled and 6 vacant.

The sworn staff consists of 1 Chief and 2 Deputy Chiefs, 8 Lieutenants, 9 Sergeants and 64 Officers. The Department currently utilizes grant funding provided through the COPS Office of the Department of Justice to fund 3 of the police officer positions. Funding for all of these officers will expire prior to February of 2014. Of the 78 positions filled, 1 officer is at the Police Academy and 1 is in Field Training. Currently, there is a hiring process beginning and it is anticipated that several new officers may be hired.

At the end of the 2013 fiscal year, there will be 7 members eligible for retirement. These individuals represent a significant number of the ranking officials of the Department. It will be very important to keep up a vigorous hiring program to fill vacant positions as they become open. It is anticipated that as the economy improves, retirement will claim many of the eligible staff in the coming years.

The Department was able to add a part time non-sworn position of Property Technician. This position assists the Property Officer with handling of property/evidence that comes into and out of the Department. One of the goals of the Department is to reduce the volume of property/evidence that is currently stored at the Department. The addition of this position has allowed for a focused approach to address this issue. As a result the Department has seen an unprecedented level of property removed from storage areas and for the first time in recent history more property is being removed from the Department than is being taken in.

Currently there are 19 members assigned to the Criminal Division in 3 areas: Youth Services, Criminal Investigations and Drug Enforcement. There is currently 1 vacant position in the Drug Enforcement Unit. Training and Services has 7 officers assigned, with 3 vacant in the Traffic Enforcement Unit. There are 4 positions in Administration. Lastly, the Patrol Division has 54 personnel assigned. Since fully trained and tenured officers are generally assigned to CID and other "specialty" posts, vacant positions are sometimes held in these assignments. Patrol will have newly hired officers assigned to it as this Division can absorb the staffing while they are training. All assignments are done with an eye towards maximizing service delivery in a cost effective and fiscally responsible manner.

2013 Annual Public Safety Report
Page 5 of 5

The Administration of the Police Department is very confident that with the current staffing and assignment matrix; the Department can meet the current needs of the community while remaining in a position to absorb whatever retirement impacts may be forthcoming. Administration constantly re-evaluates crime and service trends and adjusts staffing accordingly. One area of concern is in non-sworn support staff. Budget limitations caused a full time Dispatch position and a full time Records Professional position to be eliminated. These reductions have caused stress within their work areas with negative work flow impacts. With increased service demands in the future, these areas, especially with Dispatch, will need to be addressed in the not too distant future.



CITY OF CONCORD

REPORT TO THE PUBLIC SAFETY BOARD

FROM: Daniel L. Andrus, Fire Chief
DATE: April 29, 2013
SUBJECT: Report from the Fire Chief on the Fire Department for the Year 2012

I am very pleased to present this summary report on the activities of the Concord Fire Department for the year 2012. The report is divided into several sections. The first section is a statistical summary of the type and number of incidents to which the department responded during the year. It reports some key changes compared to 2011. The second section focuses on accomplishments during 2012. The final section provides information on recommendations for the Department.

Overview of Emergency Operations

The following table presents an overview of the Fire Department's emergency response activity for 2012, compared to 2011.

Type of Call	2011	2012	% Change
Fires	166	198	19.28%
Overpressure, rupture, explosion, overheating	21	17	-19.05%
Rescue/emergency medical services incident	4,975	4,797	-3.58%
Hazardous condition (no fire)	283	190	-32.86%
Service calls	700	609	-13.00%
Good intent calls	561	518	-7.66%
False alarms	792	734	-7.32%
Severe weather/natural disasters	13	18	38.46%
Special incident types	8	14	75.00%
Total	7,519	7,095	-5.64%

Building fires increased from 46 to 57, an increase of 23.91%.

2012 Accomplishments

The year 2012 saw many accomplishments for the Concord Fire Department. Some of those accomplishments include:

1. A third LUCAS cardiac arrest compression device was acquired and placed on Ambulance 7. The use of a mechanical device for cardiopulmonary resuscitation can double survival rates for cardiac arrest patients. LUCAS devices are now in place on all three of the City's ambulances.
2. The members of the Concord Fire Officers Association completed two professional development sessions. The first session was taught by a fire protection engineer employed as a fire investigator by the Bureau of Alcohol, Tobacco, and Firearms. It focused on fire fighter fatalities and the use of computer modeling to evaluate fire suppression tactics. The second session was taught by a nationally known authority in the fire service and focused on effective supervision and tactical leadership.
3. Concord was named a "Heart Safe Community" by the State of New Hampshire and the American Heart Association.
4. A new Ambulance 5 was delivered and placed into service.
5. A new ladder truck and two new ambulances were ordered and are scheduled for delivery in the spring of 2013.
6. Promotional testing for the ranks of Battalion Chief and Fire Lieutenant was conducted, with new eligibility rosters being adopted.
7. The use of social media continues to grow. The Department's Facebook page has 1,396 followers while the Twitter account has 224 followers. These sites have been very valuable for posting routine safety information as well as emergency updates.
8. The State of New Hampshire received a \$4.4 million grant for enhancing responder safety. A majority of department members participated in training classes on incident command, technical rescue (including swiftwater, confined space, rope, and trench rescue), safety, and terrorism. A total of over 4,000 person-hours of training were received through grant funded training.
9. Policies on high rise fire attack, controlled substances management, public agency response, vacant and abandoned buildings, and department organization were revised and reissued.
10. Quarterly training included basic skills in using protective equipment, ladder raises, self rescue drills, using new hazardous gas monitors, forest fire operations, boat operations, high rise operations, continuing medical education for EMTs and paramedics, and the use of therapeutic hypothermia for treating cardiac arrest patients.
11. The Department lead a Citywide effort to prepare for the arrival of Hurricane Sandy in late October. The City Emergency Operations Center was activated to coordinate the activities of the Police, Fire, and General Service Departments in response to the storm.
12. A very successful Fire Prevention Week culminated in an Open House at the Broadway Fire Station.
13. A five alarm fire at the Endicott Hotel was successfully controlled with this historic 1892 structure being saved.
14. The Fire Department was featured in the national educational series, *Medic Monthly*.
15. Fire Department staff worked extensively on the new City web site.

16. Seventeen paramedics attended a 48-hour refresher training program delivered by Concord Hospital and using the facilities of the McKerley Simulation and Education Center.
17. A comprehensive EMS quality assurance program was inaugurated.
18. The National Incident Management System Capability Assessment Tool (NIMSCAST) for the City and the School District was completed and action plans implemented.

Recommendations

The Fire Department has experienced several years of declining staffing levels due to the national economic crisis. The removal of an engine from service in 2009 continues to have an impact on the number of responders and the Department's emergency response capabilities, as well as its capacity to conduct training. In addition, staff cutbacks continue to produce negative effects, particularly in the fire prevention and fire alarm and traffic bureaus. Some of these effects include deferred maintenance on critical infrastructure, decreased ability to respond to requests for fire prevention and life safety education. A plan for the future should include:

1. **Restoration of Engine 1 to service**
The removal of Engine 1 from service in 2009 had significant impacts for both emergency response and for conducting non-emergency operations such as training. The Department has provided extensive information on the impacts of this reduction during prior years' budget discussions. During a recent multiple alarm fire, the engine which would normally be first due to the address was just clearing from another emergency. If the fire had been reported just a few minutes earlier, that engine would have been out of service.
2. **Restoring a second Assistant Fire Marshal position to the Fire Prevention Bureau**
The position of public educator in the Fire Prevention Bureau was eliminated several years ago. That staffing reduction requires that the Fire Marshal and Assistant Fire Marshal focus primarily on inspections and plans review, largely neglecting the extremely valuable function of safety education. The workload has also substantially increased. Inspections for places of public assembly have increased from 180 in 2007 to 265 currently. The Fire Prevention Bureau issues approximately 300 permits annually, requiring at least one on-site inspection for each permit. Fire alarm and sprinkler permits require two on-site inspections. Fire investigations pose additional demands on an already understaffed unit.
3. **Restoring the position of Fire Alarm and Traffic Technician to the Fire Alarm and Traffic Bureau**
The elimination of the Fire Alarm and Traffic Technician position in 2009 has resulted in a substantial increase in the workload of the Fire Alarm and Traffic Supervisor. As a result, normal preventive maintenance is deferred in order to address urgent needs from repairs and from project work. The situation will be exacerbated by the commitment of resources to the Main Street project in 2013. The Fire Department generates revenues of approximately \$229,850 from fire alarm box connection fees. That revenue is intended to cover the costs of required maintenance for that system. That required maintenance is not being performed.

4. Creating a second position in the EMS and Professional Standards Bureau

The Emergency Medical Services and Professional Standards Bureau oversees all aspects of emergency medical services training and recertification, fire suppression training, technical rescue skills maintenance, and safety. The implementation of a comprehensive quality assurance process to cover all phases of clinical care requires a great deal of time in patient care report reviews and designing and delivering training. The scope of services provided by the Department requires extensive training and practice to assure that skill levels remain high. An additional position could provide the resources for fire suppression and technical rescue training.

6-25
T/A



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Councilor Amanda Grady Sexton, Chair, Public Safety Board

DEATE: May 6, 2013

SUBJECT: Report from the Public Safety Board on a Referral from the City Council on a Communication from the Downtown Merchants Association Expressing Concerns Regarding Public Safety

Recommendation

Accept this report from the Public Safety Board.

Background

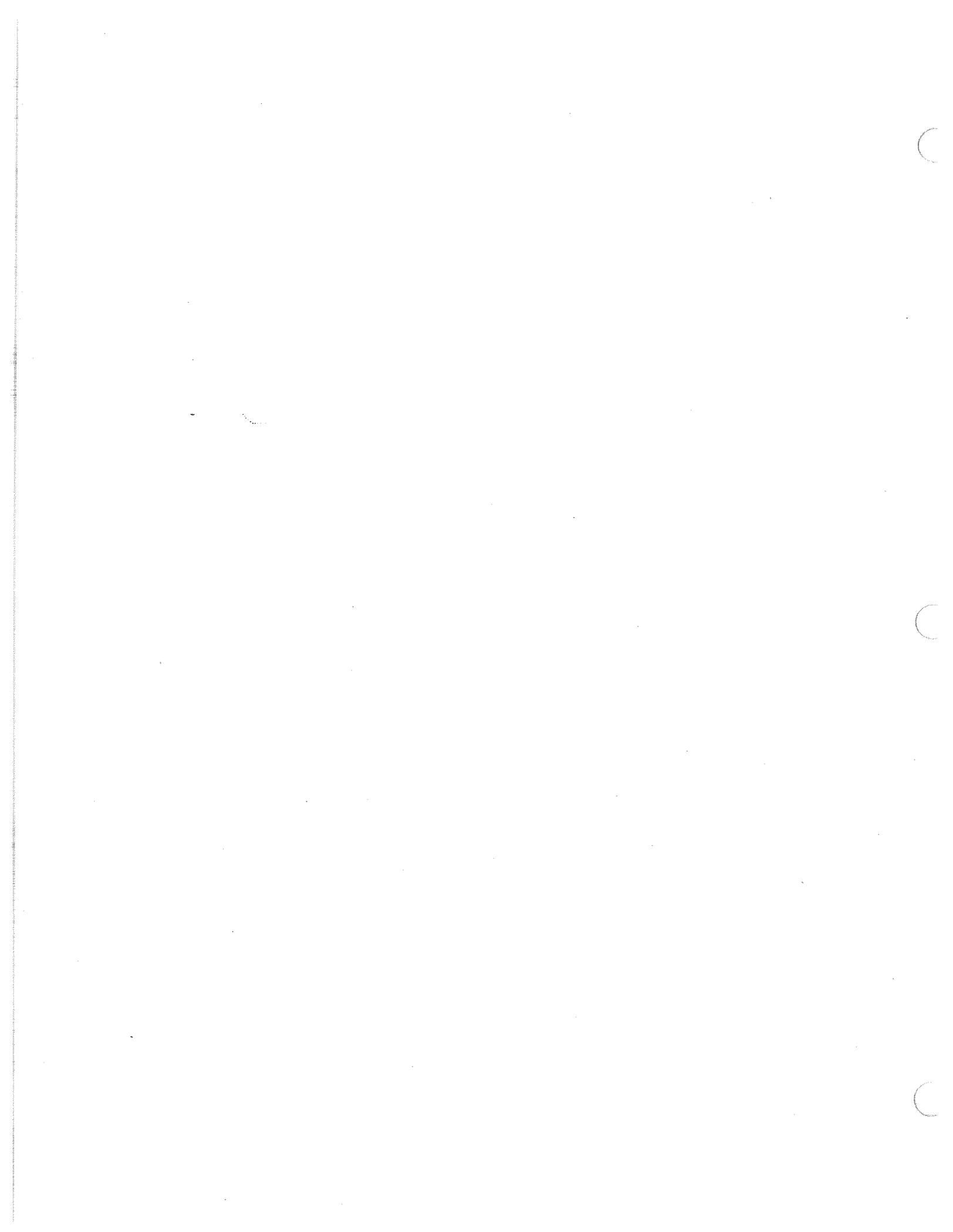
The City Council received a letter dated April 2, 2013 from the Downtown Merchants Association expressing concern regarding public safety.

On April 8, 2013, the City Council referred this matter to the Public Safety Board.

On May 6, 2013, the Public Safety Board met and heard testimony from the following individuals on this matter: Mr. Peter Silvestro (Eagle Square Deli); Mr. Ray Boucher (Britches of Concord); Mr. James Kennedy (City Solicitor); and Chief John Duval (Concord Police Department).

The Board discussed several issues relating to the referral, including impacts on downtown businesses, and a meeting that was held between business owners, the Mayor, the City Manager, and the Police Chief. The business owners have noted a significant improvement as the result of enhanced police patrols and state that the problem seems to be resolved. Mr. Kennedy reported that existing laws and ordinances are adequate to address the problem and that no additional action is necessary in response to this letter.

The Board voted unanimously to report that it is satisfied with the result and that it will report back as needed to the City Council on any future developments.





CITY OF CONCORD

REPORT TO THE MAYOR AND THE CITY COUNCIL

FROM: Daniel L. Andrus, Fire Chief *D. L. A.*
DATE: May 24, 2013
SUBJECT: Report from the Fire Chief on an Update to the Hazard Mitigation Plan

Recommendation

The Fire Department recommends that the City Council accept this report.

Background

The Central New Hampshire Regional Planning Commission and the New Hampshire Department of Environmental Services have notified the City of Concord of an upcoming assessment of the Turkey and Soucook Rivers to identify those areas most vulnerable to flood and erosion-related hazards. The assessment will be coordinated by the New Hampshire Geological Survey and will be performed by Field Geology Services, a private firm specializing in this type of assessment. There is no cost to the City for the assessment.

A public information meeting has been scheduled for June 12, 2013 at 6:30 p.m. at Fire Department Headquarters. The actual assessment will begin later in June and should be completed by October of 2013. The information gained from the assessment will be used to update the Hazard Mitigation Plan with a section on fluvial erosion hazards. That information in turn can be used to develop mitigation strategies to reduce the chance of flooding and to improve water quality.

An informational sheet from the Department of Environmental Services is attached to this report.

Discussion

The Fire Department will continue to monitor the hazard assessment process and will report to the City Council when results are available and recommendations are made.

Fluvial Erosion Hazards (FEH) & Fluvial Geomorphic Assessments (FGA) Soucook River, 2013

Rivers are among the most beautiful features of nature, but they can and do change. Rivers in New Hampshire have, in recent years, blown out culverts that were too small to pass flows during floods, washed away streambanks, and even changed course. Most recently, streambanks of many rivers in New Hampshire's North Country and in neighboring Vermont washed away during Tropical Storm Irene in 2011, threatening homes and businesses, and the safety of the people in them. Then, in May 2012, one thunderstorm near Keene dropped nearly 8 inches of rain in about 2 hours, leading to major erosion of miles of streambank (see photo at right). The power of rivers to create these types of dramatic effects often surprises people.



Changes to rivers occur as the force of water wears away river beds and banks in a process called **fluvial erosion** (*fluvial* means water flowing in a river), a natural process most active during floods. These bank slumps and failures give evidence to the power of running water to change the landscape. It is through fluvial erosion that rivers move back and forth across their floodplains. This can be easily seen while viewing a typical river valley in Google Earth, where abandoned former river paths can be seen.

While erosion and river change is a natural process, damage from these is greatest where stream crossings are unable to convey flood flows, or where long ago actions, such as channel straightening, increased the speed of river flow, increasing the force available to erode and undermine river banks and lead to collapse. To identify those areas at greatest risk in a future flood, site-specific data on river and stream form and function is necessary. To address these risks, NHGS has focused its earth science expertise to assess flood hazards.

Why the Soucook River?

The Soucook River watershed has experienced flood episodes in recent years, most notably during the Mother's Day flood of 2006. Data collected in this assessment will identify those locations that have the greatest likelihood of experiencing further change. Towns will be provided with data on the overall health of rivers in the watershed to pinpoint locations that could experience future changes that will impact public health and safety so that potential mitigation and restoration opportunities can be identified. We also survey stream crossings to determine whether they are able to pass flood waters efficiently and to help identify those most in need of replacement.

Benefits of Mapping Fluvial Erosion Hazards

The geomorphic data collected as part of a FGA allows geoscientists to map areas next to the river that are most susceptible to bed and bank erosion and further changes to the river channel. This information is beneficial to communities as they work to assess flood hazards. FEH maps are developed with the goal of showing areas next to the river that are prone to flood and erosion hazards based on a site-specific survey of landforms next to the river channel. This includes the river floodplain, the composition of bed and bank material and their condition, as well as other characteristics of the surface and underlying geology.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Eugene A Blake Health & Licensing Officer

DATE: May 2, 2013

SUBJECT: Intown Concord is requesting Approval and a Permit for the Serving and Consumption of Alcoholic Beverages on City Property during Concord Market Days, July 18, 19, 20, 2013 as outlined by Ordinance Chapter 15 Article 15-12; Licensing of Alcohol use on City Property. Passed by City Council May 14, 2012 this will be for Beer and Wine only.

Recommendation: As there were no incidents or problems last year, recommend approval of license applications and issuance of permits as applied for by Intown Concord for Concord Market Days.

Background: This is Intown Concord's second year for this request received by the Health & Licensing Office for the Serving and Consumption of Alcoholic Beverages on City Property. Following passage of the Ordinance by the City Council on May 14, 2012 The City of Concord Ordinance 15-12-5 (a) requires that the City Council approves the application and that the City Manager sign the application for the issuance of the "License to serve alcohol on closed city streets submitted by the City Health & Licensing Officer to the City Council for Review and Approval".

Discussion: The five (5) pages City Application (three (3) applications in total one application for each day) has been completely filled out correctly by Kim Murdoch Intown Concord Market Days Festival Director with all the proper signatures, and notarized. The applications includes the Certificate of Management Training Seminar Issued by the State of NH Liquor Commission, The State of NH Liquor Commission Three(3) "one Day Liquor Licenses", the list of servers, the layout of the service area with map, and the required Insurance Policy. The Health & Licensing Officer has reviewed and approved each application.





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2348*

CITY OF CONCORD
NEW HAMPSHIRE
Community Development Department
Code Administration Division

TH. 7/10/2013

City Hall Annex • 37 Green Street • Concord, NH 03301 • tel. 603/225-8580 • fax 603/225-8586

**APPLICATION FOR ONE-DAY LICENSE TO SERVE AND OFFER ALCOHOL
FOR CONSUMPTION ON CITY PROPERTY**

I. PURPOSE

- The purpose of this license application is for the City of Concord to review an applicant's qualification to obtain a one-day license to serve alcohol on City property in accordance with City of Concord Code of Ordinances 14-5-2 and 14-5-3 and N.H. RSA 178:22 (1).

II. DEFINITIONS

- Alcohol: As defined by the New Hampshire Liquor Commission.
- License Fee: The license fee shall be \$200.00 for each one-day license issued.
- Voluntary Non-Profit Organization: An organization under RSA 178:22(1).

RECEIVED
MAR 25 2013

III. APPLICANT INFORMATION

CODE ADMINISTRATION

- Organization Name: Intown Concord
Address: 49 South Main Street, Suite 202, Concord, NH 03301
Contact Person: Kim Murdoch Phone (work) 226.2150 (cell) 369.7889
- Copy of New Hampshire Liquor Commission, RSA 178:22(1) One-Day License:
pending
Yes [] No [] Start/Expiration Date: _____
- Name of Person in Charge of the Event: Kim Murdoch
(cell) 369.7889; (work) 226.2150
- Name, Address and Phone Number Person(s) serving alcohol: Intown Concord Board members + select volunteers, who will complete training designed by Intown Concord in accordance with State of NH Liquor Commission rules + guidelines.

- Person(s) identified as serving alcohol have completed N.H. Liquor Commission Training Program Certificate within 45 days of license issuance: [X] Yes [] No.

- Person(s) identified as serving alcohol have other applicable N.H. Liquor Commission License to Serve Alcohol: Yes; No. If Yes, identify other license. Servers will have completed online TEAMS (Total Education in Alcohol Management) training from the NH Liquor Commission, + on-duty manager will have completed the in-person MTS (Management Training Seminar) at the NH Liquor Commission.
- Copy of any agreement between the applicant and any third party intended to affect the operation of the license: Yes No N/A

IV. PURPOSE OF THE ONE-DAY LICENSE

- Describe the purpose of the event for the one day license.
To allow for operation of Intown Concord's Local Food, Wine, + Beer Tent on South Main Street for the 2nd year at the Market Days Festival.
- Identify the type alcohol to be served Beer + wine

V. LICENSE INFORMATION

- Requested Date for One-Day License: Th. 7/18/2013
- Proposed Hours of Operation for One-Day License: 10:00 am – 10:00 pm
(No license shall be issued between the hours of 10pm and 10am.)
- Requested Location for One-Day License Activity: South Main St., in front of Co-op
- How many people are expected to attend? 3,000 over 3 days
- Plan of Physical Layout, diagram attached: Yes; No
- Tent/rope fencing or other boundaries identified, diagram attached: Yes; No.
- Display Signs, Yes; No If Yes, describe sign(s) Signs will indicate "Local Food, Wine, + Beer Tent", instructions for entering (IDs required from all wanting a wrist band allowing for alcohol purchase), signage w/ pricing information, general Market Days signage

VI. INSURANCE AND DEFENSE AND INDEMNIFICATION AGREEMENT

- Applicant has provided a Certificate of Liability Insurance which provides:
 - General Liability Insurance in the Aggregate Two (2) Million Dollars, naming the City of Concord as an additional insured.
 - Each Occurrence of Injury One (1) Million Dollars.
 - Medical Expense (any one person) Five (5) Thousand Dollars.

Yes; No **pending**

- Applicant has executed the attached Indemnification Agreement: Yes; No

VII. OTHER PERMITS AND INFRASTRUCTURE

- The City may assist the applicant with securing any and all City permits required. However, the applicant shall be solely responsible for completing all required permit applications as well as paying all required application fees. The applicant shall also be solely responsible for the cost of constructing all infrastructure upgrades made to any facility without limitation which shall be subject to City inspection and approval.

VIII. CLEANUP

- Applicant agrees that to the extent that a license is issued, it is required to immediately remove all signs, equipment or other products ("infrastructure") from the City's Public Property following the conclusion of the license. The City may charge the licensee any actual costs it incurs for removing any items from the City's public property not immediately removed after the license event ends.

IX. TERMINATION

- The City may terminate this license at any time and for any reason.

X. APPLICABLE LAWS

- The applicant shall comply with all local, state, and federal laws, rules, regulations, and ordinances in conjunction with the issuance of this license.
- This license shall be enforceable in the Courts of Merrimack County, New Hampshire, to which both parties submit for jurisdiction.

XI. APPLICANT SWORN AFFIRMATION

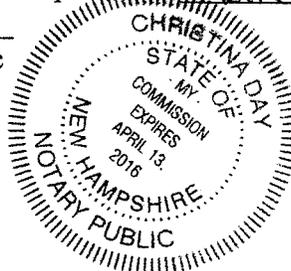
I hereby swear and affirm under the penalties of perjury that the information I have provided in this information is true, and to the extent that a license is issued, agree to be bound by terms of this license application.

~~Christina Day~~ KIM MURDOCH, MARICET DAYS DIRECTOR
Duly Authorized Officer or Director of Voluntary Non-Profit Organization (printed)

[Signature] 3/25/2013
Duly Authorized Officer or Director of Voluntary Non-Profit Organization (signature)(date)

Sworn to and affirmed at Concord, New Hampshire, on March 25, 2013, before

[Signature]
Justice of the Peace/Notary Public
Commission expires: 4/13/16



HEALTH AND LICENSING OFFICER REVIEW

- Health and Licensing Officer has approved this application and it meets the minimum requirements for the approving authority to review.

Yes; No

- If No, reason for non-approval:

Eugene A Blake 5/28/13
Health and Licensing Officer (date)

APPROVAL FROM APPROPRIATE AUTHORITY

By: [Signature] Date: 5-28-13
City of Concord

FRI. 7/19/20

348



CITY OF CONCORD
NEW HAMPSHIRE
Community Development Department
Code Administration Division

City Hall Annex • 37 Green Street • Concord, NH 03301 • tel. 603/225-8580 • fax 603/225-8586

APPLICATION FOR ONE-DAY LICENSE TO SERVE AND OFFER ALCOHOL FOR CONSUMPTION ON CITY PROPERTY

I. PURPOSE

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Address: 49 South Main Street, Suite 202, Concord, NH 03301
Contact Person: Kim Murdoch Phone (work) 226.2150 (cell) 369.7889
- Copy of New Hampshire Liquor Commission, RSA 178:22(I) One-Day License: *pending*
Yes [] No [] Start/Expiration Date: _____
- Name of Person in Charge of the Event: Kim Murdoch
(cell) 369.7889; (work) 226.2150
- Name, Address and Phone Number Person(s) serving alcohol: Intown Concord Board members + select volunteers, who will complete training designed by Intown Concord in accordance with State of NH Liquor Commission rules + guidelines.
- Person(s) identified as serving alcohol have completed N.H. Liquor Commission Training Program Certificate within 45 days of license issuance: [X] Yes [] No.

- Person(s) identified as serving alcohol have other applicable N.H. Liquor Commission License to Serve Alcohol: Yes; No. If Yes, identify other license. Servers will have completed online TEAMS (Total Education in Alcohol Management) training from the NH Liquor Commission, + on-duty manager will have completed the in-person MTS (Management Training Seminar) at the NH Liquor Commission.
- Copy of any agreement between the applicant and any third party intended to affect the operation of the license: Yes No N/A

IV. PURPOSE OF THE ONE-DAY LICENSE

- Describe the purpose of the event for the one day license.
 To allow for operation of Intown Concord's Local Food, Wine, + Beer Tent on South Main Street for the 2nd year at the Market Days Festival. _____
- Identify the type alcohol to be served ___ Beer + wine _____

V. LICENSE INFORMATION

- Requested Date for One-Day License: ___ Fri. 7/19/2013 _____
- Proposed Hours of Operation for One-Day License: ___ 10:00 am – 10:00 pm _____
 (No license shall be issued between the hours of 10pm and 10am.)
- Requested Location for One-Day License Activity: ___ South Main St., in front of Co-op_
- How many people are expected to attend? ___ 3,000 over 3 days _____
- Plan of Physical Layout, diagram attached: Yes; No
- Tent/rope fencing or other boundaries identified, diagram attached: Yes; No.
- Display Signs, Yes; No If Yes, describe sign(s) ___ Signs will indicate "Local Food, Wine, + Beer Tent", instructions for entering (IDs required from all wanting a wrist band allowing for alcohol purchase), signage w/ pricing information, general Market Days signage _____

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- Applicant has provided a Certificate of Liability Insurance which provides:
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 - Each Occurrence of Injury One (1) Million Dollars.
 - Medical Expense (any one person) Five (5) Thousand Dollars.

Yes; No **pending**

- Applicant has executed the attached Indemnification Agreement: Yes; No

HEALTH AND LICENSING OFFICER REVIEW

- Health and Licensing Officer has approved this application and it meets the minimum requirements for the approving authority to review.
 Yes; No

- If No, reason for non-approval:

Eugene A. R. Oahn 5/28/13
Health and Licensing Officer (date)

APPROVAL FROM APPROPRIATE AUTHORITY

By: [Signature] Date: 5-28-13
City of Concord

SAT. 7/20/2013



*Ad
Chrt
2348*

CITY OF CONCORD
NEW HAMPSHIRE
Community Development Department
Code Administration Division

City Hall Annex • 37 Green Street • Concord, NH 03301 • tel. 603/225-8580 • fax 603/225-8586

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- This license shall be enforceable in the Courts of Merrimack County, New Hampshire, to which both parties submit for jurisdiction.

XI. APPLICANT SWORN AFFIRMATION

I hereby swear and affirm under the penalties of perjury that the information I have provided in this information is true, and to the extent that a license is issued, agree to be bound by terms of this license application.

~~Christina Day, President~~ KIM MURDOCH, MARKETDAYS DIRECTOR
 Duly Authorized Officer or Director of Voluntary Non-Profit Organization (printed)

[Signature] 3/25/2013
 Duly Authorized Officer or Director of Voluntary Non-Profit Organization (signature)(date)

Sworn to and affirmed at Concord, New Hampshire on March 25, 2013, before

[Signature]
Justice of the Peace/Notary Public

Commission expires: 4/13/16



HEALTH AND LICENSING OFFICER REVIEW

- Health and Licensing Officer has approved this application and it meets the minimum requirements for the approving authority to review.
 Yes; No
- If No, reason for non-approval:

Eugene A Blake 5/28/13
Health and Licensing Officer (date)

APPROVAL FROM APPROPRIATE AUTHORITY

By: [Signature] Date: 5-28-13
City of Concord

INDEMNIFICATION AGREEMENT

Intown Concord, ("licensee") agrees to defend and indemnify the City, its officers, employees and agents against any and all loss, damage, liability, expense, suits, demands and claims, including, but not limited to, cases of injury to third parties or their property, resulting from and arising out of: (1) Any act, failure to act, or negligence of licensee in conjunction with the issuance of the one day license; (2) Anything owned or controlled by licensee, its servants, agents, or invitees and used on the City's premises in connection with licensee's activities under this license; or (3) Any nuisance made by licensee, its servants, agents, or invitees on the City's premises in connection with this license. The foregoing provisions concerning defense and indemnification shall not be construed to require defense or indemnification to the City for damage arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the City or its employees.

Licensee, their heirs, executors, administrators, and assigns, acknowledge full satisfaction for all liabilities and actions that may now or later accrue as a result of the use of the park for this tournament and releases the City, its employees and agents, from any claims of negligence or damage that may now or later arise out of said use.

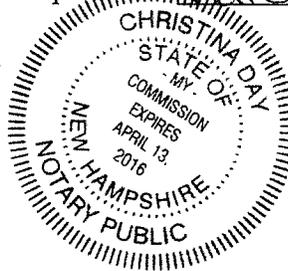
Dated this 25 day of MARCH, 2013

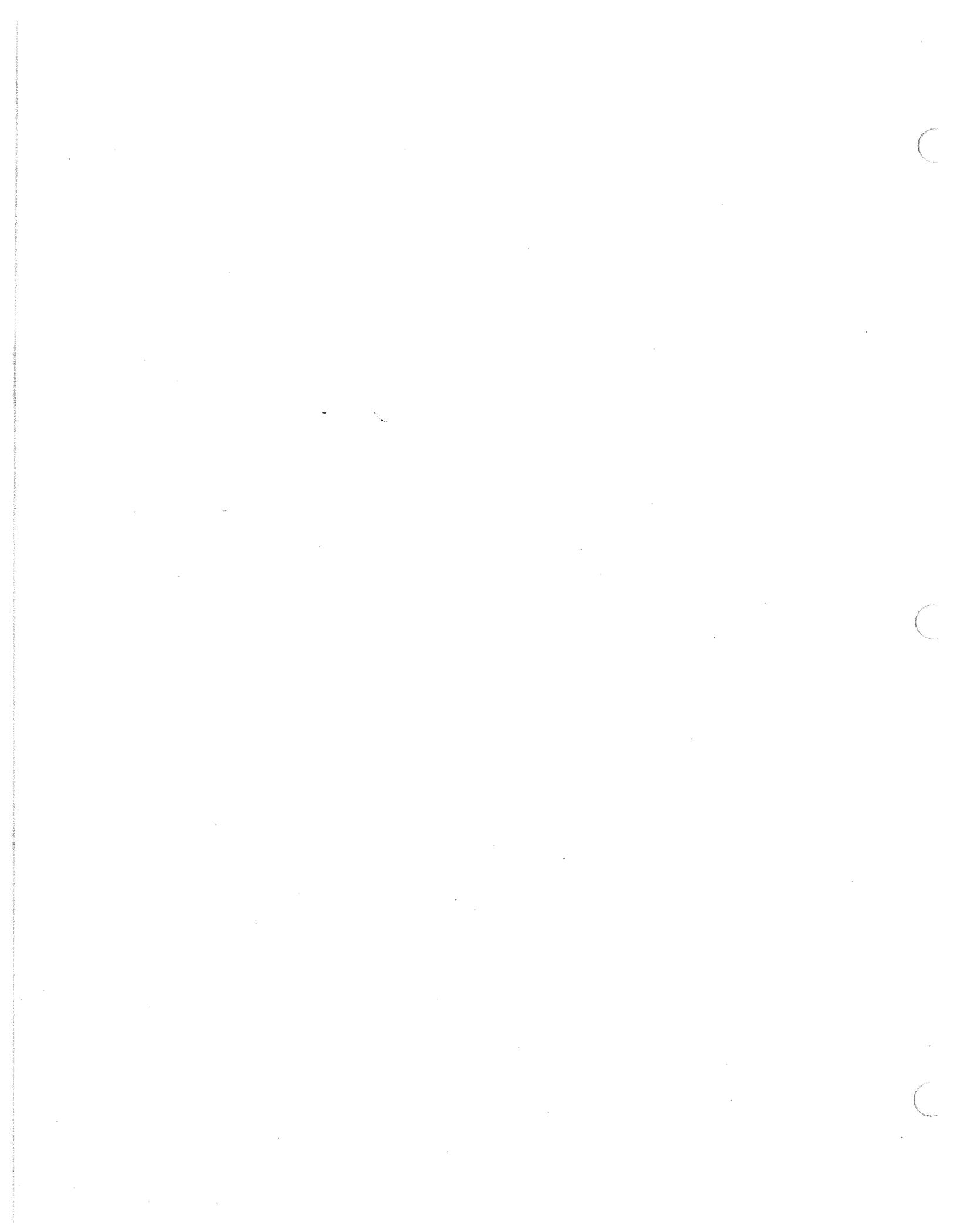
By:

Licensee INTOWN CONCORD
Duly Authorized

Sworn to and affirmed at Concord, New Hampshire on March 25, 2013, before

[Signature]
Justice of the Peace/Notary Public
Commission expires: 4/13/16







CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Edward L. Roberge, PE, City Engineer

DATE: May 20, 2013

SUBJECT: Request from Kleinfelder on behalf of Cumberland Farms, Inc. (CFI) to license the installation of a monitoring well within the City right-of-way on Pleasant Street as part of ongoing groundwater monitoring required by NH Department of Environmental Services (NHDES).

Recommendation

Accept this report by the City Engineer recommending that the City Council license the installation of a groundwater monitoring well within the City right-of-way on Pleasant Street in accordance with Code of Ordinances, Title 1, General Code, Chapter 5, Public Works, Article 5-1, Highway and Sidewalks, Section 5-1-22, License and Permit Required for the Installation of Monitoring Wells on Public Property or In a Public Way (Ordinance No. 2763); said work related to ongoing groundwater monitoring program required by NH Department of Environmental Services.

Background

Kleinfelder, on behalf of Cumberland Farms, Inc. is completing environmental investigation activities in accordance with the Groundwater Management Permit (GMP) GWP-199709010-C-001 issued by NHDES. On February 20, 2013, CFI received a letter from NHDES requesting the installation of a monitoring well down-gradient of monitoring wells MW-7 and MW99-3 to meet the requirements of the down-gradient compliance/GMZ boundary well. The proposed monitoring well located within the Pleasant Street right-of-way would meet this requirement.

Discussion

The site is the location of a gasoline station. The drilling activities described will be performed in accordance with NHDES requirements. The attached project narrative and site plan outlines the project location and scope of work for the monitoring well. The results of these investigations will be provided to the City of Concord concurrently with their submissions to NHDES.

elr/E

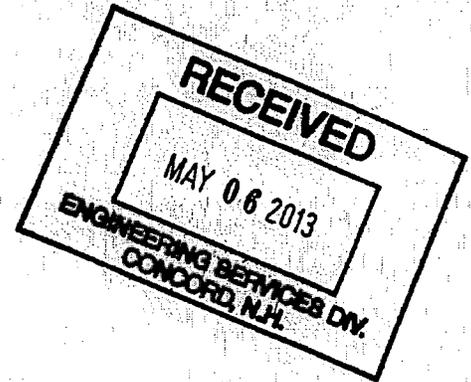
attachments

cc: Tom Aspell, City Manager
Carlos Baia, Deputy City Manager – Development
Laura Aibel, Associate Engineer
Kevin Demers, Engineering Technician 1
Chip Chesley, General Services Director



Certified Mail #70111157000048776727
May 2, 2013

City of Concord
Engineering Services Division
City Hall
41 Green Street
Concord, New Hampshire 03301



Re: Application for Monitoring Well Permit
Cumberland Farms #2826 (L0632)
188 Pleasant Street
Concord, New Hampshire
NHDES Site #199709010
GMP Permit #: GWP-199709010-C-001
LUST Project # 7240

To Whom it May Concern:

Kleinfelder, on behalf of Cumberland Farms, Inc. (CFI), is completing environmental investigation activities in accordance with the Groundwater Management Permit (GMP) GWP-199709010-C-001 issued by New Hampshire Department of Environmental Services (NHDES) on March 13, 2012. On February 20, 2013, CFI received a letter from the NHDES requesting the installation of a monitoring well down-gradient of monitoring wells MW-7 and MW99-3 to meet the requirement of the down-gradient compliance/GMZ boundary well. NHDES requested sampling of the additional down-gradient monitoring well during subsequent semi-annual groundwater monitoring events (April and September). In accordance with NHDES requirements, CFI proposes to install one groundwater monitoring well in the southern sidewalk on Pleasant Street. The proposed monitoring well location is provided on the attached Site Plan.

Kleinfelder is hereby applying for a Monitoring Well Permit in order to install and subsequently periodically sample the proposed groundwater monitoring well in the gravel sidewalk area located along the southern portion of Pleasant Street across from 188 Pleasant Street. Kleinfelder will inspect the monitoring well following installation and acknowledge responsibility and liability of the maintenance of such groundwater monitoring well in accordance with the permit regulations. Prior to installing the monitoring well, Kleinfelder will obtain a dig safe number. The installation of the monitoring well will be conducted with a police detail and Kleinfelder oversight of an approved subcontractor. Based on the location of the monitoring well in the sidewalk area, no traffic control plan is required.

CFI proposes to continue sampling site-related monitoring wells on a semi-annual basis (April and September) until regulatory closure for NHDES Site #199709010 can be achieved. CFI will provide the analytical results from the proposed groundwater monitoring well to the City of Concord upon request. Kleinfelder will re-apply for a permit to repair or abandon the existing monitoring wells as necessary.

Attached please find the Monitoring Well Permit application form with the \$240 payment fee to obtain a permit and the required \$5,000 bond for these monitoring wells. Kleinfelder's Certificate of Insurance is also included.

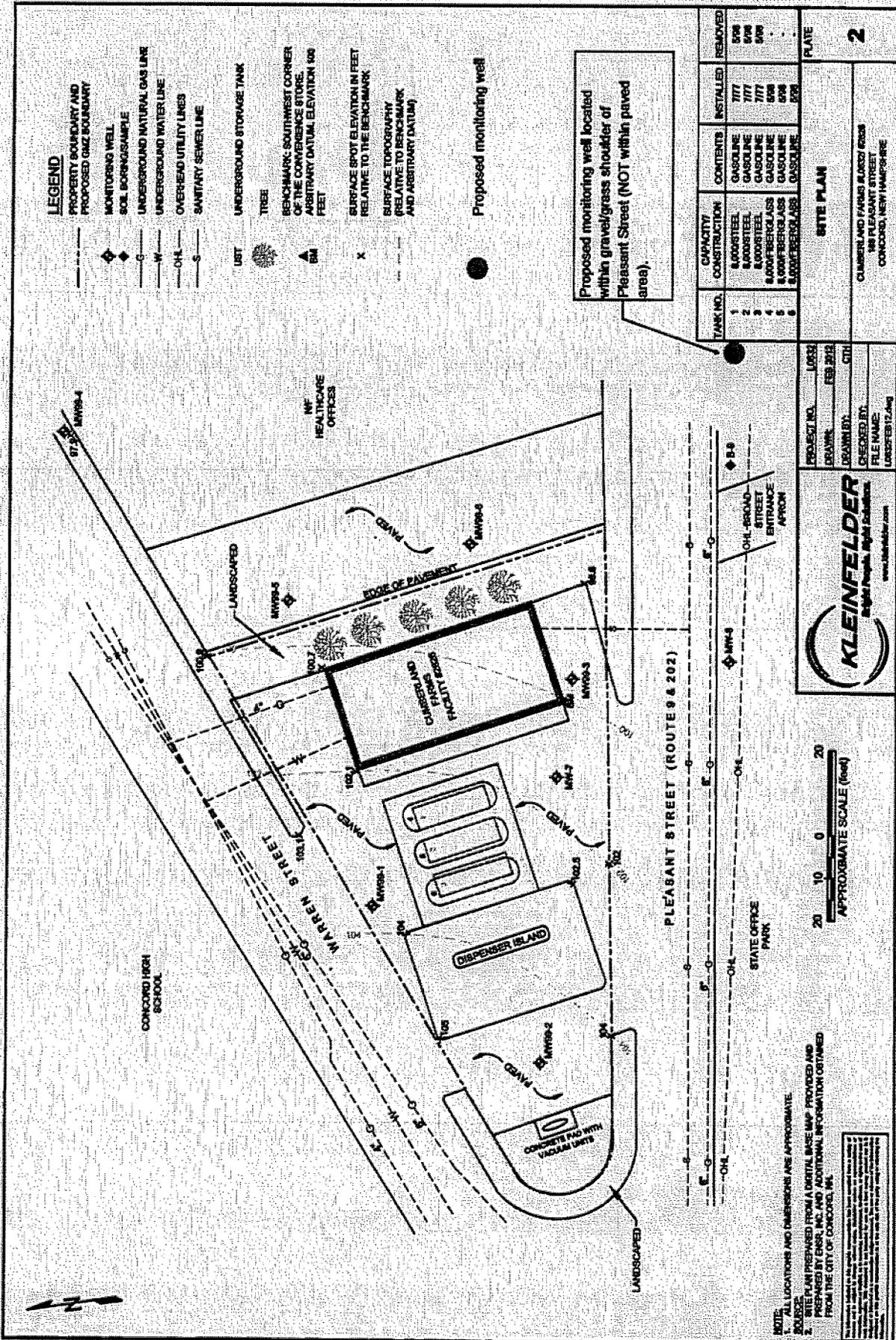
Thank you for your cooperation. Should you have any questions regarding this matter, please do not hesitate to contact me at (508) 370-8256.

Sincerely,
KLEINFELDER

Maura Johnson
Maura Johnson
Project Manager

Cc: Matt Young - CFI (electronic)

130074/FRM13L0308_L0632/ROP. 05-13



LEGEND

- PROPERTY BOUNDARY AND PROPOSED GAZZ BOUNDARY
- ◆ MONITORING WELL
- ◆ SOIL BORING/SAMPLE
- W — UNDERGROUND WATER LINE
- OH — OVERHEAD UTILITY LINES
- S — SANITARY SEWER LINE
- UST UNDERGROUND STORAGE TANK
- TREE
- ▲ BENCHMARK: SOUTHWEST CORNER OF THE CONVENIENCE STORE, ARBITRARY DATUM, ELEVATION 500 FEET
- x SURFACE SPOT ELEVATION IN FEET RELATIVE TO THE BENCHMARK
- SURFACE TOPOGRAPHY (RELATIVE TO BENCHMARK AND ARBITRARY DATUM)

Proposed monitoring well

Proposed monitoring well located within gravel/grass shoulder of Pleasant Street (NOT within paved area).

TANK NO.	CAPACITY	CONSTRUCTION	CONTENTS	INSTALLED	REMOVED
1	5000	STEEL	GASOLINE	7/77	6/98
2	5000	STEEL	GASOLINE	7/77	6/98
3	5000	STEEL	GASOLINE	7/77	6/98
4	5000	FIBERGLASS	GASOLINE	6/98	
5	5000	FIBERGLASS	GASOLINE	6/98	

SITE PLAN	
PROJECT NO.	L0333
DRAWN BY	FEB 2012
CHECKED BY	GMH
FILE NAME	L0333EST12.dwg
CLUBBERLAND FARM & RANCH	
181 PLEASANT STREET	
CONCORD, NEW HAMPSHIRE	
PLATE	
2	

KLEINFELDER
Right People. Right Solutions.
www.kleinfelder.com



NOTE: ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
 1. SITE PLAN PREPARED FROM A DIGITAL BASE MAP PROVIDED AND PREPARED BY ENR, INC. AND ADDITIONAL INFORMATION OBTAINED FROM THE CITY OF CONCORD, NH.
 2. THE INFORMATION CONTAINED HEREIN IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF KLEINFELDER & ASSOCIATES, INC.

CITY OF CONCORD

In the year of our Lord two thousand thirteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AN EXECUTORY INTEREST IN A CONSERVATION EASEMENT FOR PROPERTY OWNED BY HOPE E. ZANES, LOCATED AT 90 STICKNEY HILL ROAD.

The City of Concord resolves as follows:

WHEREAS, In 2012, the City Council voted to accept an executory interest in a conservation easement on 78 acres of land at Maplewood Farm off of Stickney Hill Road and authorized up to \$340,000 towards the purchase of the easement; and

WHEREAS, Hope Zanes, a neighboring property owner to Maplewood Farm volunteered to also place a conservation easement on 15.67 acres of her land at 90 Stickney Hill Road, to further protect the land within the vicinity of Maplewood Farm; and

WHEREAS, The Zanes property contains agricultural fields and scenic qualities that contribute to the scenic, agricultural and natural resources at Maplewood Farm; and

WHEREAS, The Five Rivers Conservation Trust holds the primary interest in the conservation easement at Maplewood Farm and the City of Concord holds an executory interest, and Five Rivers intends to also hold the primary interest in the conservation easement on the Zanes property and the City would hold the executory interest; and

WHEREAS, The Conservation Commission has reviewed the donation of the conservation easement and voted unanimously to recommend that the City accept an executory interest in the conservation easement on the Zanes property; and

NOW, THEREFORE, BE IT RESOLVED by the City of Council of the City of Concord:

- 1) That the City Manager be authorized to accept the executory interest in the conservation easement for property owned by Hope E. Zanes at 90 Stickney Hill Road;
- 2) That this Resolution shall take effect upon passage.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Concord Conservation Commission

DATE: May 17, 2013

SUBJECT: Resolution authorizing the City Manager to accept an executory interest in a conservation easement for property owned by Hope Zanes, off of Stickney Hill Road

Recommendation

Authorize the City Manager to accept an executory interest in a conservation easement for property owned by Hope Zanes, off of Stickney Hill Road.

Background

In 2012, the City Council voted to accept an executory interest in a Conservation Easement on 78 acres of land at Maplewood Farm off of Stickney Hill Road and also authorized the issuance of bonds and notes to contribute up to \$340,000 towards the purchase of the easement. At this time Hope Zanes, a neighboring property owner to Maplewood Farm, volunteered to also place a conservation easement on a portion of her land at 90 Stickney Hill Road. The Zanes land is located on the north side of Stickney Hill Road within close proximity to Maplewood Farm.

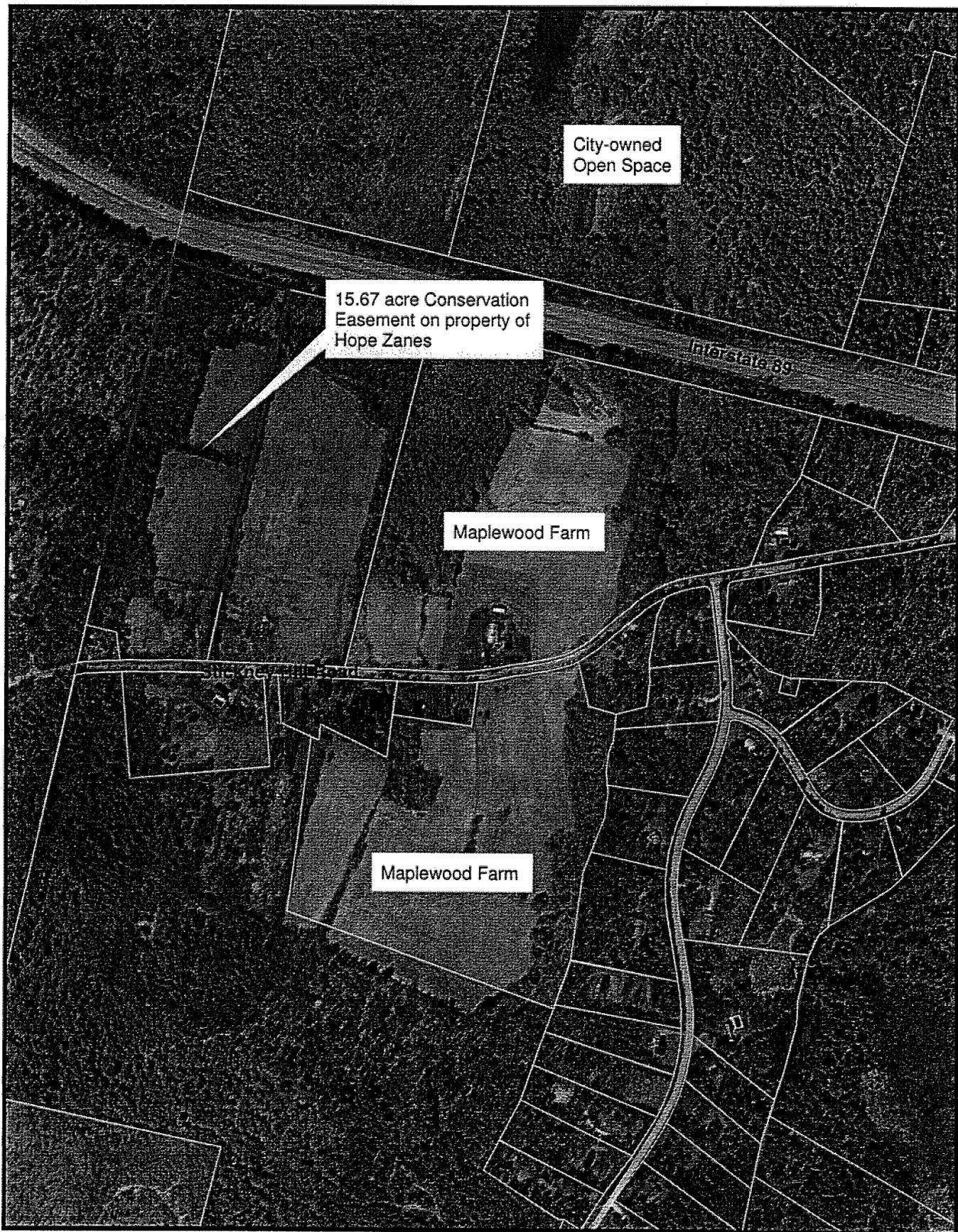
The easement would permanently protect 15.67 acres of land on Hope Zanes' property and would prohibit the land from being subdivided in the future. The easement would be held by the Five Rivers Conservation Trust (FRCT) with an executory interest conveyed to the City.

Discussion

The conservation easement on the Zanes property will help to further preserve and protect the scenic, historic and natural resources in the Stickney Hill Road neighborhood, which were the primary reasons for protecting Maplewood Farm. The Zanes property is one parcel removed from Maplewood Farm and contains rolling fields with prime agricultural soils. The fields on this side of the street cross over three parcels but appear to be one contiguous field.

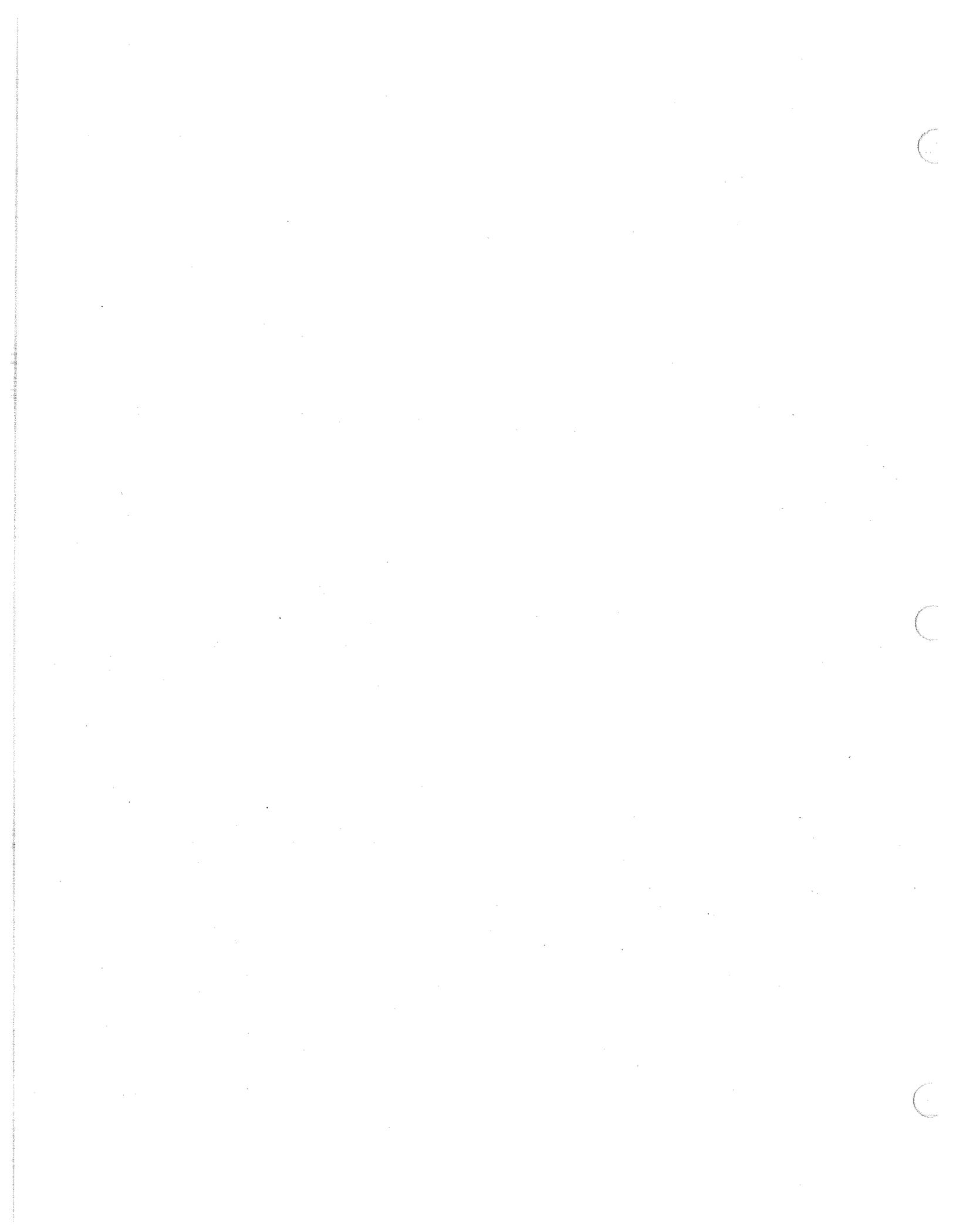
FRCT would hold the primary interest in the conservation easement and would be responsible for monitoring the property and ensuring that the terms of the easement are maintained. The City would hold an executory interest in the easement and would need to step in to enforce the easement only if FRCT ceased to exist as a land trust or failed to enforce the easement.

The Conservation Commission discussed the donation of the easement and unanimously agreed to recommend that the City accept the executory interest in the Zanes property. The Commission also determined that the property is a supporting landscape to Maplewood Farm and the protection of the land is in accordance with the Open Space Chapter of the Master Plan.



**Proposed Conservation Easement on Property of Hope Zanes
90 Stickney Hill Road**





CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE TARGET GRANT PROGRAM TO PROVIDE SUPPLEMENTAL FUNDING OF UP TO \$2,000 (TWO THOUSAND DOLLARS) FOR THE 2013 NATIONAL NIGHT OUT

The City of Concord resolves as follows:

WHEREAS, the City of Concord is eligible to apply to the Target Grant Program as outlined in its current grant program; and

WHEREAS, the City of Concord by way of its Police Department desires to heighten crime, drug and violence prevention, and generate support for, and participation in, local anti-crime programs; and

WHEREAS, the City of Concord by way of its Police Department desires to strengthen neighborhood spirit and police/community partnerships; and

WHEREAS, funds are available through the Target Grant Program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Concord that:

1. The City Council authorizes the City Manager to submit the necessary grant application documents.
2. This resolution shall take effect upon its passage



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Lieutenant Gregory S. Taylor, Police Department

DATE: May 7, 2013

SUBJECT: 2013 Target – National Night Out Grant

Recommendation - through the City Manager, authorize the Police Department to apply for funding of up to \$2,000 through the Target Grant Program for supplemental funding of the 2013 National Night Out.

Background – Target is the national sponsor of the National Night Out crime prevention awareness program scheduled for August 6, 2013. Target provides grant funds to local law enforcement agencies to assist in the planning and execution of National Night Out events. National Night Out is designed to heighten crime, drug and violence prevention, generate support for, and participation in, local anti-crime programs, and strengthen neighborhood spirit and police/community partnerships. National Night Out also provides an opportunity for citizens, community groups, law enforcement and local officials to meet and discuss local safety issues. The Concord Police Department seeks to continue the success of National Night Out within our community and combine it with a Community Safety Fair. The event will incorporate partnerships with Parks and Recreation, Concord Fire Department, General Services, area law enforcement and numerous community and civic groups. The Concord Police Department desires to apply for grant funds through the Target Grant Program to assist with this event.

Discussion – Funds provided by this grant will be used to help fund the 2013 National Night Out and offset the total costs associated with this event. Acceptance of this grant will be presented to the City Council for additional review. All accompanying costs or matches will be identified.

Brian
5/29/13

6-31

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION DESIGNATING DEPOSITORIES FOR THE CITY OF CONCORD,
NEW HAMPSHIRE FOR THE FISCAL YEAR 2014

The City of Concord resolves as follows:

- Section 1: That the City Treasurer, is hereby authorized to invest with the chartered banks as listed with the New Hampshire Banking Department and the federally chartered FDIC insured banks in New Hampshire. The following banks are the primary banks the City has invested with in the past: Bank of America, Centrix Bank, Citizens Bank of New Hampshire, Citizens Bank of Rhode Island, First Colebrook Bank, Bank of New Hampshire, Merrimack County Savings Bank, People's United Bank, Sovereign Bank, TD BankNorth and US Bank.
- Section 2: That the City Treasurer, is hereby authorized, with the approval of the City Manager to enter into an agreement, in substantially the form previously presented to the City Council, with the above mentioned institutions for the transfer of funds or the purpose of purchasing cash management products and services offered, or for the account of, this municipality in response to telephonic, telegraphic, oral, written or other requests, and pursuant to which each of the officers authorized hereby may designate other officers or employees of the municipality, at their discretion, from time to time, as they determine necessary for the efficient operation of the municipality.
- Section 3: That this resolution shall take effect upon its passage.



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Michael P. Jache, City Treasurer

DATE: May 28, 2013

SUBJECT: Resolutions: Designating 2014 Financial Depositories,
Granting Authority to Invest Excess Funds, and
Accept Prepayment of Taxes

Recommendation

Accept the attached resolutions to designate financial depositories, authorize short-term investment of excess funds, and accept the prepayment of the current real estate levy.

Background

Authority to Deposit Funds in Financial Institutions

The passage of the attached resolution will authorize the City Treasurer to invest with the designated depositories in accordance with the investment policy. Institutions listed include both those that are currently bidding on City investments and potential institutions which must comply with the adopted policy.

Authority to Invest Excess Funds

The City Treasurer is given the authority to deposit City funds per RSA 48:16. To invest these funds, Council authorization is required. This action of the Treasurer is also subject to the aforementioned cash management policy.

Prepayment of Taxes

The passage of the attached resolution will authorize the Tax Collector and Deputy Tax Collector to accept payments from taxpayers who wish to budget their tax bill payments. Without authorization the collection office cannot legally accept these payments before the bill is mailed.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION RELATIVE TO SHORT TERM INVESTMENT OF EXCESS FUNDS

The City of Concord resolves as follows:

Section 1: In accordance with provisions of RSA 48:16, whenever the City Treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the City Treasurer shall, with the approval of the Mayor and a majority of the City Council, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the State of New Hampshire or in certificates of deposits of the approved banks directly or through the Certificate of Deposit Account Registry Service (CDAR's) and repurchase agreements of banks incorporated under the laws of the State of New Hampshire or in banks recognized by the State Treasurer. At least yearly, the City Council or board of aldermen shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

Section 2: That this resolution shall take effect upon its passage.



CITY OF CONCORD

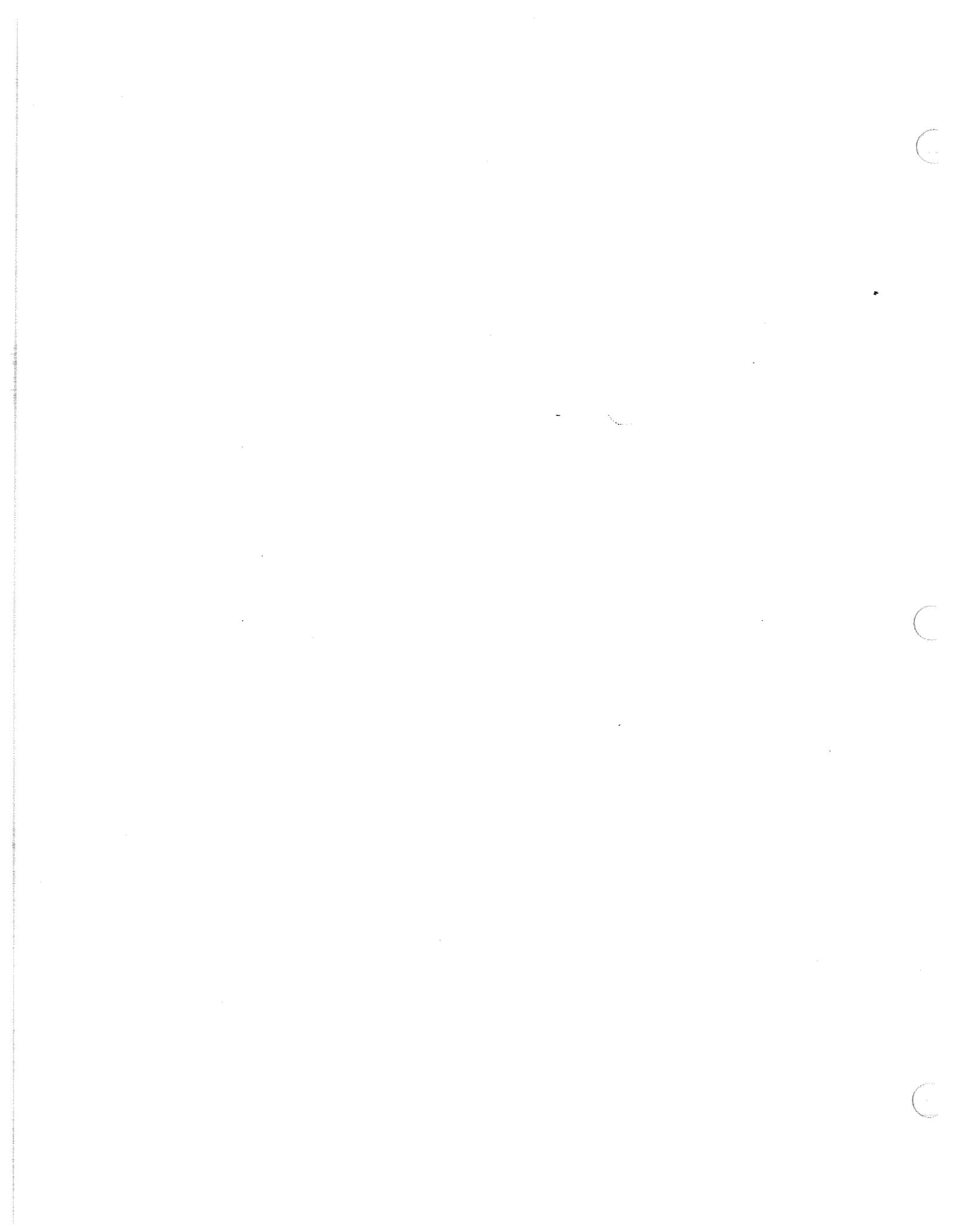
In the year of our Lord two thousand and thirteen

RESOLUTION AUTHORIZING PREPAYMENT OF 2013 TAXES IN
 ACCORDANCE WITH RSA 80:52-a

The City of Concord resolves as follows:

Section 1: The City Council authorizes the prepayment of taxes in accordance with the provisions of RSA 80:52-a, and authorizes the Collector of Taxes to accept payments in prepayments of tax.

Section 2: That this resolution shall take effect upon its passage.



Bonenfant, Janice

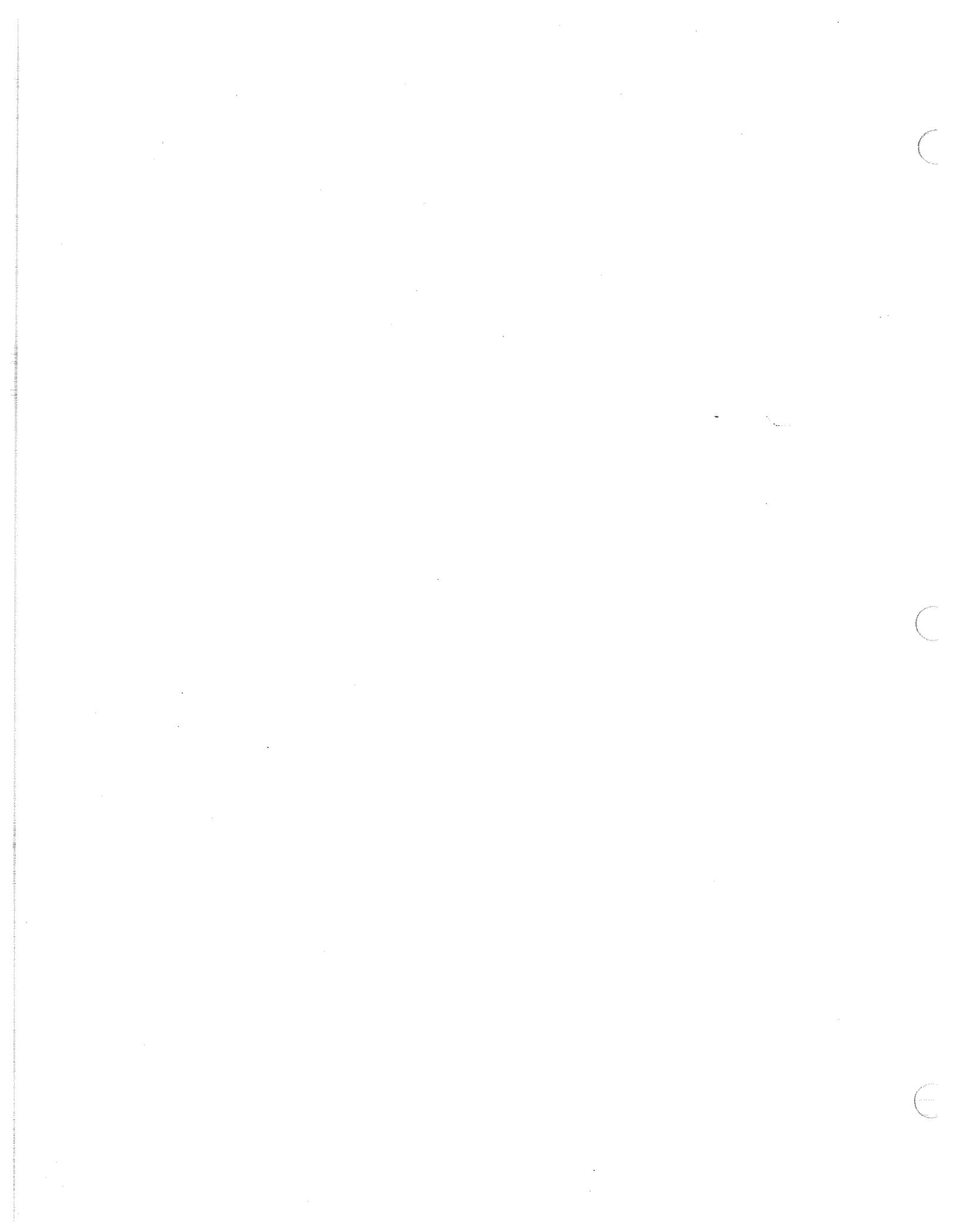
From: Carol Tait <Ctait1@comcast.net>
Sent: Monday, May 20, 2013 1:35 PM
To: * City Clerk
Subject: Request to Close Garrison St.

1/10

I am communicating on behalf of West Congregational Church. West Church is hosting a Neighborhood Party on Sunday June 23rd and requests permission to block-off Garrison Street to vehicle traffic between 11 am and 3pm.

We appreciate your consideration,

Carol J. Tait, Secretary, Board of Trustees



Bonenfant, Janice

From: Dick Patten <dickpatten7@gmail.com>
Sent: Monday, May 06, 2013 11:03 AM
To: * City Clerk
Subject: Christmas Parade Streets closed

110

Dear Councilors,

The Concord Christmas Parade Committee is requesting a permit be issued for the 62nd annual parade to be held on Saturday, November 23, 2013 at 9:30 a.m.

The parade will form at 8 a.m. in the parking lot of the NH Dept of Transportation, Hazen Drive. The parade will come out onto Hazen Drive to Airport Road and Loudon Road intersection. The units will proceed easterly on Loudon Road to the Steeplegate Mall where the parade will disband. The parade will turn from Loudon Road onto D'Amante Drive into the Mall parking lot.

The following streets should be closed: Hazen Drive, Loudon Road, Blodgett Street, Ormond Street, Grover Street, Burns Avenue, East Side Drive at Loudon Road, Canterbury Road, Drew Street, Ellsworth Street, Gate Street, Allard Street, Woodcrest Heights, Branch Turnpike at Loudon Road, Northeast Village Road, and Old Loudon Road.

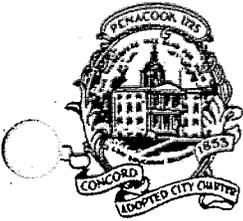
The parade will turn onto D'Amante Drive and into the Mall parking lot.

An Alternative disbanding point could be turning onto Old Loudon Road and closing Old Loudon Road at Portsmouth Street.

Thank you for your consideration.

Dick Patten Chairman 42 years
James Cusano Co Chairman





City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

MA

JIM BOULEY
MAYOR

TO: City Councilors

FROM: Mayor Bouley

DATE: April 22, 2013

RE: Upper Merrimack River Local Advisory Committee

I propose the reappointment of the following individual to the Upper Merrimack River Local Advisory Committee with a term expiring on June 1, 2015.

- Frederick Chormann, 47 Jackson Street, Concord.

In accordance with Section 15 of the City Council Rules, this proposed appointment is being distributed to City Council as information in advance of formal action at the June 10, 2013 City Council meeting.

TJA



City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

JIM BOULEY
MAYOR

TO: City Councilors

FROM: Mayor Bouley

DATE: May 2, 2013

RE: Contoocook River Local Advisory Committee

I propose the appointment of the following individual to the Contoocook River Local Advisory Committee with a term expiring on June 1, 2016.

- Jack Shields, 5 Steeple View, Penacook.

In accordance with Section 15 of the City Council Rules, this proposed appointment is being distributed to City Council as information in advance of formal action at the June 10, 2013 City Council meeting.



LOCAL RIVER MANAGMENT ADVISORY COMMITTEE
NOMINEE QUESTIONNAIRE

Please fill in the blanks below and email to: riversprogram@des.nh.gov, and please type "NOMINATION QUESTIONNAIRE" followed by your name in the subject line of the email. For questions contact the Rivers Coordinator at 271-2959

NOMINEE NAME: Jack Shields RIVER NAME: Contoocook North Branch
REPRESENTING: MUNICIPALITY: Concord OTHER:

Nominee Contact Information:

Street Address: 5 Steeple View

Town: Penacook

Zip Code: 3303

Email: jack-shields@comcast.net

Phone (home): 603 731 4427 Phone (cell): 603 731 0658 Phone (work):

Is this a: New appointment [X] or a Reappointment []

Please state your interest(s) in serving on the Local Advisory Committee:

- [X] Local Government [] Business
[X] Conservation [X] Recreation
[] Agriculture [] Riparian Landowners

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection-Begin typing below:

I walk the confluence of the Contoocook and Merrimack Rivers on a regular basis, there are local mills in danger of collapse due to gross neglect. How can this hazard be managed/reduced? What resources can be brought to bear? How can this area be restored? I have a 17 year backround in small public water supply technical assistance including assistance with source water protection plans. I have no formal training in river management but I have a BS in Physical Geography, my senior thesis was a discussion of river meanders. I was a Peace Corps volunteer working in public water supply utilizing renewable energy technologies in Botswana during the 80's.

What types of activities might you be interested in assisting the local advisory committee in completing (check all that apply):

- [X] Management Plan Preparation/Implementation
[X] Event Organization
[] Public Education
[] Grant Writing
[] Public Relations
[] Committee Administration
[] Other

Most Local Advisory Committees meet monthly. In some cases they may meet more frequently to complete specific tasks, while in other cases your attendance may not required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings.

- I can attend monthly meetings on most weeknights
- I can attend monthly meetings only if scheduled on a specific weeknight
- I can only attend a limited number of monthly meetings
- I can only attend monthly meetings in a substitute capacity when the regular town representative(s) was unavailable.
- I cannot attend monthly meetings, but am willing to complete tasks on behalf of the Local Advisory Committee.

5-12
6-38(A)
6-39

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AND PURCHASE AND SALES AGREEMENT WITH THE SIENA BODWELL JOINT VENTURE GROUP TO ACCOMPLISH THE FOLLOWING: 1) TO PURCHASE A +/- 2.7 ACRE PARCEL FROM THE STATE OF NEW HAMPSHIRE—IDENTIFIED AS MBL 111E-1-12—FOR \$955,000 AND A \$1,100 ADMINISTRATIVE FEE WITH THE COSTS FOR THIS PURCHASE BEING BORNE BY THE SIENA BODWELL JOINT VENTURE GROUP; AND 2) TO SELL +/- .58 ACRES OF CITY OF CONCORD LAND IDENTIFIED AS MBL 111E-1-17 AND MBL 111E-1-18 TO THE SIENA BODWELL JOINT VENTURE GROUP TO ALLOW FOR THE SIENA BODWELL JOINT VENTURE GROUP'S CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS IDENTIFIED AS CITY CIP #39 AND THE DEVELOPMENT OF +/- 31,000 S.F. OF COMMERCIAL REAL ESTATE

The City of Concord resolves as follows:

- WHEREAS,** The City issued a RFP #28-08 in 2008 to solicit proposals for the development of +/- 3.4 acres of public property located on Loudon Road across from the Steeplegate Mall; and
- WHEREAS,** The Siena Bodwell Joint Venture Group was the successful proposer accepted by City Council on May 27, 2008 by Council Resolution #8163; and
- WHEREAS,** The City Council directed the City Manager on May 27, 2008 to draft a development agreement with the Siena Bodwell Joint Venture Group contingent upon disposition of the property belonging to the State of New Hampshire (Resolution #8163); and
- WHEREAS,** The City was desirous to acquire the State property and transfer the land to the Siena Bodwell Joint Venture Group at a simultaneous closing to ensure

that no costs from this transaction were borne by the Concord taxpayers;
and

WHEREAS, The State property is estimated to be approximately 2.7 acres and was appraised by the New Hampshire Department of Transportation for \$955,000; and

WHEREAS, On September 9, 2009, the New Hampshire Governor and Council approved the sale of the State property to the City for \$955,000 plus a \$1,100 administrative fee, said costs shall be paid by the Siena Bodwell Joint Venture Group to the City of Concord; and

WHEREAS, The City has identified the need for the relocation of Old Loudon Road in its Capital Improvement Program as CIP #39; and

WHEREAS, Siena Bodwell Joint Venture Group has secured adjacent private property to allow for said relocation of Old Loudon Road; and

WHEREAS, Siena Bodwell Joint Venture Group has agreed to design and build the aforementioned relocation in consideration for adding abutting City properties identified as MBL 111E-1-17 and MBL 111E-1-18 to the larger State MBL 111E-1-12 to allow for the construction of +/- 31,000 square feet of retail and restaurant space; and

WHEREAS, The City agrees to exchange at no charge—on a per square foot basis—land from MBL 111E-1-17 and MBL 111E-1-18 for land Siena Bodwell Joint Venture Group will transfer to the City at no charge for the relocated Old Loudon Road public right of way; and

WHEREAS, Any remaining land area of MBL 111E-1-17 and MBL 111E-1-18 after said exchange will be sold to the Siena Bodwell Joint Venture Group based on the 2012 City assessed value of MBL 111E-1-17 and MBL 111E-1-18; and

WHEREAS, Said sale and transfer of land shall only occur upon Concord Planning Board approval of a site plan for the private commercial development submitted by Siena Bodwell Joint Venture Group; and

WHEREAS, Said sale and transfer of land shall also only occur upon Concord Planning Board's approval of the relocation of Old Loudon Road; and

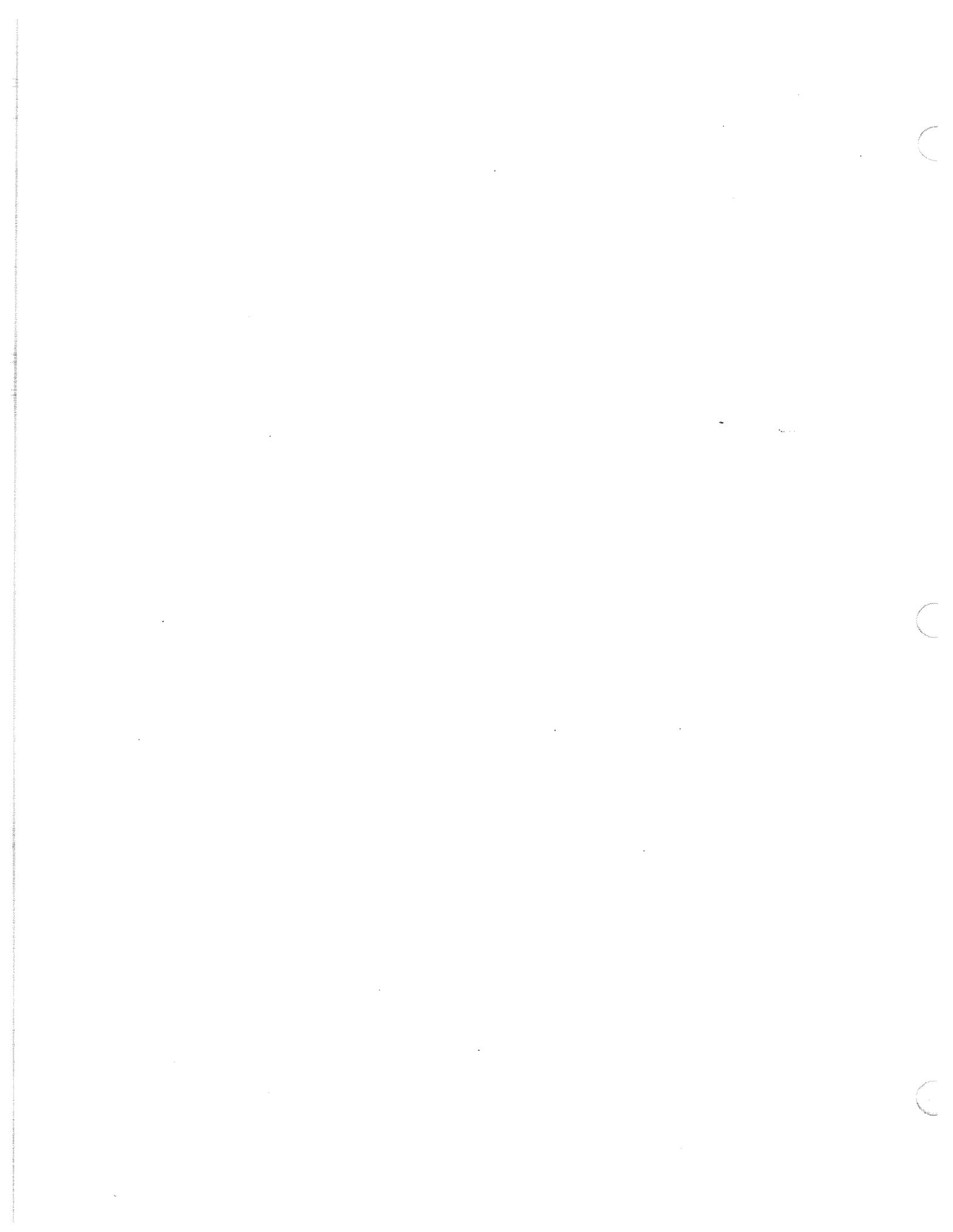
WHEREAS, Siena Bodwell Joint Venture Group shall cover all purchase, closing and administrative costs related to this property transaction; and

WHEREAS, In addition to the aforementioned core recitals, Siena Bodwell Joint Venture Group shall be responsible to adhere to all conditions and

stipulations contained in the Development and Purchase and Sale Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Concord that:

1. The City Manager is authorized to enter into a Development and Purchase and Sales Agreement with the Siena Bodwell Joint Venture Group to accomplish the following: 1) to purchase a +/-2.7 acre parcel from the State of New Hampshire—identified as MBL 111E-1-12—for \$955,000 and a \$1,100 administrative fee with the costs for this purchase being borne by the Siena Bodwell Joint Venture Group; and 2) to sell +/- .58 acres of City of Concord land identified as MBL 111E-1-17 AND MBL 111E-1-18 to the Siena Bodwell Joint Venture Group to allow the Siena Bodwell Joint Venture Group to construct certain public improvements identified as City CIP #39 and the development of +/- 31,000 square feet of commercial real estate.
2. This resolution shall take effect upon its passage.





CITY OF CONCORD

TJA

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Carlos P. Baía, Deputy City Manager – Development

DATE: May 1, 2013

SUBJECT: Development and Purchase and Sales Agreement to facilitate the development of commercial property on Loudon Road and the relocation of Old Loudon Road to D'Amante Drive per CIP #39.

Recommendation

Authorize the City Manager to enter into a Development and Purchase and Sales Agreement with Siena Bodwell Joint Venture Group for the development of +/- 31,000 square feet of retail/restaurant space in return for new public right of way, financial considerations and the private developer's construction of CIP #39 to relocate Old Loudon Road to the signalized intersection at D'Amante Drive.

Background

In 2008 the City issued RFP 28-08 for the development of land located between Loudon Road and Old Loudon Road across from the Steeplegate Mall. The property in question was a +/-3.4 acre parcel zoned Gateway Performance (GWP) that was thought to be entirely property of the State of New Hampshire. As more due diligence was done, it was discovered that the State only owned the +/- 2.7 acre core of the parcel but that the City retained ownership of approximately .58 acres split amongst two slivers of land—one narrow strip measuring +/- .38 acres along the Loudon Road frontage and a small triangle on the northwest corner of the state property of about .2 acres (see attached Exhibit A).

The City properties were acquired from the State in January of 1991 for "highway purposes" to "allow the City of Concord to reconstruct Old Loudon Road and to make certain improvements to Loudon Road" (per deeds). State road layout plans from that time envisioned the relocation of Old Loudon Road to Loudon Road at what is today the D'Amante Drive intersection.

The responding proposer to the RFP in 2008 was the Siena Bodwell Joint Venture Group (hereafter the "Developer"); comprised of the D'Amante Investment Group, Phoenix Realty and Bodwell Realty Investments, LLC. The group proposed acquiring the public property and incorporating other abutting private land including a parcel on the north side of Old Loudon Road known as the "Johnson Farm." The project envisioned the development of a 125,000 s.f. shopping center to be called "Windsor Square." The Johnson Farm land is

zoned Medium Density Residential (RM) and would have necessitated re-zoning to be included in the project.

On May 27, 2008, City Council—by Resolution No. 8163—accepted the selection of the Windsor Square Proposal and directed the City Manager to draft a development agreement with the Developer contingent upon successful disposition of the State parcel. The premise of the transaction was that, although the City would officially acquire the land from the State by exercising its municipal “right of first refusal,” the Developer would pay for this acquisition and all associated closing costs and the City would transfer the parcel to the Developer at a simultaneous closing. Governor and Council ultimately authorized the sale on September 9, 2009.

Unfortunately, by the time the project received Governor and Council approval, the dynamics of the commercial real estate market were changing dramatically.

Discussion

Scaled-Back Project

The national financial collapse and recession created significant challenges for the Developer to secure lease commitments. With the passing of time, it became evident that a larger-scale endeavor was no longer feasible. As a result, the Developer has scaled back the development so that it will fit on the public parcels. Under this revised project scope, the Developer will not need to incorporate land on the north side of Old Loudon Road or trigger any rezoning. The result would be a 31,000 square foot retail and restaurant center.

Improved Connection Between Loudon and Old Loudon Roads

The Developer has entered into a purchase and sale agreement for two private lots on the northern end of the D'Amante Drive/Loudon Road intersection. As part of this development agreement, the Developer will relocate Old Loudon Road to this intersection.

Recognizing the Developer's intent to relocate Old Loudon Road as part of an overall development project, New Hampshire Governor and Council removed the deed restrictions from the City parcels on May 12, 2010.

Developer to Bear Costs

Under this project, the purchase costs of the land necessary for the new public right of way and all of the design and construction costs for making this new intersection connection will be borne by the Developer. Per the City's impact fee ordinance the Developer will be eligible for a credit against his impact fees for this construction as this project is currently on the City's capital improvement program (CIP #39).

Zoning

The entirety of this project area is zoned Gateway Performance (GWP) which is the same as the surrounding commercial zoning. The proposed retail and restaurant uses are allowed under the zoning.

Tax Base Expansion

It is estimated that this project could add approximately \$3-5 million to the tax base.

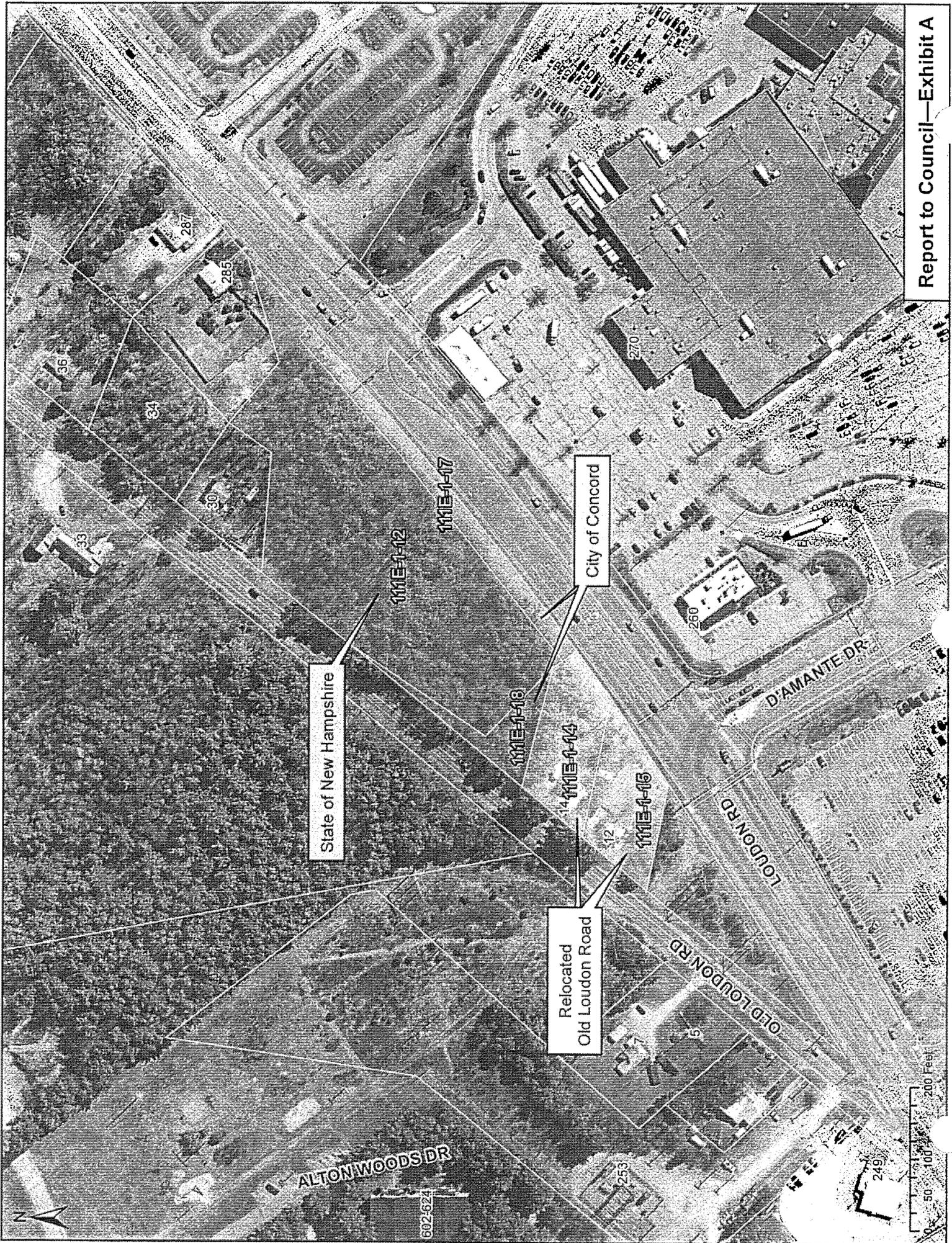
Sales/Purchase Price

The NHDOT commissioned an appraisal for the State parcel in preparation for the land's disposal. The appraisal concluded that the value of the State's 2.7 acres was \$955,000. The Developer has agreed to pay this plus any additional closing or administrative costs that typically would have been borne by the City.

The Developer is acquiring nearby property to provide the City with sufficient right of way to relocate Old Loudon Road to the D'Amante Drive intersection. The City parcels will be exchanged with the Developer for the relocated Old Loudon Road right of way on a per square foot basis. Any remaining City land after this exchange will be sold to the Developer based on the City's 2012 per square foot assessed value. Due to its location, much of the City land to be swapped or sold to the Developer will be used by the Developer to meet his site-related requirements for public sidewalks or slope easements.

Schedule

Upon approval of the Development and Purchase and Sale Agreement, the Developer anticipates submitting a site plan to the Planning Board for a September public hearing. Pending Planning Board approvals and the final securing of tenants, a closing on the property is expected to occur in the 1st quarter of 2014. Construction is likely to start in the spring of 2014.



State of New Hampshire

Relocated
Old Loudon Road

City of Concord

ALTONWOODS DR

D'AMANTE DR

LOUDON RD

OLD LOUDON RD

111E-1-12

111E-1-17

111E-1-18

111E-1-14

111E-1-15

602-624

0 50 100 200 Feet

DEVELOPMENT AND PURCHASE AND SALE AGREEMENT

THIS DEVELOPMENT AND PURCHASE AND SALE AGREEMENT (the "Agreement") is made as of the ____ day of _____, 2013, by and between the **City of Concord**, a New Hampshire municipal corporation, with a principal place of business at 41 Green Street, Concord, New Hampshire (the "City") and **Siena/Bodwell**, a New Hampshire entity, having a principal place of business at 9 Triangle Park Drive, PO Box 1750, Concord, NH 03302-1750 (the "Developer" and/or "Siena/Bodwell" and/or "Siena Bodwell Joint Venture Group"). The City and Siena/Bodwell may be referred to individually as a party and collectively as parties.

RECITALS

This Agreement relates to the development of property being Tax Map 111E-1-12, 111E-1-17 and 111E-1-18, located across Loudon Road from the Steeplegate Mall and bordered by Loudon Road and Old Loudon Road, in Concord, New Hampshire (the "**Property**") a/k/a the State Land and the City Property; plus public improvements on a portion of the Foster Parcels; plus any excess land from the Foster Parcels.

This Agreement is entered into upon the basis of the following facts and intentions of the Parties, which recitals are incorporated into and made a part of this Agreement:

WHEREAS, the City of Concord wishes to encourage the development of the Property and the Foster Parcels; and

WHEREAS, it has been determined by the City that the development of the Property and the Foster Parcels for mixed commercial use, including, but not limited to, retail space, restaurants and offices, will enhance the development of the area, provide employment and increase the tax base of the City; and

WHEREAS, the City issued Request for Proposals RFP: 28-08 for the sale of the Property ("RFP: 28-08"); and

WHEREAS, the City has a goal to eventually terminate the current westerly intersection of Old Loudon Road with Loudon Road and relocate Old Loudon Road to connect to Loudon Road at the D'Amante Drive intersection (which improvements are included in the term "**Public Improvements**"), which is a part of the City's Capital Improvement Plan as CIP #39; and

WHEREAS, the City has made the construction of the Public Improvements a part of RFP: 28-08; and

WHEREAS, the City wishes to enable the development of the Property and the Foster Parcels, including the Public Improvements (the "**Project**") to improve traffic patterns, enhance the development of adjacent property and enhance the tax base of the City; and

WHEREAS, a portion of the Property, being Tax Map 111E-1-12 is owned by the State of New Hampshire and has been designated State of New Hampshire surplus Property (the "State Land"). See Exhibit A; and

WHEREAS, a portion of the Property, being Tax Map 111E-1-17 and 111E-1-18 is owned by the City (the "City Property"). See Exhibit B; and

WHEREAS, the City has advised the State of New Hampshire that it wishes to acquire that portion of the Property owned by the State of New Hampshire for the City to sell to Siena/Bodwell, the Developer selected by the City as a part of RFP: 28-08; and

WHEREAS, the State of New Hampshire, by vote of the Governor and Council on September 9, 2009 at item #120 (see Exhibit C) has authorized the sale to the City of all of its rights, title and interests in that portion of the Property owned by the State of New Hampshire being a 2.7 acre parcel for \$955,000, plus a \$1,100 Administrative Fee; and

WHEREAS, the City agrees to sell the State portion and the City portion of the Property to the Developer in a Simultaneous Closing, first, from the State of New Hampshire to the City of Concord, and, second, from the City to the Developer.

NOW THEREFORE, in consideration of the undertakings, covenants and agreements between the Parties, including the above recitals, the Parties to this Agreement agree as follows:

1. DEFINITIONS.

- 1.1 "Agreement" shall mean this Development Agreement, including all exhibits hereto in accordance with the terms hereof.
- 1.2 "Approvals" shall mean all City, State and federal approvals required to develop the Property in accordance with Developer's plans and to construct the Public Improvements.
- 1.3 "City" shall mean the City of Concord, New Hampshire.
- 1.4 "Closing" shall mean the simultaneous Closing in Paragraph 1.19 hereof.
- 1.5 "Commencement of Construction", "Commence Construction", or "Commenced Construction" shall mean or refer to the commencement of excavation, earthwork, or site work for the Developer's Project and/or the Public Improvements, as applicable.
- 1.6 "Developer" shall mean Siena/Bodwell, a New Hampshire entity, or its nominee or assignee. The City is advised that Siena Investments, LLC is to be a nominee and assignee of Siena/Bodwell for all matters set forth herein, including conveyance of all Properties' property interests, which is hereby approved by the City.

- 1.7 “**Developer’s Parcel**” shall mean the Property, which is to be acquired by the City from the State and from the City by the Developer, plus any excess portions of the Foster Parcels not used for Public Improvements.
- 1.8 “**Foster Parcels**” shall mean certain real estate, consisting of two (2) parcels of land with the buildings and improvements thereon, being collectively 0.88 acres of land, more or less, located at 12 Old Loudon Road and 14 Old Loudon Road, in the City of Concord, County of Merrimack, New Hampshire 03301; as described on Tax Map 111E-1-15 and Tax Map 111E-1-14. See **Exhibit D**.
- 1.9 “**Developer’s Project**” or “**Project**” shall mean the proposed development of and construction on the Property, plus a small portion of the Foster Parcels, with mixed use retail, commercial, restaurants and offices (“**Commercial Uses**”) by the Developer on the Developer’s Parcel, in accordance with the terms of the Agreement.
- 1.10 “**Leases**” shall mean all leases and/or other agreements for Commercial Uses for the Project.
- 1.11 “**Improvements**” shall mean any improvements to the Developer’s Parcel that are constructed as part of the Developer’s Project.
- 1.12 “**Mortgage**” shall have the meaning given to it in Section 10.1.
- 1.13 “**Mortgagee**” shall have the meaning given to it in Section 10.1.
- 1.14 “**Property**” shall mean the property at Tax Map 111E-1-12, 111E-1-17 and 111E-1-18, being the State Land and the City Property, located directly across Loudon Road from the Steeplegate Mall and bordered by Loudon Road and Old Loudon Road, in Concord, New Hampshire, a portion of which is owned by the State of New Hampshire and a portion of which is owned by the City.
- 1.15 “**Public Improvements**” shall mean the Developer’s construction of the new connection of Old Loudon Road with Loudon Road at D’Amante Drive as a public street. Said public improvements are subject to approval of the Concord Planning Board and acceptance by the Concord City Council and may include, the fourth leg of the existing traffic signal including modifications to the existing traffic signal systems, a left turn lane at Loudon Road eastbound to turn northerly into Old Loudon Road, a sidewalk along Loudon Road on the north side of Loudon Road, slope and embankment easements to the City along Loudon Road in conjunction with the roadway improvements, in accordance with City standards on a portion of the Foster Parcels and on portions of the City Property as set forth in **Exhibit B**, as needed, based on the final design of the Public Improvements. It shall also refer to the Developer’s construction of the closure of the current westerly intersection of Old Loudon Road with Loudon Road, as ultimately

approved and terminated by the City, including access to the westerly end of Old Loudon Road for Properties to the west of the new intersection of Old Loudon Road with D'Amante Drive which may require modifications to private access drive based on final design of the improvements. The Public improvements shall not be deemed complete until the City Council has accepted said improvement following written recommendation by the City Engineer.

- 1.16 "**Real Estate**" shall mean the Property, plus the excess Foster Parcels.
- 1.17 "**Related Agreements**" shall mean collectively all agreements, documents, writings, instruments, exhibits, schedules, reports, engineering and construction plans, specifications and drawings, and approvals related to the Developer's Project, the Property or the Public Improvements.
- 1.18 "**Siena/Bodwell Joint Venture Group**" and "Joint Venture" shall mean collectively Siena Bodwell.
- 1.19 "**Simultaneous Closing**" shall mean collectively the Closing on the State Land conveyance by the State to the City, the Closing on the Property conveyance by the City to the Developer of both the State Land and the City Property, the closing on the Foster Parcels conveyance to the Developer, the loan to develop the Property, the Foster Parcels and the Project, and the commercial leases and agreements for the Project (the "Closing").
- 1.20 "**State Land**" shall mean that portion of the Property owned by the State of New Hampshire, a/k/a the "State Property".

2. SUMMARY OF OVERALL IMPROVEMENTS.

The City has determined that the following improvements should be implemented:

- 2.1 The construction by the Developer or its nominee or assignee of Developer's mixed use retail and Commercial Use Project on the Property and the Developer's Parcel.
- 2.2 The construction by the Developer or its assigns of certain Public Improvements as set forth in Paragraph 1.15 on a portion of the City Property and a portion of Foster Parcels, as noted.
- 2.3 The relocation of Old Loudon Road to Loudon Road at D'Amante Drive is and has been the City's preferred location for the Old Loudon Road connection since the new roadway will connect with a City street. The City will use the City Property to enable and accomplish this Old Loudon Road relocation as well as to accomplish other improvements to Loudon Road.
- 2.4 The Developer's construction of a sidewalk along the north side of Loudon Road,

including slope and embankment easements to the City, all as a part of the Developer's Project and the Public Improvements.

- 2.5 Easements may be negotiated between the Developer and the City, as applicable, to accomplish the purposes of this Agreement.

3. IDENTIFICATION AND DEFINITION OF IMPROVEMENTS TO BE CONSTRUCTED OR CARRIED OUT.

3.1 Selection of Design Team.

The Developer shall select a design team consisting of licensed engineers, surveyors, architects, and other required disciplines to design the Developer's Project and Public Improvements..

3.2 Development of Plans.

- 3.2.1 The Developer shall prepare the design of the Developer's Project and the Public Improvements. Prior to the completion of the final design of the Public Improvements, the Developer shall provide the City with copies of the proposed design plans for the Public Improvements. The City shall have a reasonable time to provide the Developer with comments on the proposed design of the Public Improvements.

The plans for the Developer's Project and the Public Improvements shall be subject to Approval by the Concord Planning Board, the Concord Architectural Design Review Committee, as applicable, and, if applicable as to road improvements, the State of New Hampshire and any other applicable governmental agencies.

- 3.2.2 The Developer shall select the contractors who shall construct the Developer's Project and the Public Improvements, which can be constructed as one overall undertaking, at the option of the Developer, on behalf of the Developer. The contractor shall be a qualified, responsible firm with experience in the type of work to be completed, fully insured with bonding capacity to complete said work. The Developer shall provide a detailed and itemized construction cost proposal to the City outlining major and incidental construction items expected.

- 3.3 **Public Improvements.** The Developer shall construct the Public Improvements, as approved by the Planning Board, at no cost to the City.

3.4 Developer's Project.

- 3.4.1 **Acquisition of the Property.** The Developer shall acquire the Property

from the City at the Simultaneous Closing as provided in this Agreement.

- 3.4.2 **Acquisition of the Foster Parcels.** The Developer shall acquire the Foster Parcels at the Simultaneous Closing with the City for the Property.
- 3.4.3 **Project Leases.** The Developer shall have obtained sufficient leases and other agreements for the development of the Project as of the simultaneous closing.
- 3.4.4 **Construction of Improvements.** The Developer shall construct the Developer's Project on the Property and a portion of the Foster Parcels and the Public Improvements.
- 3.4.5 **The Improvements.** The Developer intends to construct retail space, restaurants and offices on the Property (the "**Commercial Uses**"). The eventual square footage will depend on the mix of uses and the requirements of specific tenants. However, the Developer estimates that the square footage could be 31,000± s.f., including a 5,000± s.f. fast, casual restaurant, possibly in a free-standing building, and the balance of the space being retail and/or various types of offices in a shopping center environment.

3.5 **Authorizations:** Siena and Bodwell advise the City and all other parties that in all matters regarding a) this Development Agreement, b) the entire Approval process for the development of the Property, the Developer's Foster Parcels and the Developer's Project, including any and all applications, for Approvals, c) the Closings, d) the Purchases, e) the financing, f) easements, g) conveyances, and h) all other matters regarding the Developer's Project and the Development, that a signature by Siena only will bind Siena/Bodwell and no signature will be required from Bodwell for any matter whatsoever.

4. CITY RESPONSIBILITIES AND OBLIGATIONS.

- 4.1 The City shall have no development, design, construction or related responsibilities, obligations, costs, expenses or liabilities other than as expressly set forth in this Agreement. The Developer shall pay all costs associated with the Developer's Project and the Public Improvements. The Developer shall also pay all closing costs associated with the transfer of the Property from the State to the City as well as the \$1,100 State administrative fee. The Developer shall also pay all closing costs associated with the transfer of the City's Property to the Developer under this Agreement.
- 4.2 The City shall convey the entire Property to the Developer for the Purchase Price of \$955,000, the \$1,100 State administrative fee and all considerations noted in Section 8.3, as adjusted at Closing, at the Simultaneous Closing.

4.3 The City shall deed the Property to the Developer, or its nominee or assignee, in a manner that conforms to Section 8 of this Agreement

5. **CONDITIONS TO CITY'S PERFORMANCE.**

The City's obligation to perform under this Agreement is expressly conditioned upon the following conditions, the failure of which shall give the City the right to terminate this Agreement, upon written notice to the Developer.

5.1 The Developer's execution of this Agreement.

5.2 All Related Agreements between the City and the Developer have been executed by Developer.

5.3 **PILOT Program.**

The deed from the City shall contain standard provisions requiring PILOT Program tax payments if any tenant or owner is tax exempt, substantively as follows:

In the event any portion of the Project is sold to an entity that would cause the Property to be exempt from the payment of real estate taxes ("Exempt Owner"), said Exempt Owners(s) shall be obligated to enter into an agreement for Payments in Lieu of Taxes ("PILOT") with the City of Concord. Pursuant to the PILOT, the Exempt Owner shall agree to make payments to the City in the amount equal to all State, County, Municipal and School District property taxes that would otherwise be payable with respect to the respective property interest. Each deed or other transfer document from the Developer to any future transferee of any interests in the Developer's Project shall incorporate this deed restriction.

6. **DEVELOPER RESPONSIBILITIES AND OBLIGATIONS.**

Subject to the terms of this Agreement, the Developer's responsibilities and obligations shall include:

6.1 **Design of Developer's Project.**

The Developer shall, effective with the execution of this Agreement and in cooperation with the City, commence preparation of conceptual plans for the Developer's Project and the Public Improvements.

6.2 **Seek and Obtain Site Plan and Other Approvals Needed for Construction of Developer's Project and the Public Improvements.**

The Developer shall apply for, at its cost and expense, all permits, and Approvals

needed to construct Developer's Project, in accordance with the City's development review process. At the Developer's option, the Project could be a condominium, subject to Planning Board approval.

6.3 Finalize Lease Arrangements with Tenants.

Prior to Closing, the Developer shall execute final lease commitments, leases, agreements, and/or Purchase and Sale Agreements upon terms and conditions satisfactory to Developer with tenants, prospective tenants, or prospective Buyers for portions of the Developer's Project for a minimum of 80% of the total leasable and/or saleable space (measured to finished interior surfaces of the walls) within the Developer's Project.

6.4 Acquire the Property and the Foster Parcels.

The Developer shall acquire the Property from the City as provided herein and shall acquire the Foster Parcels, all at the Simultaneous Closing.

6.5 Construct Developer's Project and Public Improvements.

Following the Simultaneous Closing, in accordance with the provisions of this Agreement, the Developer shall construct Developer's Project and the Public Improvements in a good and workmanlike manner in accordance with the Approved plans.

7. CONDITIONS TO DEVELOPER'S PERFORMANCE.

The Developer's obligation to perform under this Agreement is expressly conditioned upon the following conditions, and the other conditions set forth in this Agreement, the failure of which shall give the Developer the right to terminate this Agreement, upon written notice to the City.

7.1 Conditions to Developer's Obligation to Prepare Preliminary Design of Developer's Project.

The Parties' execution of this Agreement.

7.2 Conditions to Developer's Obligation to Seek and Obtain Site Plan and Approvals Needed for Construction of Developer's Project and the Public Improvements.

The Parties' execution of the Agreement and satisfaction of its conditions.

7.3 Conditions to Developer's Obligation to Prepare Construction Plans for Developer's Project.

The Parties' execution of the Agreement and satisfaction of its conditions.

7.4 Conditions to Developer's Obligation to Finalize Lease Arrangements with Tenants.

The Parties' execution of the Agreement and satisfaction of its conditions.

7.5 Conditions to Developer's Obligation to Acquire the Property and Foster Parcels.

The Parties' execution of the Agreement and satisfaction of its conditions.

Satisfactory review of title by the Developer acceptable to Developer.

Obtaining Tenant Leases and Agreements as noted above.

Developer obtaining a loan satisfactory to Developer for the Project and the Public Improvements.

Receipt of all Approvals needed for the Public Improvements and for Developer's Project.

Receipt of Acquisition and Construction Financing commitments, the Leases and the loan for the Project.

7.6 Conditions to Developer's Obligation to Construct Developer's Project.

Satisfaction of all conditions listed herein.

8. CLOSING - REAL ESTATE ACQUISITIONS AND TRANSFERS – PURCHASE PRICE.

8.1 Closing. The Simultaneous Closing shall be scheduled within ninety (90) days after the later of a) Developer obtaining all final, unappealed approvals for the Project, without any appeals or with appeals resolved in Developer's favor, and b) Developer obtaining Lease and Agreements in accordance with Section 6.3 and c) the Developer obtaining financing for the Project, but no later than December 31, 2016.

8.2 Prior to closing, the Developer shall conduct a title search on the Property. To the extent that any title concern exists on the Property, the Parties will discuss the concern. The conveyance of the Property by the City to the Developer at Closing

shall be by quitclaim deed subject to existing matters of record, which are not liens, covenants or restrictions on use, which do not interfere with the construction, use and operation of the Property for the Developer's Project and the Public Improvements and which do not interfere with Developer obtaining owner's and lender's title insurance acceptable to the Developer and the lender, respectively and including the release by the State of all covenants and restrictions on the City Property.

8.3 The Purchase Price for the Property payable by the Developer to the City at Closing shall be \$955,000 plus a \$1,100 administrative fee and further subject to the following:

8.3.1 In consideration for the conveyance of the City Parcel to the Developer, the Developer will convey the Public Improvements, including the land thereon, to the City in a land exchange to enable the completion of the Public Improvement at no cost to the City. The land area conveyed by the Developer to the City with the Public Improvements shall be deducted from the land area conveyed by the City to the Developer, being the City Property.

8.3.2 The Developer shall also pay the City for the excess land conveyed by the City to the Developer, if any, after deducting that portion of the Foster Parcels conveyed to the City by the Developer, based on the following formula. The said excess land area conveyed by the City to the Developer, if any, will be sold at a per square foot cost based on the 2012 assessment for the City Parcels.

8.4 The conveyance of the Foster Parcels to the Developer shall be of good and marketable title, satisfactory to Developer and Developer's lender by Warranty Deed.

8.5 The Developer shall complete the Public Improvements and the Developer's project within 15 months of starting construction. Completion of Construction shall mean the issuance of a certificate of occupancy from the proper government authority, the acceptance of the public improvements by City Council and the Developer's securing of a 2-year maintenance bond payable to the City of Concord for the Public Improvements to be effective upon acceptance of the Public Improvements by City Council. The City may extend the deadlines in this Agreement in the event that an action requiring approval of a governmental agency, council or board and any appeals thereof is delayed. Said extension may, at the City's option, continue through the approval of the government agency action requested and each subsequent action item advanced in time accordingly by the number of days of the delay. In the event of an appeal of the Developer's Site Plan approvals, or other approval, at the City's option, the Development Schedule may be extended until the satisfactory resolution of said appeal.

8.6 Upon completion of construction of the Public Improvements as approved by the City, subsequent to the Closing, the Developer shall convey the Public Improvements to the City, subject to acceptance by City Council.

9. DEVELOPMENT APPROVAL.

The Parties agree to use diligent efforts and to cooperate with each other in undertaking their respective responsibilities under this Agreement, including, but not limited to, those events listed in this Agreement. The Parties agree that time is of the essence in the performance of their respective obligations under this Agreement.

9.1 Force Majeure/Excusable Delays.

For the purposes of any of the provisions of this Agreement, neither the City nor the Developer, as the case may be, shall be considered in breach of or default in its obligations hereunder in the event of unavoidable delay in the performance of such obligations due to causes beyond its control and without its fault or negligence, including, but not restricted to, acts of God, or of the public enemy, acts of the other Party, fires, floods, or other casualties, epidemics, quarantine restrictions, labor disputes, litigations (including, without limitation, any appeal of any approval for any permit or Approval needed for Developer's Project), freight embargoes, and unusually severe weather or delays of contractors and subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of such Party shall be extended for the period of the enforced delay, provided, that the Party seeking the benefit of the provisions of this Section shall, within thirty (30) days after the beginning of any such enforced delay, has first notified the other Party thereof in writing stating the cause or causes thereof and requested an extension for the period of the enforced delay. In calculating the length of the delay, the City and the Developer shall consider not only actual stoppages but also any consequential delays resulting from such stoppage as well.

9.2 Weather Delays.

Provisions in this Agreement relating to the time period for Approvals shall be deemed to be reasonably extended when seasonal weather conditions prevent a Party from proceeding.

10. MORTGAGE OF DEVELOPER'S PROPERTY AND PROJECT BY THE DEVELOPER.

10.1 Developer's Right to Mortgage.

Notwithstanding any other provisions of this Agreement, the Developer shall, at Closing, have the right to mortgage, encumber, pledge, or convey the Property, the non-public portion of the Foster Parcels, the Developer's Project, or any portion or portions thereof, and its rights and responsibilities under this Agreement by way of a bona fide mortgage to a bank or institutional lender or other lender ("Mortgagee") to secure the payment of any loan or loans obtained by the Developer to finance the acquisition of the Property and the Foster Parcels and the development and construction of the Developer's Project and the Public Improvements. However, the Developer shall not mortgage that portion of the Foster Parcels that contain the Public Improvements or any property which the City owns, with the exception of Tax Map 111E-1-17 and 18.

Mortgages on the Property and the non-public portion of the Foster Parcels, shall secure indebtedness related to the acquisition, development and construction of the Property, the Project and the Public Improvements only and may not secure or cross collateralize indebtedness or obligations arising in connection with other properties unrelated to the acquisition, development and construction of the Property or the Developer's Project. Any mortgage would not encumber that portion of the Foster Parcels to be used for the Public Improvements to be conveyed by the Developer to the City or any property which the City owns following the Closing.

10.2 Further Assurances.

If requested by the Lender/Mortgagee, the City will provide consent to a Collateral Assignment of this Agreement by the Developer to the Lender/Mortgagee, which will transfer the Developer's obligations under this Agreement to the Lender/Mortgagee in the event the Collateral Assignment is acted upon.

11. REPRESENTATIONS AND WARRANTIES.

11.1 Representations and Warranties of City.

The City hereby represents and warrants that:

- (a) The execution and delivery of this Agreement and the performance of the City's obligations hereunder have been duly authorized by such municipal action as necessary, and this Agreement constitutes the legal, valid and

binding agreement of the City, enforceable against the City in accordance with its terms subject only to the conditions set out in this Agreement.

- (b) Subject to the conditions set out in Section 4, neither the execution or delivery by the City of this Agreement, the performance by the City of its obligations in connection with the transactions contemplated hereby, nor the fulfillment by the City of the terms or conditions hereof conflicts with, violates or results in a breach of any constitution, law or governmental regulation applicable to the City, or conflicts with, violates or results in a breach of any term or condition of any judgment or decree, or any agreement or instrument, to which the City is a party or by which the City or any of its properties or assets are bound, or constitutes a default thereunder.
- (c) Except as set forth in Section 5, no approval, authorization, order or consent of, or declaration, registration or filing with, any Governmental Authority is required for the valid execution and delivery of this Agreement or the conveyance required hereunder or any related agreements by the City, including the Concord Planning Board, except such as have been duly obtained or made or disclosed in this Agreement.
- (d) There is no action, suit or proceeding, at law or in equity, or official investigation before or by any court or Governmental Authority, pending or threatened against the City, wherein an unfavorable decision, ruling or finding would materially adversely affect the performance by the City of its obligations hereunder or the performance by the City of its obligations under the transactions contemplated hereby, or which, in any way, questions or may adversely materially affect the validity or enforceability of this Agreement, or any other agreement or instrument entered into by the City in connection with the transactions contemplated hereby.

11.2 Representations and Warranties of the Developer.

The Developer hereby represents and warrants that:

- (a) The Developer is a New Hampshire entity duly organized, validly existing and in good standing under the laws' of the State of New Hampshire, with all requisite authority to own its property and assets and to conduct its business as presently conducted or proposed to be conducted, and duly qualified or authorized to transact business and in good standing under the laws of the State of New Hampshire.
- (b) The Developer has the power and authority to execute, deliver and carry out the terms and provisions of this Agreement and any related agreements, and all necessary action has been taken to authorize the execution, delivery and performance by it of this Agreement and any

applicable related agreements. This Agreement and said related agreements will, upon execution and delivery thereof by the Developer, constitute valid, legal and binding obligations of the Developer enforceable against the Developer in accordance with the respective terms thereof.

- (c) Neither the execution or delivery by the Developer of this Agreement, the performance by the Developer of its obligations in connection with the transactions contemplated hereby, nor the fulfillment by the Developer of the terms or conditions hereof conflicts with, violates or results in a breach of any law or governmental regulation applicable to the Developer, or conflicts with, violates or results in a breach of any term or condition of any judgment or decree, or any agreement or instrument, to which the Developer is a party or by which the Developer or any of its properties or assets are bound, or constitutes a default thereunder.
- (d) No approval, authorization, order or consent of, or declaration, registration or filing with, any governmental authority is required for the valid execution and delivery of this Agreement by the Developer, except such as have been duly obtained or made.

There is no action, suit or proceeding, at law or in equity, or official investigation before or by any court or Governmental Authority, pending or threatened against the Developer, its principal(s), affiliate(s) or entities controlled by its principal(s), wherein an unfavorable decision, ruling or finding would materially adversely affect the performance by the Developer of its obligations hereunder or the performance by the Developer of its obligations under the transactions contemplated hereby, or which, in any way, questions or may adversely materially affect the validity or enforceability of this Agreement or any other agreement or instrument entered into by the Developer in connection with the transactions contemplated hereby.

- (e) **Authorizations:** Siena and Bodwell advise the City and all other parties that in all matters regarding a) this Development Agreement, b) the entire Approval process for the development of the Property, the Developer's Foster Parcels and the Developer's Project, including any and all applications, for Approvals, c) the Closings, d) the Purchases, e) the financing, f) easements, g) conveyances, and h) all other matters regarding the Developer's Project and the Development, that a signature by Siena only will bind Siena/Bodwell and no signature will be required from Bodwell for any matter whatsoever.

12. CITY COVENANTS/AGREEMENTS.

12.1 Impact Fee Credit

Pursuant to Chapter 29.2-1-2(e)(2) of the City's Code of Ordinances, Developer is eligible for a credit against any and all of the transportation facilities or other impact fees by offering to construct and dedicate the public improvements which are a part of the City's Capital Improvement Plan, specifically the relocation of Old Loudon Road to D'Amante Drive – CIP #39.

12.2 State Land.

The City covenants that it will acquire the State owned portion of the Property (i.e., the "State Land") and will convey that State Land with the balance of the Property owned by the City (i.e., the "City Property") to Developer at the Simultaneous Closing with any covenants and conditions determined to be complied with by the Projector released by the State or the City as applicable..

13. DEVELOPER COVENANTS/AGREEMENTS.

13.1 Compliance with Laws.

The Developer will comply with all applicable laws, rules, and regulations in the performance of its duties and obligations under this Agreement.

14. DEFAULT AND REMEDIES.

14.1 Events of Default by City.

- (a) Anyone or more of the following shall constitute an Event of Default by the City:
 - (i) Any representation or warranty made by the City shall prove incorrect or untrue in any material respect and have a material adverse effect on the Developer or its rights under this Agreement is not cured by the City after receipt of notice from the Developer; or
 - (ii) The City shall fail or refuse, after notice from the Developer, to fulfill any of its material obligations under this Agreement, (unless such failure or refusal is caused by the acts or omissions of Developer or the Developer's representatives or agents.

14.2 Consequences of Event of Default by City.

Upon the occurrence and during the continuation of any Event of Default of the City, Developer may, in its discretion, at the same or different times, proceed by appropriate proceedings, judicial, administrative or otherwise, at law or in equity or otherwise, to protect and enforce its rights to specific performance by the City.

14.3 Events of Default by Developer.

- (a) Anyone or more of the following shall constitute an Event of Default by the Developer:
 - (i) The Developer shall fail to pay any amount due under this Agreement or the related agreements, and such failure is not otherwise excused under this Agreement or cured by the Developer within thirty (30) days of the City's delivery of notice of default to the Developer;
 - (ii) Any representation or warranty made by the Developer herein shall prove to be incorrect or untrue in any material respect and has a material adverse effect on the City or its rights under this Agreement and related agreements and is not cured by the Developer within a reasonable time, considering the nature of the default, after receipt of notice from the City; or
 - (iii) The Developer fails or refuses, after notice from the City, to fulfill any of its material obligations under this Agreement (unless such failure or refusal is caused by the acts or omissions of the City, its representatives or agents).

14.4 Consequences of Event of Default by Developer.

Upon the occurrence and continuance after notice of an Event of Default of Developer without cure by the Developer, in the City's discretion, it may refuse to convey the Property to the Developer. Additionally, upon the occurrence and during the continuation of any Event of Default of Developer, the City may, in its discretion, at the same or different times, proceed by appropriate proceedings, judicial, administrative or otherwise, at law or in equity or otherwise, to protect and enforce the provisions of this Agreement.

15. FURTHER ASSURANCES/COOPERATION.

- 15.1** The City and Developer agree to cooperate with each other in order to achieve the purposes of this Agreement and, in connection therewith, to take such further

actions and to execute such further documents as may reasonably be requested by either the City or the Developer.

15.2 Access and Applications.

The City hereby confirms that it continues to provide the Developer access to the Property for all planning, studies, testing and other work required to prepare plans and reports for the Project.

The City will provide necessary easements as applicable with the Planning Board approval of the Developer's design and location of the turn around at the west end of Old Loudon Road, recognizing the limited area to accommodate the turn around, which shall be designed and constructed at the Developer's expense.

16. GENERAL PROVISIONS.

16.1 Entire Agreement; Amendments.

This Agreement embodies the entire agreement and understanding between the Parties hereto relating to the subject matter hereof and thereof, and supercede all prior agreements and understandings between the Parties. This Agreement may not be changed, modified, waived, discharged or terminated orally, but only by an instrument in writing signed by each of the Parties hereto or by the Party against which enforcement is sought. Any change, modification or amendment, which requires the consent or approval of a Governmental Authority, shall be effective only upon receipt of such approval.

16.2 Binding Effect; Successors and Assignors.

The Developer shall have no right to assign its rights and duties under this Agreement to any other Party without the approval of the City Manager.

16.3 Headings.

The headings to the sections and subsections of this Agreement have been inserted for convenience of reference only and shall not modify, define, limit or expand the express provisions of this Agreement.

16.4 Notices.

- (a) Manner of Notification. All required or appropriate notices under this Agreement shall be effective, as noted in Section 16.4(c) if in writing and mailed certified, return receipt requested or as noted in Section 16(b), as follows:

(i) if to the Developer:

Michael A. D'Amante
c/o Siena Bodwell
D'Amante Couser Pellerin & Associates, P.A.
9 Triangle Park Drive
PO Box 1750
Concord, NH 03302-1750

With a copy to:
Raymond P. D'Amante, Esq.
D'Amante Couser Pellerin & Associates, P.A.
9 Triangle Park Drive
PO Box 2650
Concord, NH 03302-2650

(ii) if to the City:

City of Concord
City Hall
41 Green Street
Concord, NH 03301
Attn: City Manager
Tele: 603-225-8570
Fax: 603-225-8558

with a copy to:

Carlos P. Baía
Deputy City Manager
City of Concord
City Hall
41 Green Street
Concord, NH 03301
Tele: 603-225-8570
Fax: 603-225-8558

or to such other address as any Party shall notify the other Party of in writing.

- (b) Alternate Methods of Notice. The provision of the foregoing method of notice shall not prevent the use of any other method of delivering actual written notice, including hand delivery or delivery by courier service and receipted for.
- (c) Time of Notice. Any notice shall be deemed to be given when it is delivered or, if delivered by any other method of notice, when received at

the Party's address specified above.

16.5 Counterparts.

This Agreement may be signed by each Party hereto upon a separate copy in which event all of said copies shall constitute a single counterpart of this Agreement. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such counterpart.

16.6 Exhibits.

All exhibits referred to in this Agreement are hereby incorporated by reference and expressly made a part hereof.

16.7 Governing Law.

This Agreement shall in all respects be governed by, and construed and enforced in accordance with, the laws of the State of New Hampshire.

16.8 Enforceability/Severability.

Any provision of this Agreement that is determined to be illegal or unenforceable by a court of competent jurisdiction, shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof; and the Parties agree to negotiate in good faith to amend the Agreement to provide for each Party to the Agreement the same relative rights and obligations existing prior to such determination of illegality or unenforceability.

16.9 Consent to Jurisdiction and Venue.

The Developer submits to the jurisdiction of the courts of the State of New Hampshire and the courts from which an appeal from such trial venue may be taken or other relief may be sought for purposes of any action or proceeding arising out of this Agreement or any related agreement, and further waive any and all objections it may have as to venue in such courts and waives all rights to bring any such action or proceeding before any other court or tribunal.

16.10 Independent Parties.

The City and Developer are independent Parties under this Agreement, and nothing in this Agreement shall be deemed or construed for any purpose to establish between any of them or among them a relationship of principal and agent, employment, partnership, joint venture, or any other relationship other than independent Parties.

16.11 Survival of Agreement.

The agreements, covenants, indemnities, representations and warranties contained herein and in any Related Agreements, shall survive the execution and delivery of this Agreement, and other related agreements.

16.12 Waivers.

Failure on the part of any Party to complain within a reasonable time of any action or non-action on the part of the other Party shall not be deemed to be a waiver of any such Party's rights hereunder. No waiver at any time of any provision hereof by any Party shall be construed as a waiver of any other provision hereof or a waiver at any subsequent time of the same provision.

16.13 No Rights Conferred Upon Others.

Except as expressly set out herein, nothing in this Agreement shall be construed as giving any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government, other than the Parties, hereto, their nominees, successors and permitted assigns, any right, remedy or claim under or in respect of this Agreement or any provision hereof.

16.14 Preservation of Rights.

Nothing herein or in any Related Agreement shall limit or be construed to limit in any way rights or remedies the City may have for the collection of real property taxes under law.

16.15 Time of the Essence.

Time is expressly declared to be of the essence of this Agreement.

16.16 Good Faith and Fair Dealing.

Unless expressly stated otherwise in this Agreement, whenever a Party's consent or approval is required under this Agreement, or whenever a Party shall have the right to give an instruction or request another Party to act or to refrain from acting under this Agreement, or whenever a Party must act or perform before another Party may act or perform under this Agreement, such consent, approval, or instruction, request, act or performance shall be reasonably made or done, or shall not be unreasonably withheld, delayed, or conditioned, as the case may be.

16.17 Municipal Approvals.

The execution of this Agreement does not excuse Applicant from the requirement to apply for and receive all necessary permits and approvals from all applicable City Boards

and Committees.

17. EXHIBITS.

List of Exhibits:

Exhibit A - The State Land and/or State Property

Exhibit B - The City Property

Exhibit C - September 9, 2009 Vote of the Governor and Council

Exhibit D - The Foster Parcels

(The remainder of this page is intentional left blank.)

Executed as a sealed instrument this _____ day of _____, 2013.

City of Concord

Witness

By: _____
Thomas Aspell, Jr.
Its City Manager
Duly Authorized

Siena/Bodwell Joint Venture Group

Witness

By: _____
Michael A. D'Amante
Its Manager
Duly Authorized

Witness

By: _____
Michael Garrepy
Its Manager
For Bodwell Realty Investments, LLC
Duly Authorized

Witness

By: _____
Michael A. D'Amante
Its Manager
For Siena Investments, LLC
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

In _____, on the _____ day of _____, 2013, before me, personally appeared **Thomas Aspell, Jr.**, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he executed said instrument for the purposes therein contained as his free and voluntary act and deed.

Justice of the Peace/Notary Public

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

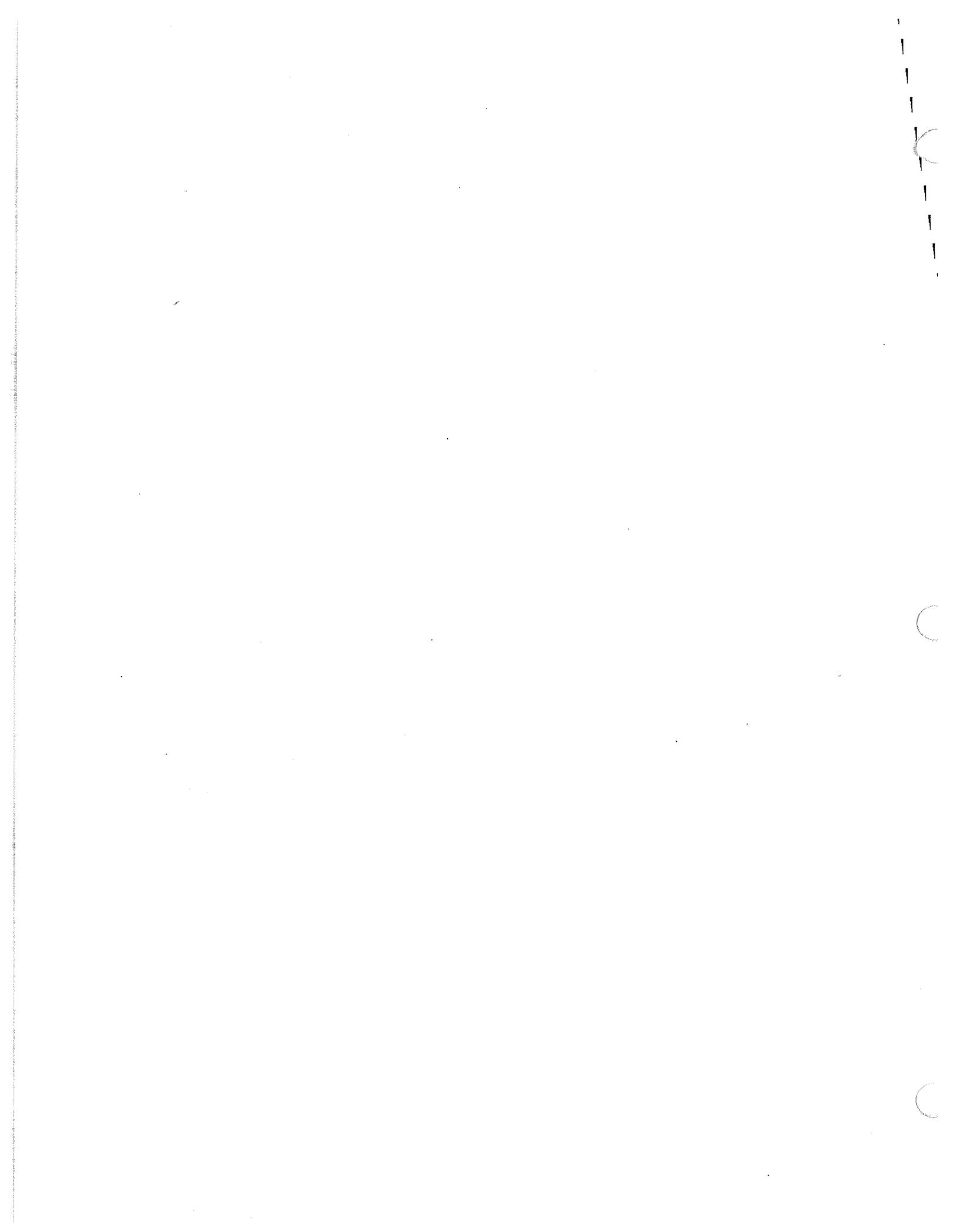
In _____, on the _____ day of _____, 2013, before me, personally appeared **Michael A. D'Amante**, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he executed said instrument for the purposes therein contained as his free and voluntary act and deed.

Justice of the Peace/Notary Public

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

In _____, on the _____ day of _____, 2013, before me, personally appeared **Michael Garrepy**, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he executed said instrument for the purposes therein contained as his free and voluntary act and deed.

Justice of the Peace/Notary Public



5-14
6-38(B)
6-40

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking.

The City of Concord ordains as follows:

SECTION I: Amend the Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6 (a), Parking Prohibited at All Times in Designated Places, Schedule I (Parking Prohibited at All Times), by deleting the following:

Street	Side Restricted	From	To
Conant Dr.	South/West	Springfield St.	Winant St.

SECTION II: Amend the Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6 (b), Parking Prohibited at All Times in Designated Places, Schedule Ia (No Parking, Stopping or Standing at All Times), by adding the following:

Street	Side Restricted	From	To
Conant Dr.	South	Springfield St.	Winant St.

SECTION III: This ordinance shall take effect upon its passage.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: David Florence, Parking Manager
Robert J. Mack, PE, PTOE, Traffic Engineer

DATE: April 29, 2013

SUBJECT: Report from Parking Enforcement and Engineering Services with a recommendation to amend the Code of Ordinances to revise and expand the location of on-street parking restriction along portions of South Street, Conant Drive, Winant Street, Bow Street and Carter Street.

Recommendation

Accept this report and set a public hearing to amend the Code of Ordinances to revise the location of on-street parking restrictions in the vicinity of Abbot-Downing School as follows:

1. Amend Parking Schedule I, Parking Prohibited at All Times, to remove the restriction on the South/West side of Conant Drive from Springfield Street to Conant Street;
2. Amend Parking Schedule Ia, No Parking, Stopping or Standing at All Times; to add the restriction to the south side of Conant Drive from Springfield Street to Conant Street; and
3. Amend Parking Schedule IX, Parking Prohibited and Time Restricted During Certain Hours and Months in Designated Places, by adding a new section IX(c), Parking, Stopping, Standing Prohibited During Certain Hours and Months in Designated Places [7-9 AM and 4-6 PM Weekdays September-June], and adding the restriction to portions of: South Street (Coolidge to north of Conant); Conant Drive (Winant to South); Winant Street (Conant to Rundlett); Bow Street (South to Stone); and Carter Street (165 ft easterly of South).

Background

On October 9, 2012, City Council referred a request to the Traffic Operations Committee (TOC) to consider establishing a No Parking/Stopping/Standing zone along Conant Drive from South Street to Rundlett Street. At issue was traffic operation and safety concerns of short-term on-street parking and standing during Abbot-Downing School drop-off/pick up times. Over the following months, Engineering and Parking Enforcement staff investigated the extent and causes of the adverse on-street parking issue and explored, with Concord School District staff, potential ways to improve on-campus parking and traffic circulation to

make on-campus parking more attractive than parking along neighborhood streets. In February 2013, TOC referred its findings and preliminary recommendations for parking restrictions to the Parking Committee for further consideration. On March 25, 2013, the Parking Committee convened its regular meeting at Abbot-Downing School to consider the item further and, pursuant to an invitation to residents in the Conant Drive/South Street area, received further support for area parking restrictions. The proposed area-parking restrictions were fully endorsed by the Parking Committee on April 15, 2013, and by the Transportation Policy Advisory Committee (TPAC) on April 25, 2013.

Discussion

In October 2013, staff and TOC began investigating potential safety and traffic operation issues in the vicinity of the South/Conant intersection during school peak times, and particularly during the afternoon student pick-up period. A significant number of vehicles park along the shoulders here rather than park on the school campus. Parking on the west side of South Street near the corners of the South/Conant intersection compromises sight distance for the heavy volume of Conant Drive traffic trying to turn out onto South Street (most of which are exiting from the school campus and turning left). Vehicles also park along the north side of Conant Drive just west of the South Street intersection, and due to the narrow width of Conant Drive, restrict two-way traffic on Conant Drive to a single lane width. This becomes problematic when eastbound traffic queues back from the South Street intersection, and westbound traffic is unable to proceed because of the parked vehicles. Another safety concern is the boarding of children into street-parked vehicles. Some parents with children cross at mid-block locations to parked cars rather than use crosswalks; cross from between parked cars; and board vehicles from the side of the vehicle facing the street (especially problematic with snow banking along the side of the street).

A similar concern with drop-off/pick-up parkers was considered by TOC last year further west on Conant Drive by the crosswalk to the pathway to the school. At issue were cars parking on or next to the crosswalk and on grass lawn areas. That issue had been addressed in the interim by the Parking Committee by the placement of temporary No Parking signs (paper signs). At the time, the committee began its discussion about possible installation of permanent signage at this crosswalk area. Illegal parking along South Street along the new school frontage had been a substantial issue following the opening of the new school, but enforcement efforts in fall 2012 have been successful in minimizing this occurrence. In the past, Engineering has also received complaints about school-related traffic parking along the sides of Bow Street and on residents' grass fronting the street.

On-campus congestion and delay, particularly during the Abbot-Downing School dismissal, appears to be the primary contributing factor for the prevalence of short-term on-street parking. The student pick-up/drop-off lane on campus fills with vehicles, with overflow vehicles blocking access to the parking area and occasionally spilling out into South Street, impeding traffic flow along this major collector street. Over the winter months, Engineering and Police Department staff worked with Concord School District staff to explore measures to encourage more afternoon pick-up traffic to park on campus rather than on surrounding residential streets. Measures tried included school notices to parents/guardians and some changes in bus loading locations. Follow-up staff observations, however, indicate little change to the on-street parking issue.

At its February 19, 2013 meeting, TOC felt that school staff efforts to better-manage on-campus traffic, by themselves, would likely not mitigate the prevalent practice of on-street

parking near the campus. Some formal parking restriction to prevent ongoing safety and operational issues, coupled with school efforts to better manage on-campus parking, appears to be an appropriate course of action. As such, TOC concurred with an initial recommendation to restrict parking in the vicinity of the South/Conant intersection, including along Conant Drive westerly to Rundlett Street. The restriction would consider a time limit during school peaks only, so that on-street parking generally remains available for the neighborhood at all other times. The TOC forwarded its recommendation to the Parking Committee.

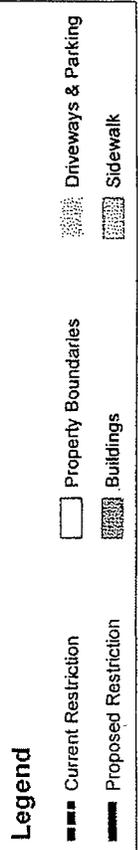
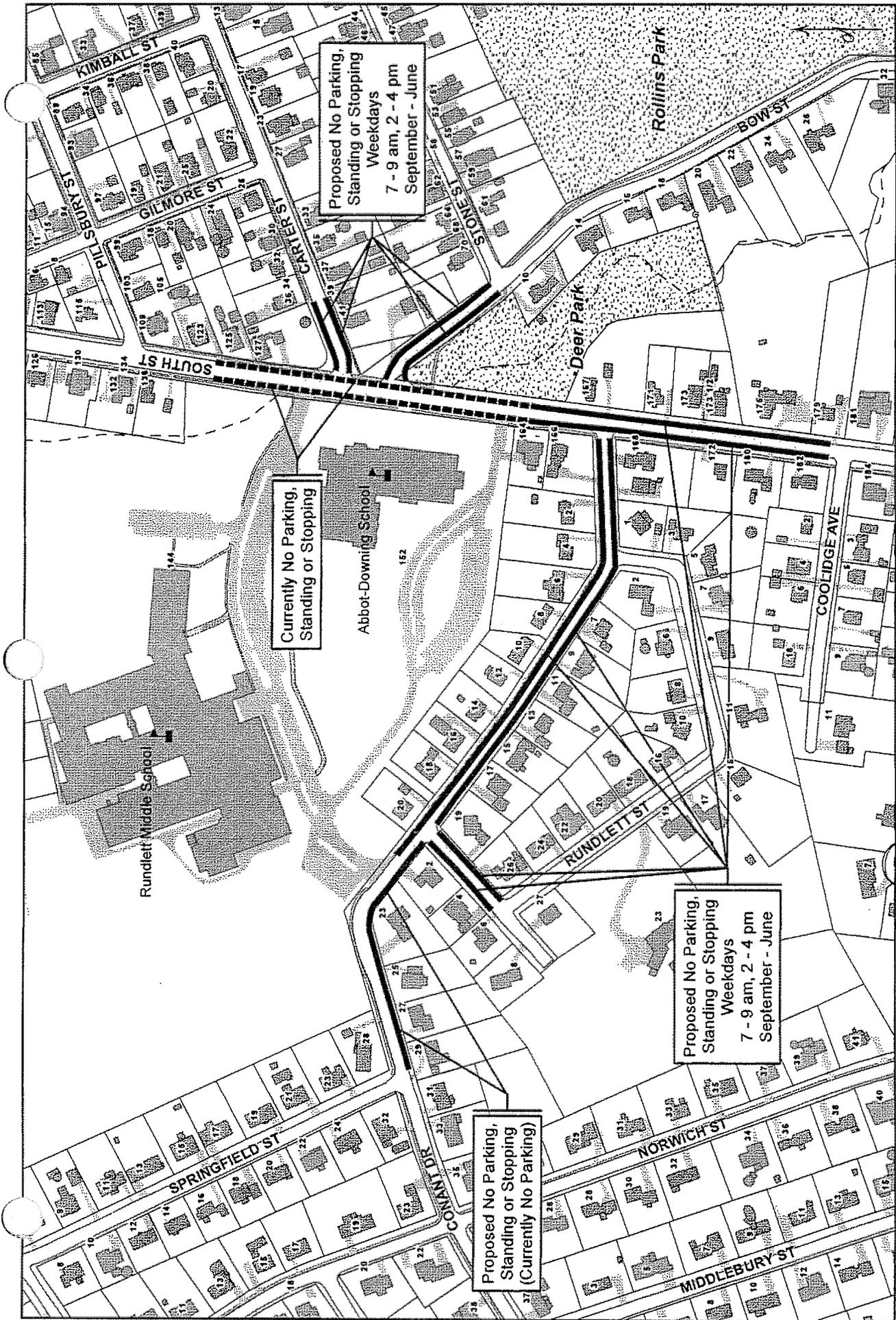
On February 25, 2013, the Parking Committee generally endorsed TOC's initial recommendation but felt that the extent of restriction might need to be increased, understanding that restricting parking in one location will act to divert on-street parkers to another area up the street. Neighborhood input was sought at the Parking Committee's March 25, 2013 meeting held at Abbot-Downing School with attendees including: committee members; several City Councilors; Parking, Engineering and Police staff; and six area residents of the 53 addressees notified by letter. Meeting attendees endorsed the expansion of parking restrictions to include all of Conant Drive near the campus, South Street southerly to at least Coolidge Street, and westerly portions of Bow and Carter Street. The resulting area parking restrictions are illustrated on the attached plan. This plan was unanimously endorsed by the Parking Committee at its April 15, 2013 meeting.

TPAC also considered this matter at its April 25, 2013 meeting and fully endorsed the proposed parking restrictions, noting safety as its primary concern. TPAC also stressed that the school district must increase its efforts to improve on-campus traffic management and parent education to make accommodation for additional vehicles after the parking restrictions go into effect. It was noted that if approved by Council, the new parking restrictions would go into effect prior to the start of the fall semester, allowing the school staff time over the summer to develop the necessary traffic management and education plan.

Installation of signs to indicate the parking restrictions on the attached map would be done by General Services. Staff estimates that approximately 33 new or revised-existing sign/post assemblies would be needed, with material and labor cost estimated to be about \$6,000.

Attachment: Proposed Parking Restriction Map

cc: Parking Committee
Traffic Operations Committee
John Duval, Police Chief
Carlos Baia, Deputy City Manager – Development
Chip Chesley, General Services
Matt Cashman, Concord School District



Abbot-Downing School Area

Proposed Parking Restrictions
 City of Concord, New Hampshire
 April 29, 2013





5-15
6-38(c)
6-41

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-7, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX.

The City of Concord ordains as follows:

SECTION I: Amend the Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-7, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX, by adding the following new section (c):

Parking, Stopping, Standing Prohibited During Certain Hours and Months in Designated Places:

Street	Side Restricted	From	To	Time Limit	Days	Month
Winant	Both sides, from Conant Drive to Rundlett Street	7:00 a.m. 2:00 p.m.	9:00 a.m. 4:00 p.m.		Mon-Fri	Sept - June
Carter	Both sides, from South Street to 165 Ft Easterly	7:00 a.m. 2:00 p.m.	9:00 a.m. 4:00 p.m.		Mon-Fri	Sept - June
Bow	Both sides, from South Street to Stone Street	7:00 a.m. 2:00 p.m.	9:00 a.m. 4:00 p.m.		Mon-Fri	Sept - June
South	Both sides, from 150 Ft North of Conant Drive to Coolidge Ave	7:00 a.m. 2:00 p.m.	9:00 a.m. 4:00 p.m.		Mon-Fri	Sept - June

Conant	South side from Winant to South Street	7:00 a.m. 2:00 p.m.	9:00 a.m. 4:00 p.m.	Mon-Fri	Sept - June
Conant	North side from Abott-Downing/ Rundlett Driveway To South Street	7:00 a.m. 2:00 p.m.	9:00 a.m. 4:00 p.m.	Mon-Fri	Sept - June

SECTION II: This ordinance shall take effect upon its passage.

5-16
6-38(D)
6-42

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION to discontinue completely West Locke Road, a Class VI local highway, in Concord, NH

The City of Concord resolves as follows:

WHEREAS, West Locke Road was originally laid out on October 29, 1846; and

WHEREAS, there no longer is a public need for the West Locke Road right-of-way as laid out; and

WHEREAS, West Locke Road is a Class VI highway; and

WHEREAS, there are two abutters to West Locke Road, the first being the City of Concord, and the second being TTG Properties, LLC; and

WHEREAS, both property owners shall continue to retain title to the bed of the road adjacent to each other's properties upon the complete discontinuance of the public easement; and

WHEREAS, the access easement conveyed by the City to Unitil Energy Systems Inc., on March 31, 2009, will be reserved and shall remain in effect to provide for continued legal access by Unitil for the maintenance of the power line corridor; and

WHEREAS, a city's governing body may, pursuant to NH RSA 231:43 (Power to Discontinue), vote to discontinue completely any Class IV, V or VI highway, or any portion thereof;

NOW, THEREFORE, BE IT RESOLVED:

Section 1: That the entire length of West Locke Road as described below shall be discontinued completely as a public highway. The legal description has been determined by utilizing the boundary information as shown on a plan set consisting of two sheets, prepared by J.A. Davis & Associates, Gerrit Consulting, Joint Venture, and is entitled "Plan Showing Unitil Energy Systems, Inc., Power Transmission Line, 'Easement/Right of Way' and Additional Acquired 30' Wide Access Easement Across Tax Map No. 121, Block No. 1, Lot No's. 1 and 3, Property at West Locke Road, Concord, NH 03301, Merrimack County, Prepared for: Unitil Energy Systems, Inc. (Formerly Concord Electric Company), 6 Liberty Lane West, Hampton, NH 03842," dated 10/24/06, revised through 11/24/08, and recorded at the Merrimack County Registry of Deeds as Plan No. 19144 (the "Plan"). Said legal description is more particularly described as follows:

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION **Relative to the public highway discontinuance of West Locke Road in Concord, NH**

The City of Concord resolves as follows:

(Continued from page 1)

Beginning at a 4" X 4" granite bound with a drill hole on the northerly sideline of West Locke Road at the southeast corner of land of the City of Concord, known as Map 121, Block 1, Lot 7, and the southwest corner of land of TTG Properties, LLC, known as Map 121, Block 1, Lot 9; thence

N 79° 27' 00" E along the northerly sideline of West Locke Road and land of TTG Properties, LLC, a distance of 384.04 feet to a point; thence

N 81° 42' 38" E along the northerly sideline of West Locke Road and land of TTG Properties, LLC, a distance of 65.60 feet to a point of curvature at the easterly terminus of West Locke Road; thence

S 08° 17' 22" E along the easterly terminus of West Locke Road a distance of 49.50 feet to a point at land of the City of Concord; thence

S 81° 42' 38" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 64.62 feet to a point; thence

S 79° 27' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 488.18 feet to a point; thence

S 82° 55' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 437.00 feet to a point; thence

S 85° 58' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 430.10 feet to a point; thence

N 88° 27' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 520.10 feet to a point; thence

N 84° 56' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 314.70 feet to a point; thence

S 81° 13' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 158.60 feet to a point; thence

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION **Relative to the public highway discontinuance of West Locke Road in Concord, NH**

The City of Concord resolves as follows:

(Continued from page 2)

S 70° 08' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 292.10 feet to a point; thence

N 86° 23' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 86.50 feet to a point; thence

N 49° 11' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 122.40 feet to a point; thence

N 35° 37' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 173.20 feet to a point; thence

N 18° 37' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 144.00 feet to a point to the westerly terminus of West Locke Road; thence

N 71° 23' 00" E along the westerly terminus of West Locke Road and land of the City of Concord a distance of 49.50 feet to a point on the northerly sideline of West Locke Road; thence

S 18° 37' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 151.40 feet to a point; thence

S 35° 37' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 186.50 feet to a point; thence

S 49° 11' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 145.00 feet to a point; thence

S 86° 23' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 113.40 feet to a point; thence

N 70° 08' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 286.60 feet to a point; thence

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION **Relative to the public highway discontinuance of West Locke Road in Concord, NH**

The City of Concord resolves as follows:

(Continued from page 3)

N 81° 13' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 147.80 feet to a point; thence

S 84° 56' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 319.20 feet to a point; thence

S 88° 27' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 516.10 feet to a point; thence

N 85° 58' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 391.40 feet to a 1" diameter rebar at the southeast corner of Map 121, Block 1, Lot 1 and the southwest corner of Map 121, Block 1, Lot 7, both lots owned by the City of Concord; thence

N 85° 58' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 35.92 feet to a point; thence

N 82° 55' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 433.32 feet to a point; thence

N 79° 27' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 103.62 feet to a 4" X 4" granite bound with a drill hole and the point of beginning.

Section 2: The ownership of a portion of the bed of the road of West Locke Road abutting Tax Map 79, Block 2, Lot 2, Tax Map 121, Block 1, Lot 1, and Tax Map 121, Block 1, Lot 7 shall be retained by the City of Concord free and clear of the public highway easement and shall be described as follows:

Beginning at a 4" X 4" granite bound with a drill hole on the northerly sideline of West Locke Road at the southeast corner of land of the City of Concord, known as Map 121, Block 1, Lot 7, and the southwest corner of land of TTG Properties, LLC, known as Map 121, Block 1, Lot 9; thence

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION **Relative to the public highway discontinuance of West Locke Road in Concord, NH**

The City of Concord resolves as follows:

(Continued from page 4)

S 10° 33' 00" E across West Locke Road a distance of 24.75 feet to a point at the centerline of West Locke Road; thence

N 79° 27' 00" E along the centerline of West Locke Road and land of TTG Properties, LLC, a distance of 383.55 feet to a point; thence

N 81° 42' 38" E along the centerline of West Locke Road and land of TTG Properties, LLC, a distance of 65.12 feet to a point at the easterly terminus of West Locke Road; thence

S 08° 17' 22" E along easterly terminus of West Locke Road a distance of 24.75 feet to a point at the southerly sideline of West Locke Road; thence

S 81° 42' 38" W along the southerly sideline of West Locke Road a distance of 64.62 feet to a point; thence

S 79° 27' 00" W along the southerly sideline of West Locke Road a distance of 488.18 feet to a point; thence

S 82° 55' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 437.00 feet to a point; thence

S 85° 58' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 430.10 feet to a point; thence

N 88° 27' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 520.10 feet to a point; thence

N 84° 56' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 314.70 feet to a point; thence

S 81° 13' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 158.60 feet to a point; thence

S 70° 08' 00" W along the southerly sideline of West Locke Road and land of the

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION **Relative to the public highway discontinuance of West Locke Road in Concord, NH**

The City of Concord resolves as follows:

(Continued from page 5)

City of Concord a distance of 292.10 feet to a point; thence

N 86° 23' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 86.50 feet to a point; thence

N 49° 11' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 122.40 feet to a point; thence

N 35° 37' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 173.20 feet to a point; thence

N 18° 37' 00" W along the southerly sideline of West Locke Road and land of the City of Concord a distance of 144.00 feet to a point to the westerly terminus of West Locke Road; thence

N 71° 23' 00" E along the westerly terminus of West Locke Road and land of the City of Concord a distance of 49.50 feet to a point on the northerly sideline of West Locke Road; thence

S 18° 37' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 151.40 feet to a point; thence

S 35° 37' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 186.50 feet to a point; thence

S 49° 11' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 145.00 feet to a point; thence

S 86° 23' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 113.40 feet to a point; thence

N 70° 08' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 286.60 feet to a point; thence

N 81° 13' 00" E along the northerly sideline of West Locke Road and land of the

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION **Relative to the public highway discontinuance of West Locke Road in Concord, NH**

The City of Concord resolves as follows:

(Continued from page 6)

City of Concord a distance of 147.80 feet to a point; thence

S 84° 56' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 319.20 feet to a point; thence

S 88° 27' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 516.10 feet to a point; thence

N 85° 58' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 391.40 feet to a 1" diameter rebar at the southeast corner of Map 121, Block 1, Lot 1 and the southwest corner of Map 121, Block 1, Lot 7, both lots owned by the City of Concord; thence

N 85° 58' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 35.92 feet to a point; thence

N 82° 55' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 433.32 feet to a point; thence

N 79° 27' 00" E along the northerly sideline of West Locke Road and land of the City of Concord a distance of 103.62 feet to a 4" X 4" granite bound with a drill hole and the point of beginning.

Section 3: The ownership of a portion of the bed of the road of West Locke Road abutting Tax Map 121, Block 1, Lot 9, shall be retained by TTG Properties, LLC, free and clear of the public highway easement and shall be described as follows:

Beginning at a 4" X 4" granite bound with a drill hole on the northerly sideline of West Lock Road at the southwest corner of land of TTG Properties, LLC, known as Map 121, Block 1, Lot 9, and the southeast corner of land of the City of Concord, known as Map 121, Block 1, Lot 7; thence

N 79° 27' 00" E along the northerly sideline of West Locke Road and land of TTG Properties, LLC, a distance of 384.04 feet to a point; thence

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION **Relative to the public highway discontinuance of West Locke Road in Concord, NH**

The City of Concord resolves as follows:

(Continued from page 7)

N 81° 42' 38" E along the northerly sideline of West Locke Road and land of TTG Properties, LLC, a distance of 65.60 feet to a point of curvature at the easterly terminus of West Locke Road; thence

S 08° 17' 22" E across West Locke Road a distance of 24.75 feet to a point at the centerline of West Locke Road; thence

S 81° 42' 38" W along the centerline of West Locke Road and land of the City of Concord a distance of 65.12 feet to a point; thence

S 79° 27' 00" W along the centerline of West Locke Road and land of the City of Concord a distance of 383.55 feet to a point; thence

N 10° 33' 00" W across West Locke Road and along land of the City of Concord a distance of 24.75 feet to a 4" X 4" granite bound with a drill hole and the point of beginning.

Section 4: That this resolution shall become effective upon the date of passage.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Gloria McPherson, City Planner

DATE: April 24, 2013

SUBJECT: Petition to discontinue completely West Locke Road, a Class VI local highway

Recommendation

It is recommended that the City Council approve the resolution to discontinue West Locke Road, which would eliminate this Class VI road as a public highway. Attached to this report, please find a resolution for the complete discontinuance of West Locke Road.

Background

In March of last year, the Conservation Commission submitted a report to the City Council in regard to the management of gates on city-owned conservation land off West Locke Road. One of the recommendations contained in this report was to discontinue West Locke Road as a public street. The City Council accepted this report at their March 12, 2012 meeting.

When a public highway is completely discontinued, all City responsibility ends and the public right-of-way ceases to exist. The attached resolution to discontinue West Locke Road would eliminate any obligation that the City may have to maintain or improve this unimproved woods road as a public street. The City Manager has reviewed this report and resolution and supports the discontinuance.

Discussion

West Locke Road as it exists today is the remnant of a public road laid out on October 29, 1846, from Mountain Road to the Merrimack River. This remaining segment of West Locke Road extends from Locke Road westerly to its terminus in an agricultural field. This unimproved driveway provides access to City owned conservation land, leased farmland on City property, and an existing Unitil power line corridor. The road is gated near its intersection with Locke Road.

Only four properties front on West Locke Road, three are conservation properties owned by the City. The fourth property is owned by TTG Properties LLC, and is the home of the Turner Group, a multi-disciplinary consulting firm. The TTG property has no access to West Locke Road and all access and utility service is provided from Locke Road. The existing conservation easements on the three public properties preclude additional development along West Locke Road. TTG Properties has been contacted unofficially by phone and they have expressed no concerns with a proposed discontinuance.

There are no utilities located in West Locke Road.

A 30' wide access easement was conveyed by the City to Unitil Energy Systems Inc. on March 31, 2009, across the existing West Locke Road right-of-way and parcels 121-1-1 and 121-1-3, as shown on the attached survey plan prepared by J.A Davis & Associates. The purpose of the easement is to allow for maintenance of the power lines in the existing utility rights-of-way over City owned parcels 121-1-1 and 121-1-3. Upon discontinuance of West Locke Road, this easement will provide for continued legal access by Unitil for the maintenance of the power line corridor.

Upon discontinuance of West Locke Road, all rights to the property will revert to the abutting owners, the City and TTG Properties, LLC, to the center line of the discontinued right-of-way. The Unitil Easement over West Locke Road was conveyed with the assumption that West Locke Road would be discontinued at some point in the future, and was designed to avoid any encroachment on that portion of West Locke Road that would revert to TTG Properties, LLC.

The leased agricultural operation will continue to have access over City property to the farm fields at the end of West Locke Road over the existing woods road. The City or the Lessee can choose to allow other users to access the property, including the Concord Skyhawks model airplane club, over the existing woods road as well.

A portion of the boundaries of the proposed discontinuance are shown on the J. A. Davis Associates plan on sheet 2 of 2 in the upper right corner of the sheet as a detail. This plan has been recorded in the Merrimack County Registry of Deeds as Plan No. 19144. A full description of the right-of-way to be completely discontinued is included in the attached resolution, as well as descriptions of the property reverting back to the City of Concord and TTG Properties, LLC.

Brian
5/6/13

5-17
6-38(E)
6-43

CITY OF CONCORD

In the year of our Lord two thousand thirteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO ONE HUNDRED NINETY THOUSAND DOLLARS (\$190,000) AND TO ACCEPT, APPROPRIATE, AND ADMINISTER GRANT PROCEEDS OF UP TO ONE HUNDRED NINETY THOUSAND DOLLARS (\$190,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF THE BELKNAP-MERRIMACK COUNTY COMMUNITY ACTION PROGRAM

Page 1 of 2

The City of Concord resolves as follows:

- WHEREAS, the City of Concord is eligible to apply to the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, for Community Development Block Grant (CDBG) funds; and,
- WHEREAS, the City of Concord desires to continue its Community Development efforts by performing Community Development projects, including, but not limited to, providing housing rehabilitation assistance to low and moderate income individuals or families, construction and rehabilitation of public facilities which serve low and moderate income families, as well as economic development projects which preserve and create employment opportunities for low and moderate income individuals or families; and,
- WHEREAS, Community Development funds are available through the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, to assist such projects; and,
- WHEREAS, the City shall make application on behalf of the Belknap-Merrimack County Community Action Program for renovation of their Head Start and Child Care facilities located at 67 Old Loudon Road, Concord; and,
- WHEREAS, if successful, grant funds shall be used to install a sprinkler system as well as make other ancillary repairs and improvements to the facility; and,
- WHEREAS, this appropriation is for a purpose not included in the adopted budget, therefore, section 37 of the City Charter requires a two-third vote of the City Council.

CITY OF CONCORD

In the year of our Lord two thousand thirteen

RESOLUTION. AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO ONE HUNDRED NINETY THOUSAND DOLLARS (\$190,000) AND TO ACCEPT, APPROPRIATE, AND ADMINISTER GRANT PROCEEDS OF UP TO ONE HUNDRED NINETY THOUSAND DOLLARS (\$190,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF THE BELKNAP-MERRIMACK COUNTY COMMUNITY ACTION PROGRAM

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of Concord that:

1. The sum of\$190,000
be and is hereby appropriated as follows:

CDBG Fund

Belknap-Merrimack County CAP Head Start.....\$190,000

2. Said revenue shall be available as follows:

CDBG Fund

CDBG grant

Belknap-Merrimack County CAP Head Start.....\$190,000

3. That the City Council approves this Community Development Block Grant application and hereby authorizes the City Manager to submit the necessary grant documents and administer the program upon approval by the NH Community Development Finance Authority, CDBG Division and authorizes the City Manager to accept and spend funds received from the CDBG grant.
4. This resolution shall take effect upon its passage and grant award.



CITY OF CONCORD

TAG

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Matthew R. Walsh, Assistant for Special Projects

DATE: May 1, 2013

SUBJECT: Community Development Block Grant Applications

Recommendation

- 1) Accept this report; and,
- 2) Set the following resolutions for public hearing on June 10, 2013:
 - a) Resolution authorizing the City Manager to apply for, accept, appropriate, and administer up to \$190,000 in Community Development Block Grant funds from the NH Community Development Finance Authority on behalf of the Belknap Merrimack County Community Action Program.
 - b) Resolution authorizing the City Manager to apply for, accept, appropriate, and administer up to \$200,000 in Community Development Block Grant funds from the NH Community Development Finance Authority on behalf of the Children's Place and Parent Education Center.
 - c) Resolution authorizing the City Manager to apply for, accept, appropriate, and administer up to \$110,000 in Community Development Block Grant funds from the NH Community Development Finance Authority on behalf of the Women's Club of Concord.
 - d) Resolution authorizing the City Manager to apply for, accept, appropriate, and administer up to \$500,000 in Community Development Block Grant funds from the NH Community Development Finance Authority on behalf of the Capital Regional Development Council to support sale and renovation of the Racquet Club of Concord.
 - e) Resolution re-adopting the City's Housing and Community Development Plan.
 - f) Resolution re-adopting the City's Anti-Displacement and Relocation Plan.

Background

The New Hampshire Community Development Finance Authority (NHCDFA) is the state agency responsible for the administration of the US Department of Housing and Urban Development's (USHUD) Community Development Block Grant (CDBG) Program. The State typically receives approximately \$7.75 million in CDBG funds annually, which is available to communities on a competitive basis.

The State's annual allocation is divided into four sub-grant programs as follows: Housing and Public Facilities, Economic Development, Planning, and Emergency projects.

Monies within the Housing and Public Facilities and Planning programs are available through bi-annual grant rounds. However, Economic Development and Emergency grants are available on a rolling, first come – first serve basis.

In accordance with CDBG program rules, the City is eligible to receive \$500,000 in Housing and Public Facilities grants, \$500,000 in Economic Development Grants, \$500,000 in Emergency Grants, and \$12,000 in Planning Grants annually.

Municipal and county governments are the only eligible entities which can apply for these funds. However, non-profit agencies and economic development entities may also be eligible provided they partner with the municipality or county for which their project is located.

Since 1977, the City has secured approximately \$18.76 million in CDBG funds. Unlike Nashua, Manchester, Portsmouth, and other cities, Concord is classified as a non-entitlement community. Therefore, the City must seek funds annually through a competitive, State-wide application process.

Discussion

- 1) **Housing and Public Facilities Grants:** In March, the City's Community Development Advisory Committee (CDAC) conducted its annual Request for Proposals process to solicit potential projects from local non-profit agencies for the upcoming July CDBG round. The RFP was sent to approximately 30 entities. The City received three proposals, as follows:
 - a. Belknap – Merrimack County Community Action Program requested \$173,690 to support installation of a fire suppression system at their Head Start facility located at 67 Old Loudon Road. The improvement would allow them to expand capacity from 108 to 145 children. The majority of CAP's clientele are low and moderate income families.
 - b. The Children's Place and Parent Education Center requested \$185,000 for various capital improvements to their facility located at 27 Burns Avenue. The Children's Place is a nonprofit organization which specializes in childhood enrichment programs, support services, parent education, and community outreach programs,

primarily targeted towards for low and moderate income families. Currently, programs offered by the Children Place support 250 low and moderate income individuals.

- c. The Women's Club of Concord requested \$216,053 for repair and renovation of their property located at 44 Pleasant Street. Repairs would include new porches, repointing the chimney, lead and asbestos abatement, new windows, insulation, and exterior paint. The Women's Club, often in partnership with other organizations, provides a variety of support services to low and moderate income people in Concord. Their property also has emergency housing facilities for four households.

CDAC reviewed these applications at their April 24th meeting and voted to recommend seeking funding as follows:

Belknap – Merrimack County CAP:	\$190,000
The Children's Place and Parent Education Center:	\$200,000
Women's Club of Concord:	\$110,000
<u>Total</u>	<u>\$500,000</u>

- 2) **Economic Development Grants:** In February, the City was approached by the Capital Regional Development Council (CRDC) concerning an Economic CDBG to support the proposed sale and redevelopment of the Racquet Club of Concord located at 10 Garvins Falls Road.

The facility has struggled for several years and was recently placed on the market. The property is currently behind in property taxes to the City in the amount of \$114,000. In addition, the owners are in arrears on payments to the City for an \$83,000 loan. The loan was made in 2009 through the City's Revolving Loan Fund program for the creation of childcare facilities primarily serving low and moderate income families.

A Manchester-based entrepreneur has secured a purchase and sales agreement for the property and tentatively plans to close by the end of September 2013. The buyer plans to renovate and expand the property into a "wellness center". The buyer's redevelopment plan tentatively includes the opening of a new medical / wellness clinic, as well as extensive renovation of existing athletic facilities at the property. The buyer is the proprietor of Executive Health and Sports Center in Manchester.

Purchase and renovation of the property is eligible for an Economic Development CDBG as it will retain / create jobs for low and moderate income people (i.e. those making 80% or less of area median income for their household size). As of the date of this report, job projections for the project were being refined by the buyer and CRDC.

If approved, the funds would be sub-granted by the City to CRDC. CRDC would then use these funds to make a loan to the buyer. The loan would be subordinated to all other financing required for the buyer's project. Subject to ongoing discussions, loan

repayments would be deposited into a Revolving Loan Fund controlled and managed by CRDC to support economic development activities in Concord.

The total projected cost of the project is \$5.1 million, of which \$500,000 would be CDBG funds.

The City's CDAC reviewed this project on February 27th and recommended the City Council authorize the City Manager to apply for these funds.

- 3) **Housing and Community Development Plan & Anti-Displacement and Relocation Policy Statement and Procedures:** Lastly, in order to be eligible for CDBG funds, the State and Federal governments require the City to maintain and periodically update its Housing and Community Development Plan, as well as an Anti-Displacement and Relocation Plan.

The purpose of the Housing and Community Development plan is to identify the City's housing needs within the context of the CDBG program. For example, goals set forth within this six-page plan include elimination of slums and blight, as well as preserving and promoting development within existing neighborhoods. The document also sets forth generic economic development and public facilities goals for the City, all of which are consistent with the City's current Master Plan.

The purpose of the Anti-Displacement and Relocation Plan is to establish policies and procedures which the City, or its sub-grantees, must follow to in the event a CDBG financed project necessitates temporary or permanent relocation of households or businesses. The plan specifically requires the City to follow the Uniform Relocation Act of 1970, as well as the Housing and Community Development Act of 1974 (both as amended). Relocation of persons or businesses due to a CDBG sponsored project is rare. The Policy has been used in the past for some projects. Most recently, this plan governed relocation of commercial tenants associated with the Mennino Place Apartments developed by CATCH Neighborhood Housing on Storrs Street in 2010.

CITY OF CONCORD

Brian
5/6/13
5-18
6-38 (F)
6-44

In the year of our Lord two thousand thirteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000) AND TO ACCEPT, APPROPRIATE, AND ADMINISTER GRANT PROCEEDS OF UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF THE CHILDREN'S PLACE AND PARENT EDUCATION CENTER

Page 1 of 2

The City of Concord resolves as follows:

- WHEREAS, the City of Concord is eligible to apply to the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, for Community Development Block Grant (CDBG) funds; and,
- WHEREAS, the City of Concord desires to continue its Community Development efforts by performing Community Development projects, including, but not limited to, providing housing rehabilitation assistance to low and moderate income individuals or families, construction and rehabilitation of public facilities which serve low and moderate income families, as well as economic development projects which preserve and create employment opportunities for low and moderate income individuals or families; and,
- WHEREAS, Community Development funds are available through the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, to assist such projects; and,
- WHEREAS, the City shall make application on behalf of the Children's Place and Parent Education Center for renovation of their facility located at 27 Burns Avenue, Concord; and,
- WHEREAS, if successful, grant funds shall be used to make a variety of repairs and capital improvements to their facility; and,
- WHEREAS, this appropriation is for a purpose not included in the adopted budget, therefore, section 37 of the City Charter requires a two-third vote of the City Council.

CITY OF CONCORD

In the year of our Lord two thousand thirteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000) AND TO ACCEPT, APPROPRIATE, AND ADMINISTER GRANT PROCEEDS OF UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF THE CHILDREN'S PLACE AND PARENT EDUCATION CENTER

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of Concord that:

1. The sum of\$200,000
be and is hereby appropriated as follows:

CDBG Fund

Children's Place and Parent Education Center.....\$200,000

2. Said revenue shall be available as follows:

CDBG Fund

CDBG grant

Children's Place and Parent Education Center.....\$200,000

3. That the City Council approves this Community Development Block Grant application and hereby authorizes the City Manager to submit the necessary grant documents and administer the program upon approval by the NH Community Development Finance Authority, CDBG Division and authorizes the City Manager to accept and spend funds received from the CDBG grant.
4. This resolution shall take effect upon its passage and grant award.

Bin
5/6/13

5-19
6-38(G)
6-45

CITY OF CONCORD

In the year of our Lord two thousand thirteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000) AND TO ACCEPT, APPROPRIATE, AND ADMINISTER GRANT PROCEEDS OF UP TO ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF THE WOMEN'S CLUB OF CONCORD

Page 1 of 2

The City of Concord resolves as follows:

- WHEREAS, the City of Concord is eligible to apply to the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, for Community Development Block Grant (CDBG) funds; and,
- WHEREAS, the City of Concord desires to continue its Community Development efforts by performing Community Development projects, including, but not limited to, providing housing rehabilitation assistance to low and moderate income individuals or families, construction and rehabilitation of public facilities which serve low and moderate income families, as well as economic development projects which preserve and create employment opportunities for low and moderate income individuals or families; and,
- WHEREAS, Community Development funds are available through the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, to assist such projects; and,
- WHEREAS, the City shall make application on behalf of the Women's Club of Concord for renovation of their facility located at 44 Pleasant Street, Concord; and,
- WHEREAS, if successful, grant funds shall be used to make a variety of repairs and capital improvements to their facility; and,
- WHEREAS, this appropriation is for a purpose not included in the adopted budget, therefore, section 37 of the City Charter requires a two-third vote of the City Council.

CITY OF CONCORD

In the year of our Lord two thousand thirteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000) AND TO ACCEPT, APPROPRIATE, AND ADMINISTER GRANT PROCEEDS OF UP TO ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF THE WOMEN'S CLUB OF CONCORD

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of Concord that:

1. The sum of\$110,000
be and is hereby appropriated as follows:

CDBG Fund
Women's Club of Concord.....\$110,000

2. Said revenue shall be available as follows:

CDBG Fund
CDBG grant
Women's Club of Concord.....\$110,000

3. That the City Council approves this Community Development Block Grant application and hereby authorizes the City Manager to submit the necessary grant documents and administer the program upon approval by the NH Community Development Finance Authority, CDBG Division and authorizes the City Manager to accept and spend funds received from the CDBG grant.
4. This resolution shall take effect upon its passage and grant award.

CITY OF CONCORD

In the year of our Lord two thousand thirteen

Brian
5/6/13
5-20
6-38(H)
6-46

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) AND TO ACCEPT, APPROPRIATE, AND ADMINISTER GRANT PROCEEDS OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF THE CAPITAL REGIONAL DEVELOPMENT COUNCIL

Page 1 of 2

The City of Concord resolves as follows:

- WHEREAS, the City of Concord is eligible to apply to the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, for Community Development Block Grant (CDBG) funds; and,
- WHEREAS, the City of Concord desires to continue its Community Development efforts by performing Community Development projects, including, but not limited to, providing housing rehabilitation assistance to low and moderate income individuals or families, construction and rehabilitation of public facilities which serve low and moderate income families, as well as economic development projects which preserve and create employment opportunities for low and moderate income individuals or families; and,
- WHEREAS, Community Development funds are available through the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, to assist such projects; and,
- WHEREAS, the City shall make application on behalf of the Capital Regional Development Council (CRDC); and,
- WHEREAS, if successful, the City shall sub-grant awarded funds to CRDC, and, in-turn, CRDC shall loan said funds to a private individual for the purpose of renovating the so-called Concord Racquet Club located at 10 Garvins Falls Road into a wellness center featuring medical, recreational, and athletic facilities; and,
- WHEREAS, this appropriation is for a purpose not included in the adopted budget, therefore, section 37 of the City Charter requires a two-third vote of the City Council.

CITY OF CONCORD

In the year of our Lord two thousand thirteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) AND TO ACCEPT, APPROPRIATE, AND ADMINISTER GRANT PROCEEDS OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF THE CAPITAL REGIONAL DEVELOPMENT COUNCIL

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of Concord that:

1. The sum of\$500,000
be and is hereby appropriated as follows:

CDBG Fund

Capital Regional Development Council / Racquet Club Renovation.....\$500,000

2. Said revenue shall be available as follows:

CDBG Fund

CDBG grant

Capital Regional Development Council / Racquet Club Renovation.....\$500,000

3. That the City Council approves this Community Development Block Grant application and hereby authorizes the City Manager to submit the necessary grant documents and administer the program upon approval by the NH Community Development Finance Authority, CDBG Division and authorizes the City Manager to accept and spend funds received from the CDBG grant.
4. This resolution shall take effect upon its passage and grant award.

Brian
5/6/13

5-21
6-38 (I)
6-47

CITY OF CONCORD

In the year of our Lord two thousand thirteen

RESOLUTION RE-ADOPTING THE CITY OF CONCORD'S HOUSING AND
COMMUNITY DEVELOPMENT PLAN

Page 1 of 1

The City of Concord resolves as follows:

WHEREAS, the City of Concord is eligible to apply to the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, for Community Development Block Grant (CDBG) funds; and,

WHEREAS, the City of Concord desires to continue its Community Development efforts by performing Community Development projects, including, but not limited to, providing housing rehabilitation assistance to low and moderate income individuals or families, construction and rehabilitation of public facilities which serve low and moderate income families, as well as economic development projects which preserve and create employment opportunities for low and moderate income individuals or families; and,

WHEREAS, Community Development funds are available through the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, to assist such projects; and,

WHEREAS, in order to be eligible for Community Development Block Grant Funds, the City must maintain and periodically re-adopt its Housing and Community Development Plan.

NOW, THERFORE, BE IT RESOLVED by the City Council of Concord that:

1. The Housing and Community Development Plan is hereby readopted.
2. This resolution shall take effect upon its passage.

TRAC

HOUSING AND COMMUNITY DEVELOPMENT PLAN
CITY OF CONCORD

Revised 2013
Re-adopted by Concord City Council
June 10, 2013

I. INTRODUCTION

The purpose of the Housing and Community Development Plan is to identify the characteristics and general needs in regards to housing and community development. The Housing and Community Development Plan is a tool to assist both city officials and the public in the decision making process that will determine the future development of the city. The Housing and Community Development Plan also provides the framework for Community Development Block Grant applications to help maintain the city's housing supply and continue its economic growth.

The information contained in this plan was compiled from previous reports by the Central New Hampshire Regional Planning Commission and by the City of Concord in conjunction with current information from the U. S. Census, the Community Development Finance Authority (CDFA), and the Department of Employment Security.

This plan shall be reviewed annually by CDAC and presented to the City Council for final approval subsequent to holding a public hearing.

II. OBJECTIVES

The City of Concord's housing and community development's primary objectives are consistent with the Federal and State objectives. They are listed as follows:

- Provide decent, safe and sanitary housing in accordance with Section 8 standards;
- Pursue projects that directly benefit to low and moderate income persons or households;
- Prevent or eliminate of slums and blight;
- Eliminate conditions which seriously and immediately threaten the public health and welfare;
- Implement the housing and community development plan by incorporating the goals and objectives herein with the City's master plan and related ordinances;
- Preserve and promote existing neighborhoods and community centers;

- Preserve and restore properties which have historic, cultural, architectural or aesthetic value;
- Solve community problems through the use of innovative solutions that have long-term benefits;
- Successfully secure matching funds and other resources from public and private sources for community development projects;
- Fund projects for which other private or public financing is not be available.

III. POLICIES

The housing and community development policies listed below were developed to provide direction towards the improvement of the overall living environment in Concord. These policies suggest a means for effectively providing for the future needs of the city.

Housing

- Expand the housing supply in the city proper and Penacook Village, through upgrading or creation of housing units in underutilized space in the upper floors of commercial buildings;
- Provide housing assistance to low and moderate income households (tenants and property owners) by upgrading substandard housing units; correcting housing and life safety code violations; a combined program of housing rehabilitation assistance, code enforcement and short term rental agreements;
- Continue efforts to eliminate slums and blight and conditions which pose severe and immediate threats to public health and safety and act as an obstacle to reinvestment and neighborhood revitalization;
- Continue to preserve neighborhoods and the village center concept through rehabilitation of existing units, conversion of existing space and historic preservation;

- Continue implementation of the City's Revolving Loan Fund Program, which was established with program income monies with the intent to continue the City's housing rehabilitation efforts;
- Assure that housing is available for families and individuals of low and moderate income and for those with special needs.

Public Facilities

- Continue to provide rehabilitation assistance to social service agencies directly serving low and moderate income clients, to upgrade facilities, to correct code violations, to improve handicapped accessibility and to improve energy conservation;
- Continue implementation of the Social Service Facilities Rehabilitation Program as set forth in the City's Revolving Loan Fund Program Income Reuse Plan (PIRP);
- Address the need for affordable, quality child care of low and moderate income residents and employees through new construction and/or rehabilitation assistance; the formation of public/private partnerships and coordination of activities with existing nonprofit organizations in the child care delivery service.

Economic Development

- Promote business and industries through encouraging expansion of existing business and industries;
- Attract new employers;
- Retain and expand the City's employment base for low and moderate income individuals;
- Support employment training and marketing programs to further the City's economic development goals.

IV. GOALS

Housing Supply

- ° Data discussed within this section was provided by the 2000 and 2010 U. S. Census. In 2010 there were 18,852 dwelling units within the City, of which 9,367 (53.2%) were owner occupied and 8,225 (46.8%) were rented. In 2000 there were 16,881 housing units in the City, of which 44.6% were single family, 6.3% mobile home, and 49% were multi-family. Unfortunately, the Census changed its data collection protocols in 2010 and such data are no longer collected for the local housing stock.

It is Concord's goal to maintain its fair share of the region's affordable housing supply and to encourage all other towns and cities in the region to provide their fair share. Toward this end, the City establishes the highest priority for the investment of local, state, and federal public resources in neighborhood improvement strategies, housing rehabilitation or replacement, and the rehabilitation or redevelopment of existing buildings for housing purposes where doing so would not create an undue burden upon Concord taxpayers.

The City also recognizes that new construction may be necessary to meet the requirements of the elderly and those with special needs and that limited amounts of new construction of small affordable housing projects built within or adjacent to existing neighborhoods within the Urban Growth Boundary may be necessary to help alleviate the serious problems of affordable work force housing affecting the community.

Affirmatively Furthering Fair Housing

- ° The City of Concord does not have any ordinances, codes or written policies which prohibit mobile homes, modular homes or rental housing units which may be occupied by low and moderate income people from being located or built within the municipality. The construction of federally assisted multi-family housing units through the New Hampshire Housing Finance Authority and/or the Rural Housing Service of Rural Development is, likewise, permitted.

Displacement and Relocation

- The City shall minimize any displacement of low and moderate income households.

Public Facilities

- It is the intent of the City to support local agencies in their efforts to acquire or rehabilitate their facilities. Non-profits, as well as special needs groups, will be assisted by the City through the objectives and policies listed in this document.

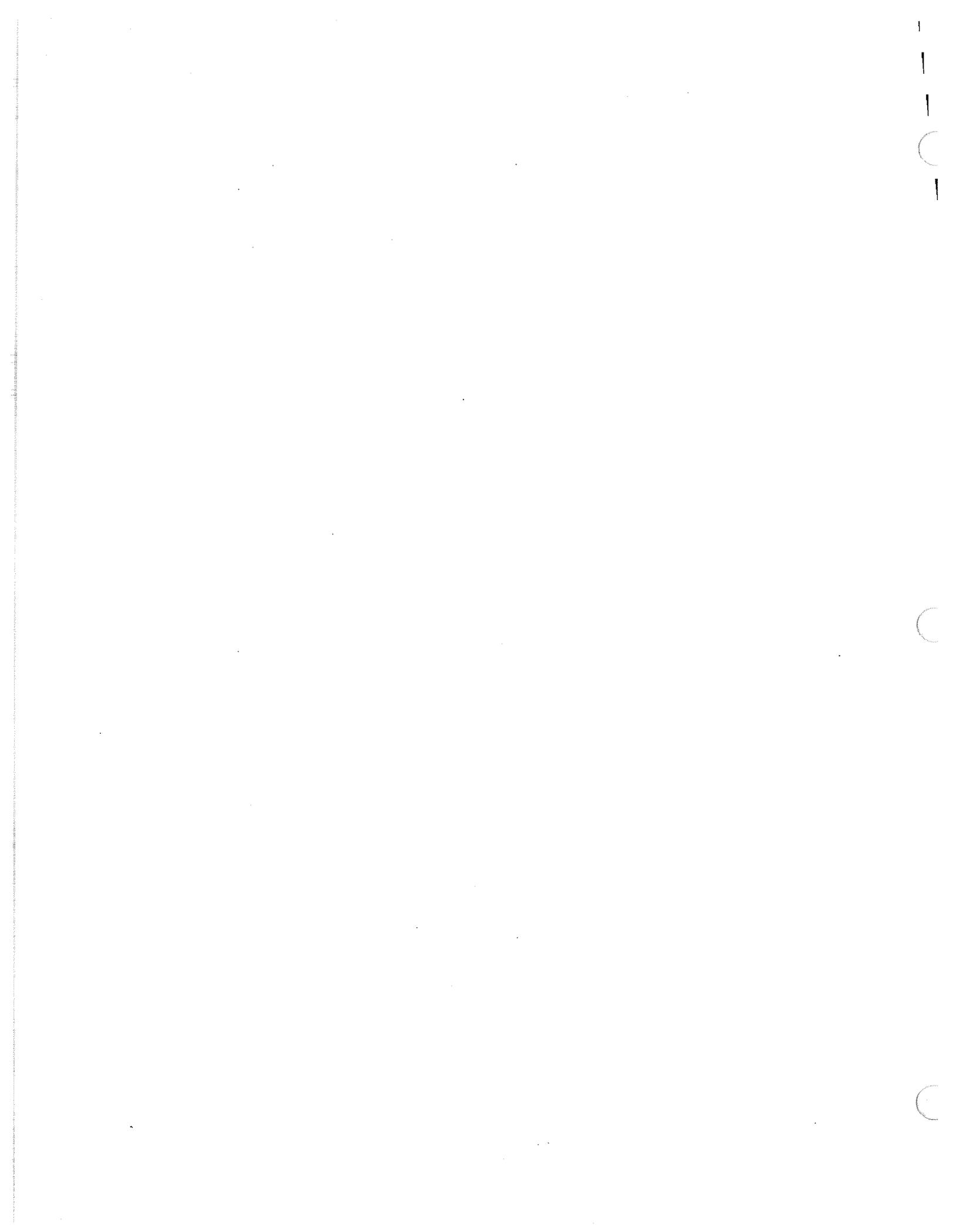
Economic Growth

- The goals for economic growth are stated in the overall Economic Development Plan for the City of Concord which is revised periodically by the City Council.

V. SUMMARY

As stated throughout this document, Concord's Housing and Community Development Plan is designed to assist with the decision making process to guide the future development of Concord. It is Concord's intent to improve the overall living, working and economic environment within the City by the implementation of the Objectives, Policies, and Goals listed in this document.

Thomas J. Aspell, Jr., City Manager
June 10, 2013



Brian
5/6/13

5-22
6-38 LJ
6-48

CITY OF CONCORD

In the year of our Lord two thousand thirteen

RESOLUTION RE-ADOPTING THE CITY OF CONCORD'S ANTI-DISPLACEMENT AND RELOCATION PLAN

Page 1 of 1

The City of Concord resolves as follows:

WHEREAS, the City of Concord is eligible to apply to the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, for Community Development Block Grant (CDBG) funds; and,

WHEREAS, the City of Concord desires to continue its Community Development efforts by performing Community Development projects, including, but not limited to, providing housing rehabilitation assistance to low and moderate income individuals or families, construction and rehabilitation of public facilities which serve low and moderate income families, as well as economic development projects which preserve and create employment opportunities for low and moderate income individuals or families; and,

WHEREAS, Community Development funds are available through the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, to assist such projects; and,

WHEREAS, in order to be eligible for Community Development Block Grant funds, the City must maintain and periodically re-adopt its Anti-Displacement and Relocation Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Concord that:

1. The Anti-Displacement and Relocation Plan is hereby readopted.
2. This resolution shall take effect upon its passage.

TAD
C

DISPLACEMENT AND RELOCATION CERTIFICATION
City of Concord

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Every effort will be made to avoid temporary or permanent displacement of an individual due to a CDBG project undertaken by the City of Concord.

However, if the situation should arise, the City of Concord will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to any household, regardless of income which is involuntarily and permanently displaced.

If the property is acquired, but will not be used for low/moderate income housing under 104(d) of the Housing and Community Development Act of 1974, as amended, the displacement and relocation plan shall provide:

- a. Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- b. A description of the proposed activity;
- c. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activity;
- d. A time schedule for the commencement and completion date of the demolition or conversion;
- e. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- f. The source of funding and a time schedule for the provision of replacement dwelling units;
- g. The basis for concluding that each replacement dwelling unit will remain a low and moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- h. Relocation benefits, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and either:
 1. Sufficient compensation to ensure that, at least for five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent, or:
 2. A lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above or a Section 8 certificate of voucher for rental assistance provided through New Hampshire Housing Finance Authority.

- i. The right to elect, as an alternative to the benefits in subparagraph 2. above, to received benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and
- j. The right of appeal to the director of CDFA where a claim for assistance under subparagraph 2. above, is denied by the grantee. The director's decision shall be final unless a court determines the decision was arbitrary and capricious.
- k. Subparagraph (2) a. through g. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.

CERTIFICATION OF COMPLIANCE

The City of Concord anticipates no displacement or relocation activities will be necessitated by this project. Should some unforeseen need arise, the City of Concord certifies that it will comply with the Uniform Relocation Act and Section 104 (d) of the Housing and Community Development Act of 1974, as amended.

NAME: Thomas J. Aspell, Jr.

TITLE: City Manager

SIGNATURE: 

DATE: September 10, 2012



CITY OF CONCORD

5-23 Brian
A/25/13
6-38(K)
6-49

In the year of our Lord two thousand and thirteen

RESOLUTION ACCEPTING AND APPROPRIATING THE SUM OF FORTY-ONE THOUSAND DOLLARS (\$41,000) FROM THE SALE OF THE TRIACCA PROPERTY TO EQUITY TRUST, INC. AS PREVIOUSLY AUTHORIZED BY RESOLUTION #8632.

Page 1 of 2

The City of Concord resolves as follows:

- WHEREAS,** the City acquired the Triacca Property for land conservation purposes with funds from the Conservation Trust Fund on September 25, 2012, and at that time a conservation easement was also conveyed to the Five Rivers Conservation Trust with an executory interest to the City; and
- WHEREAS,** Equity Trust owns Dimond Hill Farm, which is adjacent to the Triacca property, and the Manager of Dimond Hill Farm utilizes the agricultural fields on the Triacca property; and
- WHEREAS,** the City, Five Rivers Conservation Trust and Equity Trust agree upon the benefits to the long-term viability of the agricultural property of selling the Triacca property to Equity Trust and merging the parcel with Dimond Hill Farm, so the land can be owned and managed together with the Farm; and
- WHEREAS,** the City has the ability to divest of real estate in accordance with RSA 80 and City Code of Ordinances Title I, General Code, Chapter II, Finance, Article 2-1 Real Estate; and
- WHEREAS,** the City Council authorized the City Manager to enter into a purchase and sale agreement with Equity Trust for the sale of the Triacca Property on January 14, 2013; and
- WHEREAS,** Five Rivers Conservation Trust raised \$41,000 in donations, which is the appraised value of the land, and the City entered into a Purchase and Sale Agreement with Equity Trust for the sale of the property for \$41,000; and
- WHEREAS,** A closing on the sale of Triacca property was completed on April 11, 2013, and said sale resulted in net revenues to the City in the amount of \$41,000; and
- WHEREAS,** the City intends to transfer these funds to the City's Conservation trust reserve account to reimburse for costs previously incurred for the initial purchase of the land; and
- WHEREAS,** this appropriation is for a purpose not included in the adopted budget, therefore Section 37 of the City Charter requires a two-thirds vote of the City Council.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION ACCEPTING AND APPROPRIATING THE SUM OF FORTY-ONE THOUSAND DOLLARS (\$41,000) FROM THE SALE OF THE TRIACCA PROPERTY TO EQUITY TRUST, INC. AS PREVIOUSLY AUTHORIZED BY RESOLUTION #8632.

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

1. The sum of\$41,000
be and is hereby appropriated as follow:

Conservation Trust Fund

Community Development Department

Conservation Commission for transfer to Conservation Trust Reserve account....\$41,000

2. Revenue for this project is available as follows:

Conservation Trust Fund

Sale of Triacca property.....\$41,000

3. This resolution shall take effect upon its passage.

TJA



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Concord Conservation Commission

DATE: April 30, 2013

SUBJECT: Resolution accepting and appropriating the sum of forty-one thousand dollars (\$41,000) from the sale of the Triacca Property to Equity Trust, Inc. as previously authorized by Resolution #8632

Recommendation

Set a public hearing to accept and appropriate the sum of forty-one thousand dollars (\$41,000) from the sale of the Triacca property to Equity Trust, Inc., as previously authorized by Resolution #8632.

Background

In 2012, the Conservation Commission partnered with Five Rivers Conservation Trust to purchase a conservation easement on the Triacca property, located on Hopkinton Road. The conservation easement was conveyed to Five Rivers with an executory interest to the City. The City also acquired the fee simple interest in the property. The land includes 23.92 acres and is located immediately adjacent to Dimond Hill Farm, which has also been protected from further development by a conservation easement held by the Five Rivers Conservation Trust.

Jane Presby, the manager of Dimond Hill Farm, currently utilizes the fields on the Triacca property as part of her farming operation and the fields were historically part of Dimond Hill Farm. Dimond Hill Farm is owned by Equity Trust with a life estate to Ms. Presby. Equity Trust is a nonprofit organization based out of Massachusetts which promotes the preservation of agricultural land and also helps to provide alternative ownership structures for farms in order to keep them in active agricultural production.

The purchase of the conservation easement was leveraged with a federal Natural Resource Conservation Service (NRCS) Farm and Ranchland Protection (FRPP) grant. The transaction was completed in September 2012 and the cost of the conservation easement and the City's contributions are summarized below:

- \$222,000 Conservation easement
- \$111,000 FRPP grant contribution towards the purchase of the conservation easement
- \$111,000 City's contribution towards the purchase of conservation easement
- \$ 41,000 City's contribution towards the purchase of the easement land
- \$152,000 Total contribution from the City

Discussion

Jane Presby, the owner of Dimond Hill Farm expressed an interest in having Equity Trust purchase the land from the City. Five Rivers Conservation Trust and the Conservation Commission agreed that it would be beneficial to the long-term viability of Dimond Hill Farm and the management of the agricultural fields if the property were sold to Equity Trust. This would enable the land to be managed together with Dimond Hill Farm as one contiguous agricultural property. Even though the land would no longer be owned by the City, it will remain protected from future development with a conservation easement held by the Five Rivers Conservation Trust and an executory interest held by the City.

Equity Trust agreed to purchase the Triacca property from the City and to merge the land with Dimond Hill Farm. Equity Trust did not have the capital to purchase the land, but Five Rivers Conservation Trust initiated a fundraising campaign and raised enough money to support the purchase of the land.

In January 2013, the City Council authorized the City Manager to enter into a Purchase and Sale Agreement with Equity Trust. The parties agreed upon the price of \$41,000 for the land, which is the appraised value and is also the amount the City paid for the land in September 2012. A Purchase and Sale Agreement was signed with the condition that the Triacca property would be merged with Dimond Hill Farm. The sale of the property closed on April 11, 2013.

The attached resolution accepts and appropriates the revenue of \$41,000 from the sale of the property. The funds would be returned to the Conservation Trust Fund, to recover some of the initial investment in the purchase of the conservation easement and protection of the property.

CITY OF CONCORD

5-24
6-38(L)
6-50

In the year of our Lord two thousand and thirteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index

The City of Concord ordains as follows:

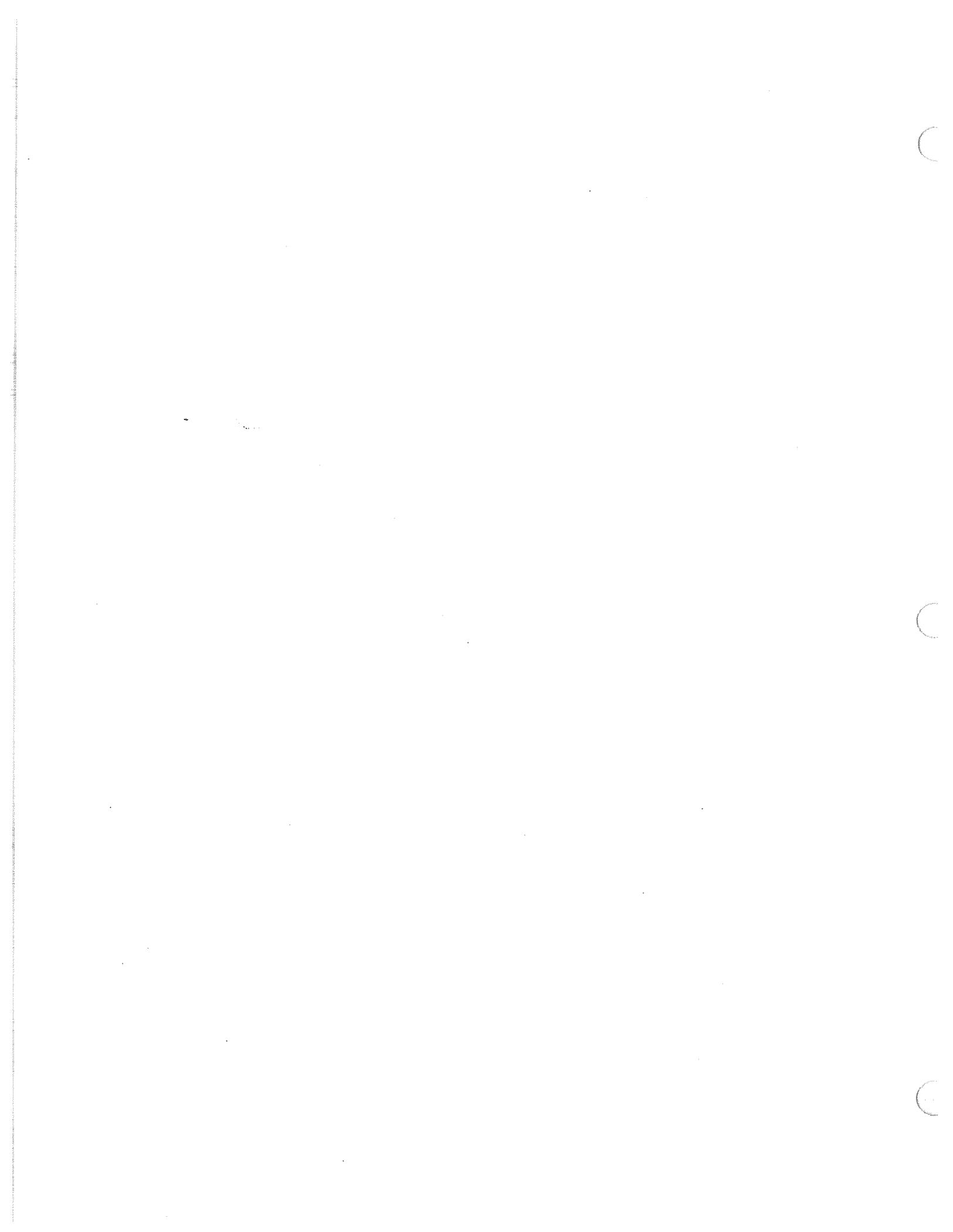
SECTION I: Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, by deleting the following:

Position	Grade	FLSA	Pay Schedule
Purchasing Agent	16	Exempt	Schedule D

SECTION II: Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, by adding the following:

Position	Grade	FLSA	Pay Schedule
Purchasing Agent I	16	Exempt	Schedule D
Purchasing Agent II	19	Exempt	Schedule D

SECTION III: This ordinance shall take effect upon its passage.





CITY OF CONCORD

TJA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Doug Ross, Purchasing Manager
DATE: March 18, 2013
SUBJECT: New Job Description for the Purchasing Division

Recommendation

Accept the Report and set a public hearing to adopt the Purchasing Agent II Position at the May 2013 City Council Meeting.

Background

Effective January 12, 2009 City Council amended the Code of Ordinances by adding the position of Purchasing Agent (LG 16) to the Purchasing Division replacing the Administrative Specialist II position (LG 11). For the reasons provided below it is recommended that the Purchasing Agent position be changed to Purchasing Agent I (LG 16) and that a Purchasing Agent II position (LG 19) be created, not as a new position, but as an opportunity for growth and advancement for the Purchasing Agent I.

Discussion

The Purchasing Agent position was filled in November 2009 to provide purchasing support for the General Services Department. Since adding this position, the Purchasing Agent has successfully:

1. Reduced the amount of time General Services Department personnel have to spend on purchasing related duties, leaving them more time to deliver services to citizens;
2. Provided consistency, coordination and economies of scope to the purchasing process while improving the level of service provided by the Purchasing Division to both internal and external customers;
3. Provided economies of scale by bundling purchasing volumes in order to reduce purchasing costs to the city;
4. Utilized the city's financial management software (Logos) to:
 - a. Electronically create and issue purchase orders;
 - b. Build an invaluable database of critical information on city purchases of goods and services;
 - c. Help reduce the city's exposure to fraud and theft by physically separating the purchase of goods and services from the receipt and payment of these goods and services.
5. Reduced the number of purchases made on city issued purchasing cards.

The current job description for the Purchasing Agent would remain the same for the Purchasing Agent I. The reorganization would result in the employee who currently holds the position of Purchasing Agent to be

automatically reclassified into the new position of Purchasing Agent I upon passage of this ordinance. This would not impose any new costs as the Purchasing Agent I position is the same labor grade as the Purchasing Agent position.

Creation of the Purchasing Agent II position will provide the Purchasing Agent with the opportunity to continue to grow, develop and advance. It will also provide the Purchasing Division with the opportunity to shift some responsibilities from the Purchasing Manager and provide consistency and improved levels of service to our customers. The additional requirements and responsibilities of the Purchasing Agent II include:

1. Obtaining and maintaining certification by the Universal Public Procurement Certification Council (UPPCC) as a Certified Professional Public Buyer (CPPB);
2. Assisting the Purchasing Manager with compiling and analyzing relevant purchasing statistical data;
3. Directly negotiating with vendors and making independent decisions on procurement matters, including the award of contracts;
4. Issuing, receiving, tabulating, distributing and awarding competitive solicitations as assigned by the Purchasing Manager;
5. Independently coordinating the conversion and consolidation of goods and services with key department personnel and vendors; and
6. Training city staff on the use of the city's financial management software and internally created dashboard reports.

The City of Concord continues to have a wide variety of purchasing needs, possibly more than any other municipality within the state with at least one full-time Purchasing position. And with the attention of the Purchasing Manager being increasingly directed to energy purchasing and management issues, overall management of the competitive solicitation process, contract management and oversight of the Purchasing portion of the city's financial management software and website this is an opportunity to allow the Purchasing Division to continue to evolve and add value to the needs of the organization.

The success of the Purchasing Agent II position shall be measured by:

1. Maintaining certification as a Certified Professional Public Buyer (CPPB);
2. Independently working with city staff and vendors to negotiate contracts;
3. Independently issuing and receiving competitive solicitations, as assigned, and subsequently awarding contracts;
4. Working with city staff and vendors to convert and consolidate the purchases of goods and services; and
5. Providing hands-on training for the city's financial management software and dashboard reports to new and existing city staff.

Advancement to the Purchasing Agent II position will only occur when budgetary means are available and typically during the regular annual budget and program change request process. The Purchasing Division does not intend to fill both of the positions of Purchasing Agent I and Purchasing Agent II. It is instead intended that the Purchasing Agent I position will remain vacant after the Purchasing Agent II position is filled.

5-25
6-38(m)
6-51

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11, Leave, Section 34-11-3, Injury Leave.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11, Leave, by deleting Section 34-11-3, Injury Leave, in its entirety and replacing it with a new Section 34-11-3, Injury Leave, as follows:

34-11-3 Injury Leave.

(a) Definitions.

- (1) Injury. Injury arising out of and in the course of his or her employment with the City of Concord.
- (2) Base Weekly Pay. Employee's hourly rate multiplied by the regular scheduled hours per week, not including overtime pay.

(b) Payments. Employees of the City of Concord are covered by worker's compensation insurance. An employee injured and expected to receive indemnity payments from the City's worker's compensation provider shall be supplemented by the City of Concord at a rate of 40% of the Base Weekly Pay, pro-rated based on actual work days missed, up to a maximum of fifteen (15) weeks. If this supplemented payment combined with the indemnity payments paid by the City's worker's compensation provider exceeds the Base Weekly Pay, the City shall be reimbursed by the employee any supplemental payment provided in excess of that Base Weekly Pay. Further, the City shall be permitted to adjust any future supplemental payments based on actual indemnity payments to prevent overpayments to the employee. Any withholdings of wages authorized pursuant to RSA 275:28 shall be deducted from the employee's supplement payment.

SECTION II: This ordinance shall take effect upon its passage.



CITY OF CONCORD

TAO

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Jennifer Johnston
DATE: April 18, 2013
SUBJECT: Injury Leave Revision

Recommendation

Accept the Report and set a public hearing to adopt the revision to amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11, Leave, Section 34-11-3, Injury Leave for the June 2013 City Council Meeting.

Background

The last revision to this ordinance occurred in May, 1990. Since that time, worker's compensation benefits paid to injured employees have been reduced by the State legislature, making this injury leave provision an important component of our leave policies. This recommendation is to ensure fairness and timely payment to employees who are injured while performing the scope of their work responsibilities.

Discussion

Currently, the injury leave ordinance allows employees' wages to be supplemented by the City so that the employee shall receive his net weekly wage up to a maximum of fifteen (15) weeks. The ordinance does not define net weekly wage. It also does not stipulate how the payment will be coordinated with the indemnity payments from the worker's compensation carrier. This ambiguity in language has led to situations where the employee must wait to learn if a claim is accepted and then what the indemnity rate will be set at. In that interim, the employee is paid their regular wages. This results in overpayments to the employee in most cases that the city must collect often causing frustration and confusion for the injured employee.

The proposed change to the ordinance allows the City to calculate the rate of supplement based on the definition and begin paying the appropriate rate immediately, rather than waiting on the claim determination. This ensures the employee is being paid correctly and in a timely manner. The proposed change also allows for adjustments to city paid supplement to be made based on actual indemnity payments.

This proposed change is not projected to incur any new costs; it will just expedite correct and timely payment to the employee and it will insure our compliance with the worker's compensation laws and regulations of New Hampshire.

In order to accomplish the aforementioned, the City Council will have to set a public hearing for June and then approve the attached ordinance.

Respectfully Submitted,

Jennifer Johnston

cc: Thomas J. Aspell Jr., City Manager

Resolution No.

5-58 3-39
6-53 1-16

CITY OF CONCORD

In year of our Lord two thousand thirteen

2-33(I)
2-42
4-39

RESOLUTION Amendment of the Official Map so as to establish the Mapped Lines of a Future Street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

The City of Concord resolves as follows:

- WHEREAS,** pursuant to enabling statutes, the City has established an Official Map as well as adopted an ordinance creating a process for mapping the lines of future streets; and
- WHEREAS,** mapping the lines of future streets reserves a corridor for a street to be constructed at a future time by restricting the issuance of building permits for buildings or structures within the mapped lines of future streets; and
- WHEREAS,** the adopted Master Plan 2030 recommends the creation of a roadway network to serve the southern Opportunity Corridor. The Opportunity Corridor Study and the 2030 Master Plan includes an extension of Storrs Street from the Intersection of Theatre Street and Storrs Street southerly under the Manchester Street Bridge to Gas Street, and then southerly to Langdon Avenue; and
- WHEREAS,** the City of Concord contributed over 1 million dollars in 1997-8 to the I-93 Exit 13 NH Department of Transportation improvement project to widen the Manchester Street Bridge to accommodate this planned roadway; and
- WHEREAS,** the Planning Board held a public hearing on December 19, 2012, after notifying the affected property owners on the planned new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue and accepted testimony, and
- WHEREAS,** the future street is intended to be constructed as an urban street to support the redevelopment of the southern Opportunity Corridor.
- WHEREAS,** the Planning Board voted unanimously to forward a request to the City Council that the Board be authorized pursuant to Section 16-3-6, Mapping of Future Streets, of the Code of Ordinances, to prepare and certify a plan of the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

Resolution No.

CITY OF CONCORD

In year of our Lord two thousand thirteen

RESOLUTION Relative to the Establishment of the Mapped Lines of a Future Street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

Page 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of Concord that:

- 1.) The Planning Board be, and hereby is authorized to prepare and certify a plan of the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.
- 2.) This resolution shall take effect upon its passage.



CITY OF CONCORD

120

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Stephen Henninger, Assistant City Planner

DATE: December 20, 2012

SUBJECT: Amendment to Mapped Lines of Future Streets – Storrs Street South

Recommendation

The Planning Board, after holding a public hearing on December 19, 2012, voted unanimously to forward the proposed revision of mapped lines of future streets to the City Council. The Board is requesting that the City Council direct the Planning Board to certify the mapped line of a future street pursuant to Article 16-3-6 Mapping of Future Streets, of the Code of Ordinances, and RSA 674:11, Amendments to Official Map, for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

Prior to directing the Planning Board to certify the mapped street, the City Council will need to hold its own public hearing, send notice of the hearing by certified mail "to all owners over whose lands the proposed streets will cross," and publish the hearing notice in the newspaper.

Please see the attached map showing the location of the proposed 50' wide mapped line of future streets extending from the intersection of Theatre Street and Storrs Street, southerly adjacent to the NH main line railroad line, underneath the Water Street Bridge to Gas Street, then southerly from Gas Street to Langdon Avenue.

Background

This new road extending through the old Boston and Maine railroad yards southerly to the South Concord Industrial park has been planned for many decades. The yards and the South Concord Industrial park have languished as an underused and deteriorating brownfields site since prior to the 1960's.

The area has been begun a turnaround and several new developments have been completed including a new maintenance facility and headquarters for Concord Coach (an inter-city

bus company), Evolution Rock (a fitness center and climbing gym), and renovations to the J & S Leasing property.

The construction of Concord Steam Power Plant and cogeneration facility southerly of Langdon Avenue is planned for construction in 2013.

The City facilitated the extension of this new road in 1998-9 by increasing the length of the Water Street Bridge as part of the I-93 Exit 13 reconstruction project to allow for one bay under the bridge for the NH Main Line Railroad and one-bay for the Storrs Street extension at a cost of 1.3 million dollars.

The City has acquired the rights to develop Langdon Avenue as a public street from South Main Street to the NH Main Line Railroad (B & M Rail Line). A small amount of additional right-of-way in front of the Concord Coach facility still needs to be secured. A recent condominium subdivision of the J& S Property has preserved a corridor for the future road north from Langdon Avenue.

Master Plan

The Planning Board in 1993, as part of the Year 2010 Master Plan Update, adopted a Future Transportation Plan showing the southerly extension of Storrs Street from Theatre Street (Chandler Street) to the vicinity of Allison Street and South Main Street.

In the "The South Concord Redevelopment Area Study – A Small Area Master Plan" adopted by the Planning Board in 1997, the current alignment shown on the attached plan was developed.

The Concord Opportunity Corridor Master Plan prepared in April of 2005 reaffirmed the location and alignment of the southerly extension of Storrs Street and the recommendations of the South Concord Redevelopment Area Study.

In the current Master Plan 2030, the Planning Board reaffirmed the location and purpose of the southerly extension of Storrs Street to facilitate the redevelopment within the southern segment of the Opportunity Corridor.

Analysis

The proposed new mapped street has been referred for decades as the southerly extension of Storrs Street. Based on E-911 mapping and addressing conventions, when this street is developed a new street name will need to be selected. In this report we will continue to identify this proposed street as the southerly extension of Storrs Street.

The southern extension of Storrs Street has a well-defined beginning, middle and end. The starting point at the intersection of Storrs Street and Theatre Street is anchored at an existing four way intersection, falls between two large industrial scale buildings, and is the

ideal location from a grade standpoint to connect back to Storrs Street. The Merrimack River bluffs along South Main Street are on average about 26' above the grade of the plain below the bluff. Langdon Avenue is located at a low point in the bluffs and has 5-6% slopes on both approaches on South Main Street and on Langdon Avenue. Other connecting points between the two locations would require significant grade changes and impacts to existing buildings. Full access at Gas Street will be a design consideration given the available right-of-way for Gas Street, grade of Gas Street at South Main Street, and site distance at the South Main Street/Gas Street intersection. The underpass designed specifically for the future road under the Water Street Bridge is the only feasible location for the street between South Main Street and the NH Main Line Railroad. This section of the NH Main Line Railroad has been designated as one of five high speed rail corridors in the country with service proposed from Boston to Montreal. New at-grade rail crossings of this line are unlikely to be approved.

The corridor could be completed in two independent phases, one section from Theatre Street to Gas Street, and the second section from Gas Street to Langdon Avenue. Improvements to Langdon Avenue and the intersection of Langdon Avenue and South Main Street will be needed to support redevelopment in the southern section.

The following properties would be affected by the proposed mapped line of future streets.

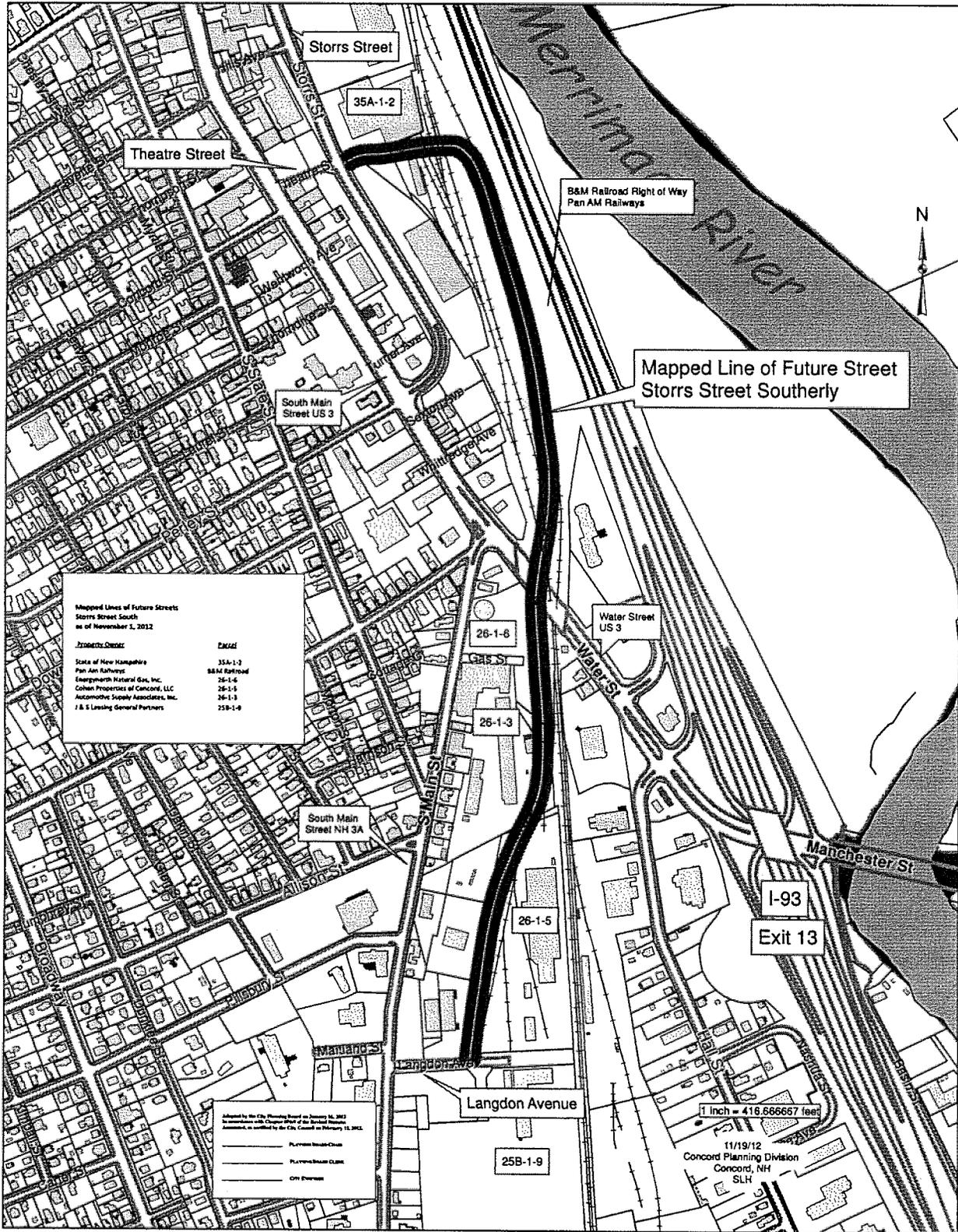
<u>Property Owner</u>	<u>Map/Lot Number</u>	<u>Address</u>
State of New Hampshire	35A-1-2	50 Storrs Street
Pan Am Railroad	B & M Railroad	Storrs Street
Energynorth North Natural Gas, Inc.	26-1-6	Gas Street
Cohen Properties of Concord, LLC	26-1-5	Gas Street
Automotive Supply Associates, Inc.	26-1-3	219-231- S. Main St
J & S Leasing General Partners	25B-1-19	287 South Main St.

There are no environmentally sensitive areas along the corridor.

For the extension of Storrs Street to be completed south of Gas Street a complete take would be required for parcel 26-1-5 owned by Cohen Properties of Concord, LLC. This 0.65 acre parcel has a total assessed value of \$87,600. No other building or structure is impacted.

The corridor is located in a Brownfield area; however recent development in this area has proceeded without major expenditures for the cleanup of either soil or ground water contamination. The Energynorth parcel (26-1-6) at Gas Street was the site of a coal-gasification plant and the source of coal tar contamination in the area. Liberty Gas, the successor to Energynorth, would be are responsible for any Brownfield remediation associated with this contamination which may be required due to construction of the new street.

Storrs Street Southern Extension Mapped Line of Future Street



Mapped Lines of Future Streets
Storrs Street South
as of November 1, 2012

Property Owner	Taxid
State of New Hampshire	35A-1-2
Pan Am Railway	B&M Railroad
EnergyNorth Natural Gas, Inc.	26-1-6
Colten Properties of Concord, LLC	26-1-1
Automotive Supply Associates, Inc.	26-1-3
J & S Leasing General Partners	25B-1-9

Adopted by the City Planning Board on January 16, 2012
in accordance with Chapter 281:2 of the Revised Statutes
of New Hampshire, as certified by the City Council on February 12, 2012.

_____ PLANNING BOARD CHAIR
 _____ PLANNING BOARD CLERK
 _____ CITY ENGINEER

1 inch = 418.666667 feet

11/19/12
Concord Planning Division
Concord, NH
SLH

CITY OF CONCORD

In the year of our Lord two thousand and twelve

RESOLUTION RESOLUTION APPROVING THE GRANTING OF A CONSERVATION EASEMENT TO THE SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS (SPNHF) ON APPROXIMATELY 114 ACRES OF LAND SOUTHERLY AND EASTERLY OF GULLY HILL ROAD, AS APPROVED BY THE CONSERVATION COMMISSION.

The City of Concord resolves as follows:

- WHEREAS,** on April 12, 2004, the City adopted the provisions of RSA 36-A re-establishing the Concord Conservation Commission with the power to acquire in the name of the City, subject to the approval of the local governing body, by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee in such land or water rights, or any lesser interest, development right, easement, covenant, or other contractual right including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, or limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within the City; and
- WHEREAS,** between 2007 -- 2010 the City acquired approximately 114 acres southerly of Gully Hill Road including parcels 110/6/9, 110/6/10, 110/6/11, 110/6/12, 114/1/8, 114/1/3, 114/1/6 and 110/6/14 for open space purposes, with funds available in the Conservation Trust Fund; and
- WHEREAS,** this land includes agricultural land of statewide and local importance and is also located within the floodplain of the Merrimack River; and
- WHEREAS,** the property is leased to local farmers and is currently in agricultural use, the lease revenues will be used to assist maintenance of the parcel, or otherwise be placed in the Conservation Fund; and
- WHEREAS,** the Master Plan 2030 includes the following goals: "To preserve prime and significant agricultural soils for agricultural uses, and to encourage the retention and diversification of agricultural uses within the City"; and
- WHEREAS,** the Conservation Commission, under the provision of RSA 36-A, conducted a public hearing after which the Conservation Commission members voted unanimously in the affirmative to recommend the conveyance of a conservation easement in the name of the City of Concord to the SPNHF on the above-cited parcels, as a means of ensuring the permanent protection and stewardship of said parcels; and for which the Conservation Commission intends to pay the standard SPNHF one-time stewardship fee for the acceptance and long-term monitoring of the conservation easement in the amount of \$10,000, from the Conservation Trust Fund property management account, as appropriated in the Fiscal Year 2012 budget;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

- 1) This resolution shall be effective upon its passage.

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CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: CONCORD CONSERVATION COMMISSION

DATE: May 28, 2012

SUBJECT: Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission.

Recommendation

Authorize the City Manager to grant a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road.

Background

In 2004, the Conservation Commission and the SPNHF began a dialogue about protecting the prime farmland south of Gully Hill Road which belonged to the Bartlett Family Trust, the Keith G. Richard Trust, and the Towle Special Trust. The preservation of the Bartlett dairy farm on Josiah Bartlett Road was also part of this discussion. SPNHF took the lead on discussions with the Bartletts about the family farm, while the Commission proceeded to contact the Bartletts, Keith Richard, and the Towles, regarding the possible acquisition of approximately 114 acres of land southerly of Gully Hill Road and northerly of Terrill Park. The land contains important agricultural soils, is located in the floodplain with extensive frontage along the Merrimack River and is within close proximity to downtown Concord. The Commission began negotiations with the property owners in 2007, and purchased the southerly 40 acres from Keith G. Richard Trust. Mr. Richard conditioned the sale of his land on a lease back to allow him to continue farming the property.

In 2007, the Towle Special Trust sold its property, which was an undivided half interest in the 29 acres at the northern edge of this area, to Jeffrey S. Larrabee, who approached the Commission in September 2008 about selling his interest in this parcel. In March of 2009, the City purchased the 29 acres from Mr. Larrabee and the Bartlett family, who each owned a half interest in the parcel. The tillable acreage was then leased back to the Bartlett family.

At that time the City also secured an option to purchase the balance of the Bartlett lands (45+/- acres) in the future. The Bartlett family is in its fourth generation of dairy farming in Concord on Josiah Bartlett

Road, and they also conditioned the future sale of the remaining 45 acres on the lease back of the agricultural land. In 2010, the City purchased the remaining 45 acres from the Bartlett family and entered into a long term lease with the Bartletts to allow them to continue farming the land.

The Conservation Commission held a public hearing on August 11, 2010, and voted unanimously to convey a conservation easement on the all of the city-owned open space land southerly of Gully Hill Road and to pay the stewardship fee of \$10,000 from funds available in the Conservation Trust Fund, to the SPNHF for the granting of the conservation easement. The \$10,000 stewardship fee and any closing costs would be paid for from the funds available on deposit in the Conservation Trust Funds, as appropriated for land protection projects in the fiscal year 2012 budget.

The City Council discussed the conveyance of the conservation easement during the public hearing in 2010 for the acquisition of the Bartlett property. The Council decided to authorize the purchase of the land but asked the Conservation Commission to work with SPNHF to develop a draft conservation easement that the Council would vote on at a later date.

Proposed Conservation Easement

The City now owns all of the agricultural/floodplain land southerly of Gully Hill Road and northerly of Terrill Park. This land was identified in the Master Plan as a priority area for protection due to its prime agricultural soils, substantial wetlands, valuable wildlife habitat, location within the floodplain, and the potential for trails and access to the river for outdoor recreation. Because the property is such an important natural and recreational resource for the City, the Commission agreed that it would benefit from the added level of protection that conservation easement would offer.

The conservation easement would ensure that the prime agricultural soils as well as the natural and recreational resources are protected in perpetuity. SPNHF would assume the responsibility of the land stewardship for the property. If the easement is conveyed, the City would pay a one-time stewardship fee of \$10,000 to SPNHF as a contribution towards the stewardship responsibilities. These responsibilities include annual monitoring to make sure the property is being managed in a way that is consistent with the terms of the easement. Conservation easements have been conveyed to SPNHF on the City-owned agricultural lands off of West Portsmouth Street and Locke Road. A fact sheet published by SPNHF with answers to commonly asked questions and concerns regarding conservation easements has been included in this report for your review.

The Commission has worked with SPNHF to develop a proposed conservation easement for the property. The easement includes the standard language that prohibits development and further subdivision of the property and restricts the use of the land for industrial and commercial purposes. The easement would permit agricultural, forestry, and passive non-motorized recreational uses and other uses that would not be detrimental to the conservation purposes of the easement. The easement also includes specific language to addresses the following areas in more detail:

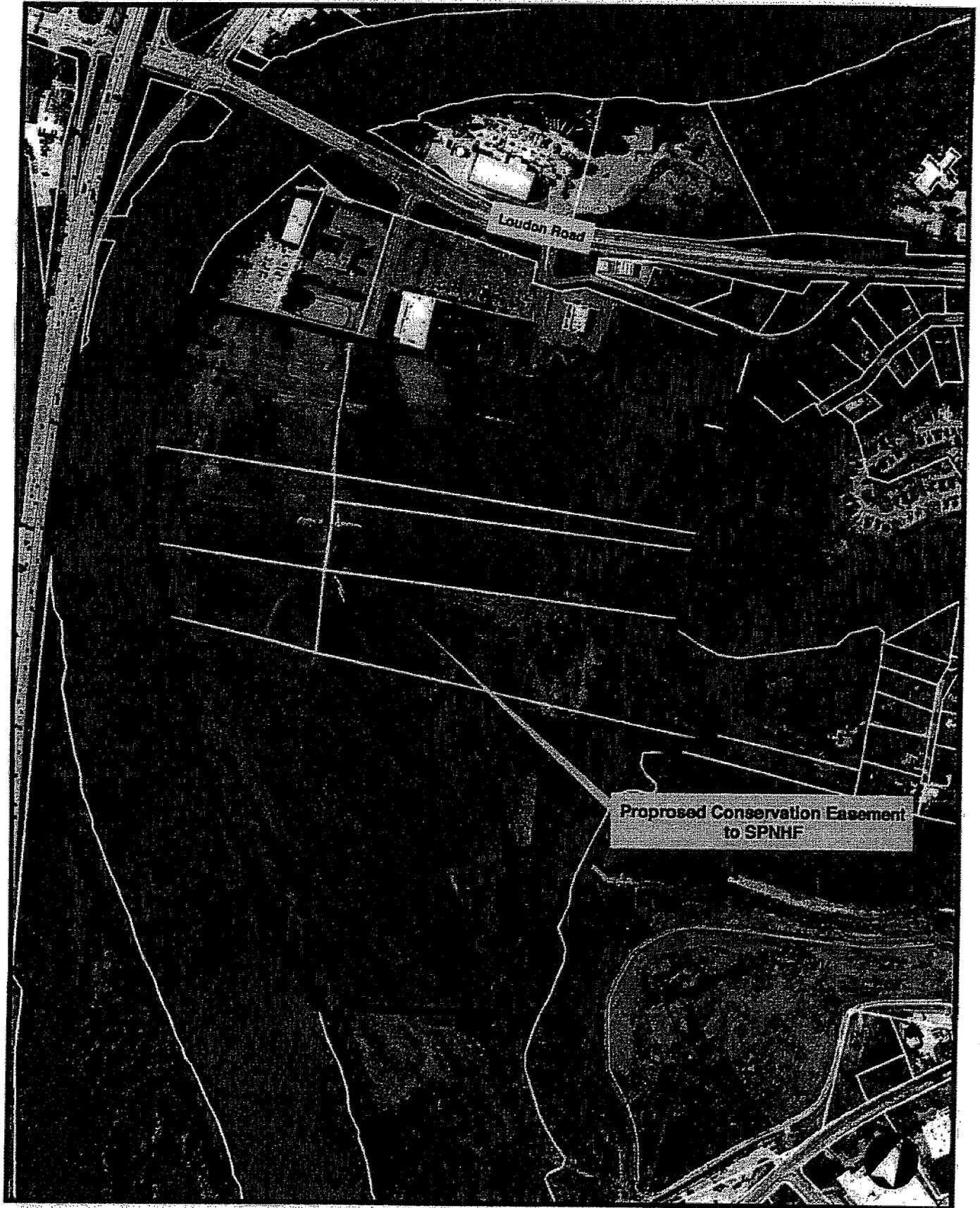
- **Public Events** - The City may hold public events on the property. The event could include the installation of temporary shelters, tents, staging, utilities such as electric power, and provide for the parking of vehicles and the installation of temporary sanitation facilities such as chemical toilets. The easement restricts the length of any one event to 10 days.

- Construction of Shared-Use Path - The City may construct and maintain a paved 12-foot wide shared use path together with a boardwalk and associated drainage improvements within the easement area. The easement would restrict the location of the trail to an area between 250 feet and 50 feet from top of the bank of the Merrimack River at the time of construction.
- Construction of Small Parking Area - The City may construct a small parking area (8,000 sq. ft. or less) to support the recreational users of the property.
- Construction of Recreational Amenities – Trails, kiosks, docks, boardwalks and bridges may all be constructed on the property.
- Buffer to the Merrimack River – The easement provides for a 75-foot protective buffer to the Merrimack River. The natural vegetation existing within 75 feet of the top of the bank along the Merrimack River will need to remain undisturbed. The vegetation within the buffer can be thinned or pruned to open up scenic view of the river or to manage the health of the vegetation. The buffer can also be disturbed to accommodate the construction and maintenance of recreational trails.
- Installation of Temporary Structures - Agricultural or forestry related structures and temporary structures related to special events may be located within an area that is outside of the 250-foot shoreland setback and the 50 foot buffer to jurisdictional wetland areas (See attached map). The City may also permit the installation of temporary agricultural structures such as hoop houses, provided that the total impervious surface does not exceed 100,000 sq. ft. and that the impervious coverings be installed no earlier than October 15 of each year and removed no later than June 1.
- Maintenance of Existing Roads - The City would be able to continue to maintain, repair, improve, and use all roads which exist on the property today. New roads would need to be located outside the 50-foot wetland buffer and the 75-foot vegetative buffer to the Merrimack River at the time of construction.

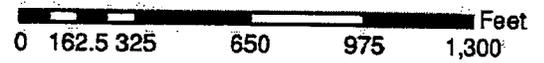
Summary

The recommendation is to authorize the City Manager to grant conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road. The Conservation Commission will pay for the \$10,000 stewardship fee and any closing costs from the funds available on deposit in the Conservation Trust Funds, as appropriated for land protection projects in the fiscal year 2012 budget.





 Proposed Easement Area, 114 acres southerly of Gully Hill Road



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CONSERVATION EASEMENT

QUESTIONS AND ANSWERS

One of the best ways you, as landowner, can protect the important natural features of your land is to place a conservation easement on your property.

A conservation easement provides permanent protection from land use that could damage or destroy its scenic, recreational, ecological, and natural resources.

Each easement is drafted to reflect the natural resources of the land, the personal needs of the landowners, and the objectives of the organization or agency that holds the easement.



What is a conservation easement?

A conservation easement deed is a permanent, legally binding agreement between a landowner and a qualified conservation organization or public agency that restricts use of the land to protect its significant natural features. In New Hampshire this is authorized by RSA 477:45-47.

Who owns the land when a conservation easement is placed on a property?

As a landowner, you continue to own and have the right to manage your land while giving up the right to engage in certain intensive uses of the property. You will continue to be responsible for paying the local property taxes on the parcel.

Who can hold conservation easements?

According to New Hampshire state law, conservation easements can be held by a qualified non-profit conservation organizations or public agencies and municipalities able to ensure that the property is protected in perpetuity. Private groups such as the Forest Society, the NH Audubon Society, The Nature Conservancy, and local land trusts are equipped to receive and enforce conservation easements. Public agencies such as town conservation commissions, county conservation districts, the NH Department of Fish and Game and the NH Division of Forests and Lands also hold conservation easements.

What uses are permitted on conservation easement land?

Typically, conservation easements held by the Forest Society allow the landowner to continue to use the land for agriculture, forestry, non-commercial outdoor recreation, wildlife habitat management and all other uses that are compatible with the conservation goals for the property and not specifically prohibited by the easement terms.

What uses are prohibited on conservation easement land?

Conservation easements generally prohibit subdivision and development, commercial and industrial activities, except agriculture and forestry, mining and excavating, filling or disturbance of wetlands, and disposal of man-made waste or hazardous materials.

Can landowners request specific permitted uses on the property?

When you work out the details of the easement with the easement holder, you should try to anticipate as many future needs and possibilities for the land as possible. Specific exceptions may allow an additional house lot on the property or the right to build and maintain roads and buildings. Sometimes landowners put conservation easements on only a portions of their property reserving full development options for the balance of their land.

Does the easement grant any rights to the easement holder?

The conservation organization that holds the easement has the right to enter the property to monitor its condition and the obligation to enforce the easement, in court if necessary, to ensure that the terms are upheld and the natural resources are protected.

What is an executory interest?

An executory interest is a secondary or backup easement in the land held by another conservation organization. The executory interest holder is responsible for ensuring that the primary easement holder monitors the property and enforces the terms of the easement. If the primary holder fails to enforce the easement for any reason, the backup holder can take enforcement action to restore the property and can even take over the easement from the grantee. As a landowner you may choose which organization is the primary easement holder and the executory interest holder.

The Forest Society pioneered the use of conservation easements in New Hampshire in the early 1970's. Today the Forest Society is responsible for protecting more than one million acres throughout the state.

Our land agents are trained and experienced in crafting easements, in cooperation with landowners and their advisors. Please call us if you have any questions regarding conservation easements.



How are conservation easements monitored and enforced?

The Forest Society knows that the best way to prevent problems over conservation easements is to maintain a positive relationship and good communication with the landowners. The conservation organization that holds the easement has the authority and obligation to ensure that the natural resources are protected in perpetuity. Easement holders are responsible for regularly inspecting the site to make sure the property is maintained in compliance with the easement. If activities on the land violate the agreement, the easement holder may take action to halt the damaging activity.

Does granting a conservation easement give the public access to my property?

No, generally donated conservation easements do not automatically give the public any rights to enter or use protected property. Most easements let the landowner decide to allow public access. However, if an easement is purchased, guaranteed public access for pedestrian recreation may be required.

Do easements restrict my ability to sell, convey by will, or give my land in the future?

No, you may sell or convey the land to a different owner at any time at any price. Conservation easements run with the land forever, so all future owners will be required to follow the easement terms.

Will I be asked to donate Money?

To help cover the costs of insuring your wishes for the future of your land, the Forest Society requests a donation to the Easement Stewardship Endowment. This money provides funds for monitoring the property and for any legal expenses that may be necessary to enforce the terms of the easement.

What costs are involved with easements?

Conservation easements may involve expenses for items such as legal fees, survey and appraisal costs or other professional services. The Forest Society may charge fees for the service of easement drafting and baseline documentation preparation.

Are there financial benefits to donating a conservation easement?

Yes, by donating a conservation easement you may benefit in several possible ways. Consult a qualified professional to find out how these possibilities apply in your personal situation.

Federal income taxes:

If you donate some or all of the value of the conservation easement to a qualified organization, you may be eligible to take a federal income tax deduction for the value of the charitable gift. To be deductible for federal income tax purposes the easement must meet certain standards established by the federal government.

Federal Estate Taxes:

When a conservation easement is placed on a property, it typically lowers the property's value for federal estate tax purposes and may decrease estate tax liability. Therefore, easements may help heirs avoid being forced to sell off land to pay estate taxes and enable land to stay in the family. Under certain situations, conservation easements can be granted after the death of the landowner and still provide estate tax benefits.

Federal Gift Taxes:

The IRS requires recipients to pay taxes on gifts over a certain value. If you want to give your land to your children without requiring them to pay taxes on your gift, you may need to give the land in installments to stay below the taxable value level. Conservation easements may help to reduce the value of your property, making it possible for you to give all of your land to your children more quickly.

Local Property Taxes:

Conservation easements usually reduce property value, which, in turn, may reduce property tax assessment. If your land is already enrolled in the Current Use Assessment Program, you would probably not see any further reduction in property taxes as the result of granting a conservation easement. If your land is not eligible for the Current Use Program because it is less than 10 acres, you may wish to apply for a Conservation Restriction Assessment and may see a reduction in your local property tax.

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Public Safety Board

Minutes

December 17, 2012

3:00 p.m.

Police Department Training Room

Members present: Councilor Amanda Grady Sexton (Chair), Councilor Jennifer Kretovic, Mr. Anthony Bourque, Mr. Jim Cotsana, Mr. Jim O'Neill, Mr. Michael Tardiff, Mr. Michael Russell, Mr. Steve Edwards,

City Staff Present: Mr. James Kennedy (City Solicitor), Ms. Danielle Pacik (Deputy City Solicitor), Mr. Eugene Blake (Health and Licensing Officer), Chief John Duval (Police Department), Chief Dan Andrus (Fire Department)

Excused: Councilor Fred Keach, Councilor Richard Patten, Councilor Stephen Shurtleff

Call to Order

Councilor Grady Sexton called the meeting to order at 3:04 p.m. Board members and City staff introduced themselves.

Consultation with Legal Counsel

Solicitor Kennedy explained the RSA regulating a non meeting for the purposes of consultation with legal counsel. Chief Duval moved to go into a non meeting. Councilor Kretovic seconded the motion. The motion passed unanimously.

At the conclusion of the consultation, Mr. O'Neill moved to go back into a public session. The motion was seconded by Councilor Kretovic and passed unanimously.

Approval of Meeting Minutes

Mr. O'Neill moved to approve the minutes of March 26, 2012 as amended. Mr. Tardiff seconded the motion. The motion passed unanimously.

Council Referral on Solicitation

Councilor Grady Sexton explained that the ordinance regulates the hours during which solicitation can be conducted. Councilor Kretovic explained that the existing ordinance was passed after a person was raped. Mr. Russell stated that he supports the current ordinance and the hours when solicitation may be conducted. Mr. Blake stated that he has received requests for extensions, and that these types of solicitations often pose other

problems. He stated that the company bringing this request is not permitted to solicit in homes in their home state of Utah.

Mr. Edwards asked how many registrations there are. Mr. Blake replied that there are about 30 registrations, including magazines and other products, environmental organizations, and financial services. Mr. O'Neill asked what the fee is. Mr. Blake replied that there is no fee, except if they are delivering the product on the same day. In that case, they are classified as a peddler and pay \$52.50 per week. Councilor Kretovic asked about the difference between selling products and representing religious organizations. Mr. Blake explained that the primary focus was on magazine sales and that other types do not require a license. Deputy Solicitor Pacik explained that the solicitor's presence can not have been invited by the resident. Mr. Edwards asked about the police calls for service to answer complaints about solicitations. Chief Duval said that it depends very much on the time of day. He reviewed statistics from 2008-2012 that showed that 35.3% occurred during evening hours.

Mr. Blake distributed applications to Board members. Mr. Edwards asked about legal liability. Solicitor Kennedy explained the difference between public speech and commercial speech and considerations of public safety. Mr. O'Neill asked if applicants could be asked if they have approval from the Better Business Bureau. Mr. Blake said that they could do that. He reviewed the components of the application. Councilor Grady Sexton asked what other jurisdictions have done with respect to the Better Business Bureau. Mr. Blake said that it can take a month or longer to get a criminal background check and that the results apply only to New Hampshire.

Councilor Grady Sexton asked if there were any proposals regarding the time limits. Chief Duval said that he is ok with going to 8:00 p.m., but 9:00 p.m. would be pushing it. He said that the teeth for enforcement is having a badge and having it displayed. Councilor Grady Sexton said that solicitors would need to conform to badging requirements. Councilor Grady Sexton asked if we can treat different types of solicitors differently. Mr. Blake said that Girl Scout troops are licensed to sell in front of stores and that all troops are registered. Mr. Tardiff said that he saw no difference between 7:00 p.m. and 8:00 p.m. and that it would be ok to stop at 8:00. Councilor Kretovic said that she prefers more restrictive hours.

Mr. Russell moved to recommend that the hours of solicitation be changed to 9:00 a.m. to 8:00 p.m. Mr. O'Neill seconded the motion. The motion passed unanimously.

Councilor Grady Sexton said that the next issue is a badge. Councilor Kretovic stated that she likes the badge idea, that it is one more level to go through. Mr. Blake said that they can issue a license on the same day now, but a badge would take a couple of days. Mr. Russell asked if they could be required to have company identification. Councilor Kretovic recommended a badge issued by the City of Concord. Chief Duval said that gun permits take ten days. Councilor Grady Sexton asked if we would be badging Girl Scouts and Boy Scouts. Deputy Solicitor Pacik said that the ordinance now requires registration. Councilor Kretovic asked about moving the fee for badging to the fee schedule.

Councilor Kretovic moved to recommend that City staff recommend a fee to cover the costs. Mr. Russell seconded the motion. The motion passed unanimously.

Councilor Grady Sexton said that the next issue involves the time for renewal. Councilor Kretovic moved to recommend to extend the time limit for a license to thirty (30) days. Mr. Russell seconded the motion. Chief Duval asked if provisions for revocation could be included. Deputy Solicitor Pacik stated they could incorporate that language. Councilor Kretovic said that it should be separated from peddlers.

Councilor Kretovic amended her motion to recommend licensing for a thirty (30) day time frame rather than one (1) week. Mr. Russell seconded the amended motion. The motion passed unanimously.

Councilor Kretovic moved to recommend the separation of this ordinance from the ordinance for peddlers and other vendors. Mr. O'Neill seconded this motion. The motion passed unanimously.

Non Meeting for Legal Consultation

Councilor Kretovic moved to discontinue the public meeting in order to have a consultation with legal counsel. Mr. O'Neill seconded the motion, which passed unanimously.

At the conclusion of the consultation, Mr. O'Neill moved to return to a public session. Mr. Russell seconded the motion, which passed unanimously.

Proposed Panhandling Ordinance

Chief Duval spoke strongly in favor of an ordinance to address aggressive panhandling. Mr. O'Neill moved to recommend that the City Administration explore an ordinance of aggressive panhandling. Councilor Kretovic seconded the motion. The motion passed unanimously.

Next Meeting

The next meeting will occur at the call of the Chair.

Adjournment

Mr. O'Neill moved to adjourn the meeting. The motion was duly seconded by Mr. Bourque and passed unanimously. The meeting was adjourned at 4:45 p.m.



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Public Safety Board

Draft Minutes

May 6, 2013

3:00 p.m.

City Council Chambers

Members present: Councilor Amanda Grady Sexton (Chair), Councilor Fred Keach, Mr. Anthony Bourque, Mr. Jim Cotsana, Mr. Jim O'Neill, Mr. Michael Russell, Mr. Steve Edwards

City Staff Present: Mr. James Kennedy (City Solicitor), Chief John Duval (Police Department), Chief Dan Andrus (Fire Department)

Guests: Mr. Peter Silvestro (Eagle Square Deli), Mr. Ray Boucher (Britches of Concord)

Excused: Councilor Stephen Shurtleff

Absent: Councilor Richard Patten, Councilor Jennifer Kretovic

Call to Order

Councilor Grady Sexton called the meeting to order at 3:01 p.m. Board members, guests, and City staff introduced themselves.

Approval of Meeting Minutes

Mr. O'Neill moved to approve the minutes of December 17, 2012. Councilor Keach seconded the motion. The motion passed unanimously.

Council Referral from Downtown Merchants

Mr. Boucher testified that he had seen an increase in loitering and begging for money and of activities that prevented people from coming in to stores. He said that there had been numerous events in Eagle Square, including vandalism and drinking. He reported that a group of business owners met with the Mayor, City Councilors, the City Manager, and the Police Chief and that "It has been terrific ever since."

Mr. Boucher testified that Chief Duval and the Police Department have done a great job. They have provided bike patrols and other measures. He said that it is great that Concord is improving facilities.

Mr. O'Neill asked if the people involved in the activities were local. Chief Duval said that it was a mixture of local residents and out of town people. Mr. Cotsana asked for more information. Mr. Cotsana asked for additional details on the meeting and aftermath. Chief Duval said that the meeting led to a proactive approach using existing laws and ordinances to make contacts and, in some cases, arrests. The focus was on behaviors and keeping lines of communication open.

Mr. O'Neill asked if the activity was related to weather, if there was more activity when the weather was nicer. Chief Duval said that it was. Mr. O'Neill asked if minors were involved. Chief Duval said that there were some minors involved in the activity. Mr. Bourque asked if the Chief needed more resources. Chief Duval reviewed some staffing and deployment facts and said that he wants to put on officer on foot patrol full time in the downtown area. Councilor Grady Sexton asked Chief Duval for more information on his strategy. Chief Duval said that the strategy is about concentrating efforts in the downtown area.

Councilor Grady Sexton asked if there was anything from the Legal Department. Mr. Kennedy said that the laws and ordinances are in place to address the concerns raised by the merchants. Councilor Grady Sexton asked if we have all the tools needed to address this. Mr. Kennedy said that loitering is not illegal, but that other behaviors associated with the activity are illegal, such as trespassing and obstructing customers from gaining access to businesses. Councilor Grady Sexton said that we have the tools and the Police Department is addressing the problem. Mr. O'Neill stated that the Council needs to be cognizant of the fact that the property downtown is the highest value in the City and intimidating people will result in a ghost town.

Councilor Keach made a motion to report that the board is satisfied that the issue has been addressed and that it will report back to the City Council as needed. Mr. Bourque seconded the motion. The motion passed unanimously.

Annual Report of the Public Safety Board

Chief Duval said that the full report is in the packets. He reviewed the statistics for Part I and Part II crimes and stated that 2,698 individuals had been arrested. He said that some new programs had been put on line focusing on domestic violence as well as reducing crime through prevention and education. Officer Christy Spaulding has been assigned follow up work for complaints of domestic violence. Chief Duval spoke of the sex offender tracking program and that ten registered offenders were randomly contacted each week. The compliance rate is over 90 percent among the approximately 220 registered sex offenders in the city.

Chief Duval spoke about the new crisis intervention team and stated that mental health issues were on the rise. Education includes the effects of medication and strategies for deescalating aggressive behavior. Mr. O'Neill asked where the resources for the program came from. Chief Duval said that these were municipal funds. Chief Duval said that

traffic enforcement was a priority and spoke about the Merrimack County DUI task force. He said the Police Department is also preparing for the implementation of a police motorcycle unit. Accident reduction on major corridors is another focus area for the Police Department, as is addressing neighborhood traffic issues.

Chief Duval reported that there are eight vacancies for police officers and that he is conducting aggressive recruitment. There has been some difficulty in finding qualified candidates. He also said that there are some areas of vulnerability for the department with non sworn staff. He talked about staffing issues in the records and dispatch areas. He does not see a need for additional police officers. Mr. O'Neill asked if a bachelor's degree was required. Chief Duval said that a 4 year degree is preferred, however there are exceptions including a 2 year degree, prior police experience and military service. Mr. Cotsana asked about the starting salary. Chief Duval said that it is in the upper \$30,000 range and is competitive with other departments. Mr. Cotsana talked about Perley Street and some conditions that he has noted on that street.

Chief Andrus presented the Fire Department report and reviewed call statistics. He said that it is important to look not only at the numbers, but at the wide range of calls to which the department responds. He reviewed the Department's accomplishments in 2012. Heart safety was a major focus, with the acquisition of LUCAS devices for all three of the City's ambulances, new protocols on therapeutic hypothermia for cardiac arrest patients, and being named a Heart Safe Community. The state offered training funded by grants and Concord Fire employees were able to participate in over 4,000 person-hours of training in hazard materials, technical rescue, incident command, and other topics. Chief Andrus talked about some of the major incidents of the year, including the fire at the Endicott Hotel in February. He said that it was one of the coldest and most difficult fire fighting operations he had ever seen and that it was a remarkable achievement to have saved the structure. The Concord Area Trust for Community Housing awarded the Concord Fire Department the Housing Hero of the Year award for 2013 for saving this structure, and for preserving the housing stock in the community. Chief Andrus also talked about the other major fires that occurred in the community. He also spoke of the coordination efforts between City departments during Hurricane Sandy in October. The Police, Fire, and General Services Departments responded quickly to reports of power lines and trees down and the impact on the community was minimized.

Chief Andrus talked about the need to consider critical department needs as the economy begins to rebound. He talked about the final section of the report and the need to restore Engine One, an assistant fire marshal, and the fire alarm and traffic technician. All of these positions had been eliminated in past budget cycles and they continue to have an impact on service delivery. There are also critical needs in training that could be addressed with an additional full time employee.

Councilor Grady asked about fire fighters and cancer and what was being done to address that. Chief Andrus said that the Portsmouth Fire Department has put together a program after one of their members died of cancer. They have been delivering it to departments throughout the state. About half of the Concord Fire employees have seen the program.

Chief Andrus said that it has been very effective, as it is fire fighters talking to fire fighters about cancer. Chief Andrus said that one area is keeping turnout gear clean. For many years, it was considered a source of pride to have turnout gear that had been through several fires without being washed. We now recognize that the smoke and other combustion byproducts cause cancer.

Chief Andrus recounted a story about a man who came to his office on the morning of the School Street fire in April. The man introduced himself as the father of an 18 year old woman who had been injured in an auto accident a few weeks earlier. The Concord crew that responded insisted that she go to the hospital and transported her. She was subsequently found to have a life threatening medical condition for which she was successfully treated. She will graduate from high school in a few weeks. The man told Chief Andrus he had to come in person to express his thanks, as a letter would not do. Chief Andrus said that it is important to know that there are stories behind the numbers and the stories are compelling.

Mr. Bourque moved to accept the reports as written. Mr. Cotsana seconded the motion. The motion passed unanimously.

Next Meeting

The next meeting will occur at the call of the Chair.

Adjournment

Councilor Keach moved to adjourn the meeting. The motion was duly seconded by Mr. Bourque and passed unanimously. The meeting was adjourned at 3:58 p.m.



John F. Duval
Chief of Police

City of Concord, New Hampshire

POLICE DEPARTMENT

35 Green Street • 03301-4299

(603) 225-8600

FAX (603) 228-2703

www.concordpolice.com

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PARKING COMMITTEE MEETING

April 15, 2013 at 4:30 p.m.

PRESENT:

City Councilor Mark Coen
City Councilor Allen Bennett
City Councilor Fred Keach
City Councilor Jennifer Kretovic
Intown Concord Representative Tonya Rochette
Chamber of Commerce Representative Mark Ciborowski
Parking Clerk Alison Sinisgallo
Parking Manager Dave Florence

ABSENT:

Concord Area Transit Representative Jim Sudak
Intown Concord Representative Sue McCoo
Intown Concord Representative Pam Peterson
Community Representative Jeff Bart

GUESTS:

Deputy City Manager Carlos Baia
City Planner Gloria McPherson
Traffic Engineer Rob Mack
Chief of Police John Duval

Monthly Review Items

1. Review previous committee minutes

City Councilor Jennifer Kretovic moved to accept the minutes of the February 2013 meeting. Intown Concord Representative Tonya Rochette seconded. The motion passed unanimously.

2. Review public hearing minutes

City Councilor Fred Keach moved to accept the minutes of the March 25, 2013 Public Forum. City Councilor Allen Bennett seconded. The motion passed unanimously.

3. Previous Monthly Kiosk Transactions

Not discussed

4. Previous Monthly Citation / Finance Activity

Parking Manager Dave Florence reviewed the Older Tickets Paid Monthly report with the committee. February and March of this year saw an increase in collections of about \$2000. The Parking Unit has made a concerted effort to increase the number of outgoing billing statements.

The Parking Fund is down \$64, 661.99 from its year to date projected budget.

Follow-Up Items

1. Abbott-Downing School Traffic Issue

Traffic Engineer Rob Mack presented a map of the Abbott-Downing School Area to the committee. Following last month's Public Forum at the Abbott-Downing School, Mr. Mack developed a map showing proposed No Parking, Stopping or Standing zones on South Street, Conant Drive, Winant Street, Carter Street and Bow Street. The proposed ban would be in effect 7am to 9am and 2pm to 4pm weekdays September through June. City Councilor Mark Coen asked what the cost to the city would be to implement the proposed changes and requested that all future recommendations to City Council include an estimate. Mr. Florence believes new signs and posts cost approximately \$155 each. The Abbott-Downing School Area would need roughly 25-30 new signs. Mr. Bennett moved to make a recommendation to City Council to adopt the proposed parking bans as described, the recommendation to include an estimated cost to implement. Ms. Kretovic seconded. The motion passed unanimously.

New Items or Presentations

1. Storrs Street parking request from Mr. John Caruso, Capitol Center for the Arts

The Committee reviewed a letter from Mr. John Caruso of Capitol Center for the Arts requesting that the current No Parking zone at the South end of Storrs Street be made free parking. Chamber of Commerce Representative Mark Ciborowski recommended making the area Permit Only Parking, permits being made available to local business and property owners. Mr. Coen believes the area will be needed to accommodate vehicles displaced by the Downtown Complete Streets Improvement Project. Mr. Mack suggested establishing a reduced fee for hourly parking in the area. Deputy City Manager Carlos Baia opined that it may be premature to make a long term decision relative to parking in this area. Ms. Kretovic will draft a response to Mr. Caruso.

Open Discussion

1. Mr. Coen invited City Planner Gloria McPherson to share her thoughts on long range plans relative to parking, particularly in the South end of the downtown area. Mr. Coen asked if a new parking garage is likely to be needed in the near future. Ms. McPherson feels that there is currently adequate parking to meet the needs of the City, but that the parking is not being managed effectively. Ms. McPherson suggested variable parking rates relative to location, the Main Street core having the most expensive hourly rate, the downtown fringe areas being less expensive per hour. Ms. Kretovic suggested seasonal variable rates, raising hourly rates during

the holiday shopping season, lowering the rates other times of year. Ms. Kretovic recommended a Parking Management Plan be created in conjunction with the Downtown Complete Streets Improvement Project.

2. Mr. Coen asked if it would be feasible to install drive-up Parking Kiosks. Patrons would be able to drive to a kiosk, obtain a receipt without exiting their vehicle and park anywhere in the City with that receipt. Mr. Baia was concerned about the number of parking spaces that would be lost in order to create the drive-through lanes. Mr. Coen asked if receipts would still be valid city wide if the City adopted variable rates. Mr. Florence explained that other cities, Manchester for example, have kiosk zones. Kiosk receipts are valid only in specified areas. Mr. Baia said that the Downtown Complete Streets Improvement Project is considering numbering all of the parking stalls. On street parking may change from Pay-and-Display to Pay-by-Space. Pay-by-Space will eliminate the need for customers to return to the vehicle after purchasing their receipt.

Councilor Keach moved to adjourn. City Councilor Allen Bennett seconded. The motion passed unanimously.

Meeting adjourned at 5:40pm.

Concord Kiosk Credit Card Transaction Fees

Date	# of Transactions	Sales Volume	Average Transation	Total Fee	Per Transaction
August-10	790.00	\$ 1,354.35	1.71	\$186.14	\$ 0.24
September-10	11,103.00	\$ 15,123.10	1.36	\$2,601.57	\$ 0.23
October-10	11,496.00	\$ 16,434.75	1.43	\$2,943.35	\$ 0.26
November-10	10,375.00	\$ 15,123.00	1.46	\$2,478.07	\$ 0.24
December-10	13,793.00	\$ 19,656.55	1.43	\$2,285.41	\$ 0.17
January-11	10,525.00	\$ 16,503.56	1.57	\$1,632.51	\$ 0.16
February-11	12,158.00	\$ 19,350.15	1.59	\$1,892.84	\$ 0.16
March-11	16,178.00	\$ 25,463.35	1.57	\$2,710.68	\$ 0.17
April-11	15,124.00	\$ 23,935.60	1.58	\$2,541.67	\$ 0.17
May-11	14,217.00	\$ 22,371.70	1.57	\$2,224.73	\$ 0.16
June-11	15,177.00	\$ 24,081.90	1.59	\$2,364.38	\$ 0.16
Total	130,936.00	199,398.01	1.53	\$23,861.35	\$ 0.19

July-11	12,894.00	\$ 20,062.60	1.56	\$1,987.99	\$ 0.15
August-11	14,843.00	\$ 24,667.20	1.66	\$2,336.45	\$ 0.16
September-11	14,835.00	\$ 24,594.05	1.66	\$2,394.10	\$ 0.16
October-11	15,315.00	\$ 25,624.60	1.67	\$3,264.30	\$ 0.21
Nov-11	12,745.00	\$ 21,398.40	1.68	\$2,768.26	\$ 0.22
Dec-11	18,133.00	\$ 29,048.20	1.60	\$3,823.73	\$ 0.21
Jan-12	14,937.00	\$ 26,012.80	1.74	\$3,256.63	\$ 0.22
Feb-12	16,980.00	\$ 28,409.90	1.67	\$3,620.34	\$ 0.21
Mar-12	19,101.00	\$ 32,705.65	1.71	\$4,102.83	\$ 0.21
Apr-12	17,063.00	\$ 28,622.60	1.68	\$3,633.51	\$ 0.21
May-12	18,342.00	\$ 30,385.90	1.66	\$3,892.82	\$ 0.21
Jun-12	18,304.00	\$ 30,436.00	1.66	\$3,835.30	\$ 0.21
Total	193,492.00	321,967.90	1.66	\$38,916.26	\$ 0.20

Date	# of Transactions	Sales Volume	Average Transation	Total Fee	Per Transaction
July-12	15,247.00	\$ 25,026.71	1.64	\$3,292.52	\$ 0.22
August-12	17,017.00	\$ 27,915.80	1.64	\$3,583.98	\$ 0.21
September-12	15,030.00	\$ 25,373.95	1.69	\$3,159.45	\$ 0.21
October-12	16,170.00	\$ 27,548.25	1.70	\$3,455.66	\$ 0.21
November-12	13,863.00	\$ 23,775.15	1.72	\$2,961.87	\$ 0.21
December-12	16,766.00	\$ 27,732.70	1.65	\$3,547.76	\$ 0.21
January - 13	17,137.00	\$ 30,875.80	1.80	\$3,704.67	\$ 0.22
February-13	16,653.00	\$ 31,226.90	1.88	\$3,680.94	\$ 0.22
March-13	18,860.00	\$ 34,690.40	1.84	\$4,145.72	\$ 0.22
April-13	16,964.00	\$ 30,808.95	1.84	\$3,716.57	\$ 0.22
May-13	0.00	\$ -		\$0.00	
June-13	0.00	\$ -		\$0.00	
Total	163,707.00	284,974.61		35,249.14	

Parking Violations Fiscal Year to Date

Violation	Description	July 2011-April 2012	July 2012-April 2013	Difference
AT	Against Traffic	70	87	17
BAN	Winter Parking Ban	103	240	137
BD	Blocking Driveway	57	99	42
BT	No Parking Bus Zone	11	11	0
CB	Too Far from Curb	1	8	7
DP	Double Parking	0	2	2
EM	Encumbered Meter	0	1	1
EX	Expired Meter	18,723	17,262	-1461
EZ	Emergency No Parking	0	0	0
FH	Fire Hydrant	67	67	0
FL	Fire Lane	16	16	0
HA	Disabled Access Area	5	7	2
HC	Handicapped Parking	35	27	-8
HD	Hazardous District	0	1	1
HI	Head In Only	2	0	-2
HZ	Hazardous Zone	0	1	1
MF	Meter Feeding	1	5	4
MF50	Meter Feeding \$50	3	5	2
NI	Within 20 ft of Intersection	0	0	0
NP	No Parking Zone	455	456	1
OC	Parked on Crosswalk	13	21	8
ON	No Parking Overnight	2	0	-2
OT	Other	2	3	1
RD	Resident Permit	11	43	32
RS	Reserved Space	77	123	46
SW	Parked on Sidewalk	28	66	38
TC	Too Close to Intersection	72	127	55
WE	Winter Emergency Snow Removal	2	7	5
WI	Within Intersection	0	0	0
WL	Not Within Lines	34	57	23
ZA	Overtime 20 Min Zone	22	38	16
ZB	Overtime 1 Hr Zone	32	89	57
ZC	Overtime 2 Hr Zone	444	806	362
ZD	Overtime 3 Hr Zone	248	496	248
ZE	Overtime 30 Min Zone	0	4	4
48CH	Parked 48 Consecutive Hours	0	6	6
	TOTAL	20,536	20,181	-355

Older Tickets Paid Monthly

AVERAGE	\$6,607.41	\$10,705.90
Month - Year	tickets 6 months and older	tickets 2 to 6 months
Jul-11	\$8,927.00	\$12,765.00
Aug-11	\$10,358.00	\$15,435.00
Sep-11	\$7,295.00	\$9,764.00
Oct-11	\$7,220.00	\$10,670.00
Nov-11	\$6,855.00	\$10,795.00
Dec-11	\$5,715.00	\$9,974.00
Jan-12	\$6,390.00	\$10,235.00
Feb-12	\$7,800.00	\$10,810.00
Mar-12	\$7,165.00	\$11,400.25
Apr-12	\$5,571.00	\$9,055.00
May-12	\$7,230.00	\$10,950.00
Jun-12	\$7,930.00	\$10,010.00
Jul-12	\$5,452.00	\$11,375.00
Aug-12	\$4,964.00	\$9,590.00
Sep-12	\$6,035.00	\$8,465.00
Oct-12	\$6,302.00	\$10,930.00
Nov-12	\$4,225.00	\$10,770.00
Dec-12	\$3,905.00	\$9,030.00
Jan-13	\$5,118.00	\$8,840.00
Feb-13	\$6,781.00	\$10,840.00
Mar-13	\$7,715.00	\$10,881.50
Apr-13	\$6,410.00	\$12,945.00

Parking Fund July 1, 2012 through April 30, 2013

Revenue	On-Street	Durgin	Firehouse	Capital Commons	Meter Citations	Parking Card	Total
Current Month	\$43,056.83	\$9,828.95	\$4,821.01	\$5,360.82	\$33,962.00	\$6,096.00	\$103,125.61
Last Yr Month	\$53,106.72	\$9,387.50	\$4,700.27	\$5,954.65	\$30,604.55	\$5,904.00	\$109,657.69
Difference	\$10,049.89	\$441.45	\$120.74	\$593.83	\$3,357.45	\$192.00	\$6,532.08
Current YTD	\$419,762.35	\$91,272.28	\$39,820.30	\$59,099.55	\$304,564.89	\$42,844.25	\$957,363.62
Last YTD	\$436,876.28	\$84,113.23	\$44,148.85	\$53,545.07	\$327,251.30	\$52,002.60	\$997,937.33
Difference	\$17,113.93	\$7,159.05	\$4,328.55	\$5,554.48	\$22,686.41	\$9,158.35	\$40,573.71
Monthly Budget	\$44,500.00	\$8,400.00	\$4,590.00	\$5,860.00	\$32,500.00	\$6,250.00	\$102,100.00
Current Month	\$43,056.83	\$9,828.95	\$4,821.01	\$5,360.82	\$33,962.00	\$6,096.00	\$103,125.61
	\$1,443.17	\$1,428.95	\$231.01	\$499.18	\$1,462.00	\$154.00	\$1,025.61
YTD Budget	\$445,000.00	\$84,000.00	\$45,900.00	\$58,600.00	\$325,000.00	\$62,500.00	\$1,021,000.00
YTD Current	\$419,762.35	\$91,272.28	\$39,820.30	\$59,099.55	\$304,564.89	\$42,844.25	\$957,363.62
	\$25,237.65	\$7,272.28	\$6,079.70	\$499.55	\$20,435.11	\$19,655.75	\$63,636.38

nicholeen

From: Chris Rath <crath@concordnhschools.net>
Sent: Thursday, April 04, 2013 1:33 PM
To: nicholeen
Subject: Re: A School Volunteer's Dilemma

Nicholeen: First thank you for your service to Christa McAuliffe. You raise a very legitimate concern. I will contact Chief Duval and see if your suggestion can be implemented. Again, thanks,
Chris

On Thu, Apr 4, 2013 at 1:09 PM, nicholeen <bnicholeen@comcast.net> wrote:

Dear Superintendent Chris Rath,

Dilemma

I received a \$15 parking fine after volunteering for a school event last week and it quickly reminded me of the parking challenges that volunteers often face and will face in the future when volunteering at Christa McAuliffe School on North Spring Street.

True, *the parking ticket was my fault*. I parked in a Two-Hour Only space for 7 hours! However, after thinking about it, I could not come up with any viable or alternate options that would help me avoid getting parking tickets for 2+ hour school events in the future! The following parking questions came to mind.

Parking Challenges

- What parking provisions are available to volunteers when or if a school event exceeds two hours?
- With limited volunteers and or resources, requiring a school volunteer to leave for 15 minutes to go find another 2-hour parking space seems counter-productive, both from a teacher's, a student's and volunteer's perspective. What should a volunteer do if no other space is available?
- If the only spaces available around the school are '2-hour only' spaces, private parking spaces or business owned spaces, how far should a volunteer go in search of a metered parking space?
- School hours match peak business hours. For this reason, most long-term spaces are taken including the YMCA parking garage. If resorting to public parking garages is the only option, then delivering food items and/or event donations in inclement weather presents another set of challenges to consider!
- Are there other parking options available to school volunteers that are not published anywhere?

- Could the following suggestion help address this issue on a temporary or permanent basis?

Suggestion

One plausible solution to a 'greater than 2 hour' parking requirement might be to consider this. With approval from the appropriate local authorities (law enforcement, traffic warden etc.) the school provides a temporary timed parking pass to a school volunteer for an event. Pass would have to be displayed on the volunteer's dashboard and the pass would expire on the same day once the school event has ended.

Final Thought

As with all volunteers, we give our time for the sake of our children, our teachers and our schools but is it really fair to shift the worry or financial obligation of parking tickets onto school volunteers? Is it fair especially when parking is limited or restricted in the first place?

My hope is that you will give this matter further consideration so that we don't penalize the people who give their time to help enrich the lives of our children and that of our local schools.

Thank you in advance for your attention to this matter.

Nicholeen McDonough

Phone: (603) 219-0287

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Christine Rath
Superintendent of Schools
crath@concordnhschools.net



John F. Duval
Chief of Police

City of Concord, New Hampshire

POLICE DEPARTMENT

35 Green Street • 03301-4299

(603) 225-8600

FAX (603) 228-2703

www.concordpolice.com

TJA

PARKING COMMITTEE MEETING

May 20, 2013 at 4:30 p.m.

PRESENT:

City Councilor Mark Coen
City Councilor Allen Bennett
City Councilor Jennifer Kretovic
Intown Concord Representative Tonya Rochette
Intown Concord Representative Sue McGoo
Chamber of Commerce Representative Mark Ciborowski
Community Representative Jeff Bart
Parking Clerk Alison Sinisgallo
Parking Manager Dave Florence

ABSENT:

City Councilor Fred Keach
Concord Area Transit Representative Jim Sudak
Intown Concord Representative Pam Peterson

GUESTS:

Deputy City Manager Carlos Baia
City Engineer Ed Roberge
City Planner Gloria McPherson
Assistant City Planner Stephen Henninger
Assistant for Special Projects Matt Walsh
Traffic Engineer Rob Mack

Monthly Review Items

1. Review previous committee minutes

City Councilor Allen Bennett moved to accept the minutes of the April 2013 meeting. City Councilor Jennifer Kretovic seconded. The motion passed unanimously.

2. Previous Monthly Kiosk Transactions

April 2013 saw 99 fewer kiosk transactions than April 2012. The average kiosk transaction for April 2013 was \$1.84, up from \$1.68 per transaction in April 2012.

3. Previous Monthly Citation / Finance Activity

Parking Manager Dave Florence reviewed the number of parking citations issued year to date. There were 355 fewer parking citations issued so far this fiscal year as compared to the same time frame last fiscal year.

The Parking Fund is down \$63, 636.38 from its year to date projected budget.

Follow-Up Items

1. Abbott-Downing School Traffic Issue

The Committee's recommendation to create new No Parking, Stopping or Standing Zones in the area around Abbott-Downing School is scheduled for a public hearing at the next regular meeting of the City Council.

New Items or Presentations

1. Storrs Street parking request Engineering

The Committee reviewed the south end of Storrs Street. According to Traffic Engineer Rob Mack 54 parallel parking stalls could be created in the area. Deputy City Manager Carlos Baia suggested no changes be made at this time as the area may be needed for vehicles displaced during the construction phase of the Downtown Complete Streets Improvement Project. Mr. Baia stated that City Manager's Office plans to make a request to City Council to temporarily grant the City Manager the authority to move and/or change existing Parking Zones as necessary during the construction phase of the Downtown Complete Streets Improvement Project.

2. South Main Street at St. John's School – creating 2 hour zone per Engineering

Mr. Mack provided a map of South Main Street showing 18 diagonal parking stalls that currently have no time limit or fee. The Downtown Complete Streets Improvement Project will result in the loss of one parking stall. The Project plans call for the installation of kiosk pay stations in the area. No changes will be made to the area at this time.

3. Christa McAuliffe School Volunteer request – via Chief Duval

The Committee reviewed a request from Nicholeen McDonough, a volunteer at the Christa McAuliffe School. Ms. McDonough is specifically concerned with the two hour time limit on North Spring Street. The Committee discussed Ms. McDonough's concerns and found that there are other parking options available in the area. Ms. Kretovic will draft a response to Ms. McDonough outlining these options.

Open Discussion

1. Proposed Changes to the Parking Administration

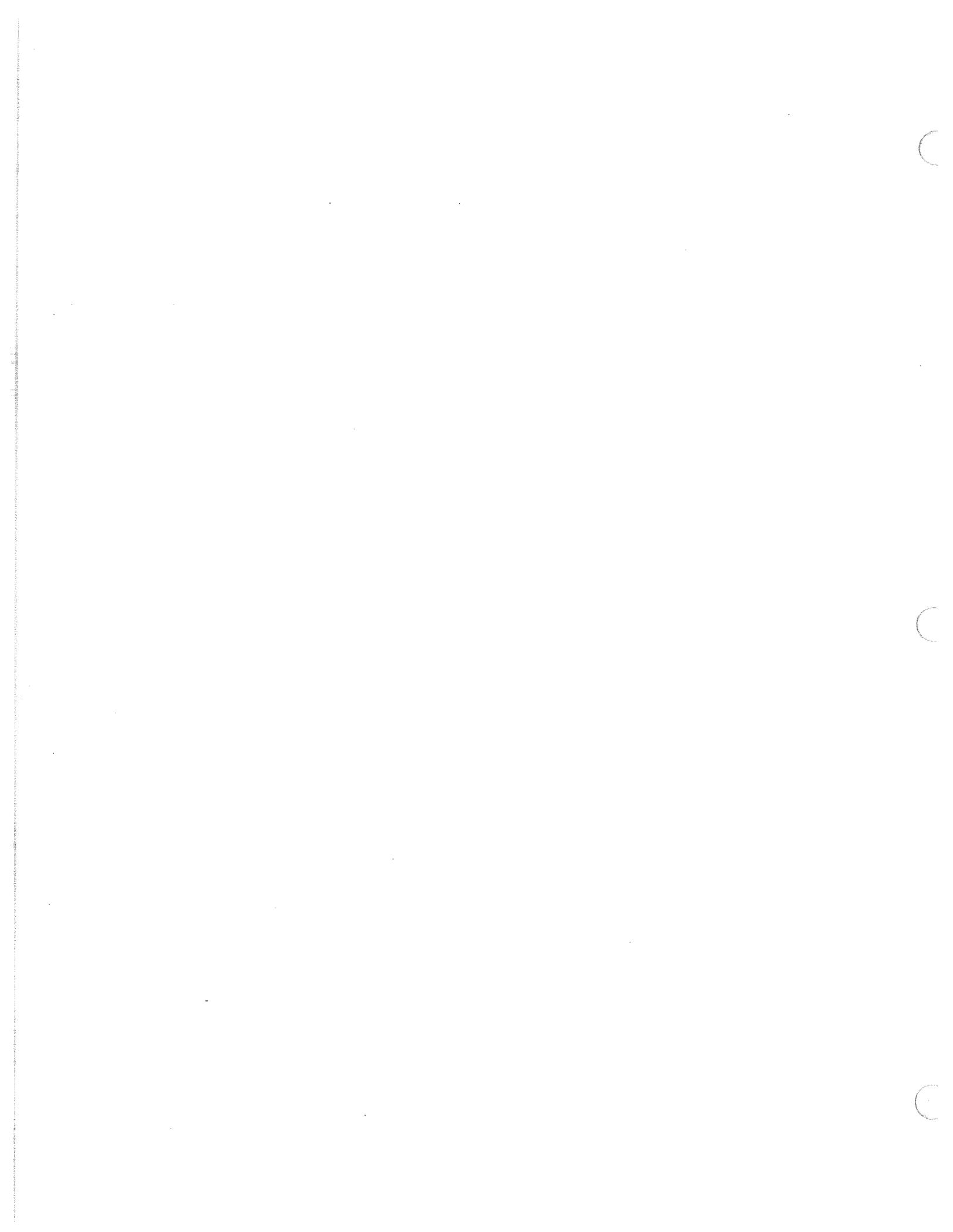
Mr. Baia reviewed proposed changes to the Parking Administration as set forth in the City Manager's budget transmittal letter. These changes would include the creation of a new position known as the Director of Redevelopment, Downtown Services and Special Projects. This new position will oversee policy and strategic issues relative to parking. The current position of Parking Manager would be recreated as Parking Supervisor, overseeing day to day operations relative to parking enforcement and collection of parking fees.

2. Proposed closure of Phenix Ave

City Engineer Ed Roberge reviewed the proposed closure of Phenix Ave as part of the Downtown Complete Streets Improvement Project. If Phenix Ave were to be closed, vehicular access to Low Ave would be limited to Depot St. and Storrs St. access points. Low Ave at Depot St. is often utilized by delivery vehicles, blocking access to any other vehicles. If the proposed closure takes effect, delivery vehicles will no longer be able to load and unload in the area of Low Ave at Depot St. Delivery vehicles will be able to load and unload on Low Ave at what is currently Phenix Ave.

City Councilor Allen Bennett moved to adjourn. Chamber of Commerce Representative Mark Ciborowski seconded. The motion passed unanimously.

Meeting adjourned at 5:40pm.



6Int3

TJA

**MINUTES OF Concord Community TV
MEETING of Board of Directors, April 23, 2013**

AGENDA ITEMS:

1. Call to Order:

Present: Matt Newton(Chair), Tonya Rochette (Chair-elect), Susan Gunther (Secretary), Jessica Fogg, Julia Freeman-Woolpert, David Murdo, Kim Murdoch, Larry Prince, Doris Ballard (Executive Director), Chris Gentry (Programming/IT Director)

2. Determination of Quorum:

6:32 PM. There being 9 members present it was determined that a Quorum existed.

3. Minutes

Minutes from March 26, 2013 were approved as mailed. Motion to accept the Minutes by Tonya Rochette, Seconded by David Murdo and approved unanimously.

4. Public Comments: No members of the public were present to speak

5. Treasurer's Report/Budget Presentation:

See written report Motion to approve by Larry Prince Seconded by, Jessica Fogg and approved unanimously.

Larry Prince asked to go on record commending Doris Ballard's hard work on preparing the budget. Attending board members agreed.

6. Reports of Committees were covered:

Outreach Committee: David Murdo reported Concord OnAir a great success. The 6 hour collaborative broadcast of the school, community and city raised \$4,227. He thanked the major sponsors. Matt Newton thanked all who volunteered. Motion to accept report: made by Matt Newton, seconded by Kim Murdoch and approved unanimously.

7. Staff Report: See written report.

Motion to approve made by David Murdo Seconded by Julia Freeman Wolpert and approved unanimously.

8. Adjournment:

Motion to adjourn by Tonya Rochette Seconded by, Kim Murdoch and approved unanimously. at 7:04 PM

A true record, Attest:

Susan Gunther, Secretary

MINUTES APPROVED:

On Motion by _____

Seconded by _____

Date: _____

6 Int4
TAA

Concord Public Library Trustee Meeting

May 6, 2013

-DRAFT-

Present: Marian Akey, Jeremy Clemans, Megan De Vorse, Inez McDermott, Mary Beth Robinson, Lisa Sands, and Library Director Patricia Immen.

The meeting was called to order at 7:05 p.m.

The minutes of April 1, 2013 meeting were approved.

Library Director's Report:

- Mrs. Immen discussed traffic and circulation statistics – visitation is down slightly and circulation is up from the same time last year.
- A volunteer recognition event was held April 30th. Fifteen volunteers attended the ice cream social. Last year volunteers logged 2,000 hours.
- City Council approved the reappointment of Trustees Jeremy Clemans and Megan DeVorse at the last City Council meeting.
- Summer reading programs start in June – for children and teens.
- Mrs. Immen will be applying to the Alice J. Reen Charitable Trust for a grant again this year.
- Mrs. Immen distributed Marketing Goals for FY14 addressing online outreach, children's room, web efforts, programming, collections marketing, website and social media as well as highlighting programs, materials and collections.

Penacook Friends update: They are anxious to help out with the summer reading program in Penacook and will help with publicity.

Foundation update:

- Foundation is planning another fund drive.
- They are bringing a few new people on board.
- Mrs. Immen has submitted grant to the Foundation to purchase prizes for teen summer reading program.

New Business:

- Megan DeVorse, Jeremy Clemans and Lisa Sands were appointed to serve as the Nominating Committee and will present a slate of candidates at the annual meeting.
- The City Manager is accepting applications for the open position on the board.

Old Business:

- The City Manager's Proposed FY 2014 Budget will be sent to the City Council soon. The City Council budget hearing for the library's proposed budget will be on June 3rd.
- The proposed city-wide community center was discussed. The trustees feel it is important to discover what the needs of the community are and see how the library can serve those needs.
- Lisa Sands is developing an advocacy packet for us to pick up here or she will email it.
- The cost of the e-book and audiobook services was discussed.

Meeting adjourned at 8:24 p.m.

Next meeting: Wednesday, June 12 the Library Board of Trustees will hold their annual meeting in Library Auditorium at 7:00 p.m.

Respectfully submitted,
Inez McDermott
Secretary



Engineering Services Division

MA
C

Traffic Operations Committee

Meeting Minutes – May 21, 2013

Attendees: Rob Mack, PE, PTOE, Engineering Services
 Ed Roberge, PE, Engineering Services
 Steve Henninger, Planning Division
 Jim Major, General Services
 Greg Taylor, Concord Police Department
 Rick Wollert, Concord Fire Department
 Matt Cashman, Concord School District
 Dick Lemieux, TPAC Chair

Guests: Nik Coates, Central NH Regional Planning Commission
 Courtney Croteau, Central NH Regional Planning Commission

A. Regular Discussion Items

- 1) Overview of city-wide accident data, including prior-month accident summary and discussion of select accident locations, circumstances and potential action.

DISCUSSION / ACTIONS: Traffic accident data for April 2013 was reviewed. There were 70 reportable accidents in April 2013. This compares with 78 and 82 reportable accidents in April 2012 and 2011, respectively. 10 accidents resulted in total of 14 people injured, 5 of which occurred on Loudon Road. There were no fatalities.

There were two accidents involving pedestrians: a pedestrian aged 29 years walking through the parking lot at Dartmouth Hitchcock Clinic and being struck by a driver aged 62 years backing out of a parking space (minor injury, driver at fault); and a pedestrian aged 31 years walking southerly on the sidewalk along South Street and allegedly being hit by a driver turning right onto Perley Street (no injury, no evidence of the collision which was reported after some delay, question as to validity of claim).

There were no accidents involving bicyclists.

- 2) City Council meeting update.

DISCUSSION / ACTIONS: At its May 13, 2013 meeting, Council: accepted Engineering's report and recommendation on CIP 283-Pleasant/Warren Fruit intersection improvements; set a June 10 public hearing on the Abbot-Downing School area parking restrictions; and referred new traffic inquiries (Items C.2 and C.3 below) to TOC and the Parking Committee.

- 3) Transportation Policy Advisory Committee (TPAC) update.

DISCUSSION / ACTIONS: TPAC considered the Heather Lane STOP sign referral at its April 25, 2013 meeting with neighborhood residents invited to participate in the discussion. TPAC endorsed removal of the two existing STOP signs on Heather Lane but did not endorse addition of new STOP sign locations.

B. On-going Discussion and Action Items.

- 1) None.

C. New Discussion and Action Items

- 1) **Discussion of potential improvement recommendations developed by the Concord City-Wide Safe Routes to School Task Force (Round 7 grant application). (CNHRPC: 05/15/13).**

DISCUSSION / ACTIONS: Nik Coates of CNHRPC presented the draft findings of the Concord City-Wide Safe Routes to School Task Force. Copies of a May 21, 2013 draft report on the Task Forces' project identification and preliminary project rankings were distributed to facilitate the informal discussion. A list of 16 potential projects was initially identified and is being refined in anticipation of applying for SRTS Round 7 funding in the coming year.

TOC members concurred with a number of potential SRTS projects including improved school-zone signing (school crossing signs, 20 mph flashing speed signs and speed radar signs) at select schools and construction of corner bump outs at key walk-to-school crossing locations. TOC suggested that CNHRPC acquire traffic and speed data at a number of potential improvement locations to better justify improvement type and need. Nick will take TOC comments and suggestions back to the Task Force to work on refining the list of potential improvements. The application for Round 7 Funds through NHDOT will be developed by CHNHRPC over the spring and summer.

- 2) **Referral from City Council regarding a driver concern on traffic conflicts between Centre Street vehicles and traffic turning left at the driveways to the Prescription Centre and TD Banknorth. (Council: 05/13/13).**

DISCUSSION / ACTIONS: At issue is a motorist concern on traffic safety regarding left-turning traffic movements to/from the TD Banknorth and Prescription Center driveways. Full turning access is allowed at these driveways, but the location is close enough to the signalized Main/Centre/Loudon intersection so that traffic queues along Centre Street from the stop line commonly back across the driveway locations. Left turns at the driveways occur in gaps in the standing traffic queues resulting in safety concerns and traffic operation impacts. Police Department crash data for this area of Centre Street since January 2010 indicates seven reported crashes. The resulting rate of about two crashes per year is notable for driveways but not excessive. Interestingly, five of the seven crashes involved a left turner from Centre Street into the Prescription Center being impacted by an eastbound Centre Street vehicle travelling in the far-right lane. This situation may reflect left turns being allowed through by eastbound Centre Street drivers queued in the left through-lane and leaving a gap for them; traffic moving eastbound in the right-most lane may not be able to see a left-turner crossing between the stopped cars, with potential for a crash being elevated.

Rob Mack and Dave Florence (Parking Enforcement) field viewed the location during the busy lunchtime traffic period. Traffic queues along Centre Street from the signal at N. Main Street commonly extended beyond the driveway locations and many left-turns were observed to/from either driveway. Queued traffic frequently left gaps for the turners to cross, although a number of turning drivers used barge-and-block maneuvers to force their way through the traffic queues. A negative result of letting left-turns occur through the standing eastbound traffic queue is that it commonly occurs at the start of the Centre Street eastbound green phase at the signal; eastbound traffic west of, and blocked by, the left-turning vehicle is unable to

proceed in a timely manner to the intersection resulting in inefficient use of the green signal time with resulting loss of eastbound capacity. This loss of capacity translates into longer eastbound traffic queues which can extend west for several blocks and even to beyond the signal at Green Street.

TOC concurred that if these driveways were related to new-site development, left-turn access to Centre Street would likely not be allowed due to the near proximity of the traffic signal. Restricting left-turn access to the TD Banknorth driveway could be problematic for drivers exiting the one-way drive-through as there appears to be no way for drivers to U-turn back into the site in order to access Main Street from the driveways to Pitman Street. Improvements to the Main/Centre/Loudon intersection are currently being designed as part of the Main Street Complete Streets Project. Ed Roberge will further discuss this request and potential improvement options with the project design team as well as with applicable nearby businesses.

- 3) Referral from City Council regarding resident concerns on safety at the S. State/Thorndike intersection and requests to consider further parking restriction, installation of multi-way STOP and/or conversion of Thorndike to one-way operation (Council: 05/13/13).**

DISCUSSION / ACTIONS: At issue is a concern for intersection safety improvements following two motor vehicle crashes that occurred there with injuries in late March/early April. Requested are: installation of multi-way STOP to also stop all cars on S. State Street; prohibition of parking near the intersection to improve sight lines to traffic crossing from Thorndike Street; consideration of making Thorndike Street one-way to reduce traffic turning at the intersection; relocation of utility poles on Thorndike Street near the intersection; and consideration of constructing a speed table at the intersection to slow traffic.

Numbers of reported crashes since 2004 for the S. State intersections at Thorndike, Concord, Thompson and Fayette Streets indicate average crash rates of about 1 to 2 per year at each intersection, which over the long term, are not indicative of a high-crash condition. In 2013 alone, however, there have been 3 reported crashes to date at the S. State/Thorndike intersection, although such variation is not uncommon from year to year at any individual intersection. Engineering is presently conducting traffic volume/speed counts at the intersection to better identify existing traffic conditions and to investigate if there is enough traffic volume to meet Federal guidelines for multi-way STOP control. Engineering continues to assemble traffic data and will be preparing a more detailed investigation of crash patterns and problem identification for TOC discussion at the next meeting.

- 4) Request from a resident of Branch Turnpike to consider adding a painted crosswalk on Branch Turnpike at the sidewalk street crossing west of Edgewood Heights Drive. (General Services: 05-15-13).**

DISCUSSION / ACTIONS: At issue is an unmarked sidewalk crossing on Branch Turnpike about 70 feet west of Edgewood Heights Drive. Sidewalk extends along the north side of Branch Turnpike west of this location and crosses here to the south side to continue further to the east. The resident request is to add a painted crosswalk here in conjunction with the upcoming street repaving project. It was noted that this crossing is similar to the sidewalk crossing at the Branch Turnpike/Chase Street intersection where the sidewalk crosses from the north side (east of Chase Street) to the south side (west of Chase Street). There is a painted crosswalk and signs at the Chase Street crossing location.

TOC members concurred that it would be reasonable to provide a crosswalk at this location given the current configuration of sidewalk and crosswalks along Branch Turnpike. General Services will add a crosswalk and signs at this location in conjunction with the upcoming street repaving project.

D. Open Discussion Items

- 1) **Staff response to miscellaneous inquiries (refer to correspondence in agenda packet).**

DISCUSSION / ACTIONS: None

- 2) **Inquiry to the Parking Committee from a resident at 15 Hutchins Street to reinstate parking on Knight Street between Hutchins Street and the existing crosswalk at Second Start.**

DISCUSSION / ACTIONS: At issue was a request submitted to Parking Enforcement by the resident at 15 Hutchins Street to reinstate on-street parking on the east side Knight Street next to his residence (between the crosswalk at Hutchins Street and the crosswalk to Second Start). On-street parking was removed in 2011 along the east side of Knight Street from Hutchins Street to 225 feet southerly, or through the frontage of #14 (former Scandia Hall) where back-out parking from the redeveloped Scandia Hall was approved by the planning board. At about this same time, curb and sidewalk improvements were being made to Knight Street as part of the CIP 35 US Route 3 North Improvement Project, and 17 parking spaces had been recently installed along nearby Garrison Street.

Rob Mack and Dave Florence visited the Knight Street area to overview the subject request. Allowing for appropriate setbacks from the two existing crosswalks next to 15 Hutchins Street, there would only be space for one potential parking space on the east side of the street. It did not appear that parking a vehicle here would substantially impede the sight line for potential vehicles backing out of the newly-constructed parking spaces at the redeveloped Scandia Hall. It was suggested that one or more parking spaces might instead be possible on the west side of Knight Street along the frontage of second Start, as these spaces would fit into unused pavement area resulting from the corner bump-out constructed at the Hutchins/Knight intersection.

TOC members concurred that adding a potential parking space to the east side of Knight Street between the two crosswalks next to #15 Hutchins Street appeared feasible. It was anticipated that any potential new spaces added to Knight Street would likely be used by vehicles related to the Second Start school, and might not be exclusively available for the resident at 15 Hutchins Street. TOC's opinion would be brought to the Parking Committee when this request is further considered.

Respectfully submitted,



Robert J. Mack, PE, PTOE, Traffic Engineer
Chair, Traffic Operations Committee

***The next Traffic Operations Committee meeting will be held on
Tuesday, June 18, 2013 @ 12:00 PM in the 2ND Floor Conference Room.***



MINUTES

**City of Concord
Personnel Appeals Board Meeting**

**May 22, 2013
City Council Chambers**

In attendance: Steven Winer, Cecile Blakeslee Hartigan, Sue Stevens (recorder).

The meeting was called to order at 8:30 AM.

The Board met for the purpose of appointing a new member to fill an existing vacancy on the Personnel Appeals Board.

The Board appointed Cheryl Coletti, of Oakmont Drive in Concord, to serve a three-year term, which will expire on May 22, 2016.

The meeting adjourned at 8:35 AM.

DRAFT



6 Int;

RECEIVED
MAY 21 2013
By _____

May 20, 2013

The Honorable James Bouley
Office of the Mayor
City of Concord
41 Green Street
Concord, NH 03301

Dear Mayor Bouley:

Having completed our digital network enhancement to an all-digital system, on or shortly after July 23, 2013 we will begin encrypting our Limited Basic service in your area. Encryption has a number of consumer benefits; including the reduced need for home service calls and the enhanced security of our network by reducing service theft that impacts our customers' service experience.

When Limited Basic service is encrypted, all XFINITY Video customers will need equipment supplied by Comcast connected to each television in order to continue receiving services.

A customer that has a set-top box, digital adapter, or a retail CableCARD™ device connected to each TV will be unaffected by this change. A customer that is currently receiving Comcast's Limited Basic service on any TV **without** equipment supplied by Comcast will lose the ability to view any channels on that TV. These customers will be entitled to receive equipment at no additional charge or service fee for a limited period of time. The number and type of devices the customer is entitled to receive, and for how long, will vary depending on the customer's situation.

Enclosed please find a sample of the customer notice that the FCC requires be sent to customers regarding encryption and the availability of devices at no additional charge or service fee. You'll note that we have established a special toll free number and website so that our customers can learn more about the equipment offer and eligibility.

In addition, the encryption of our Limited Basic service will impact those accounts receiving courtesy services pursuant to our Franchise/License Agreement. Courtesy accounts are entitled to receive up to three digital adapters or CableCARDS at no additional monthly charge, including those they may have previously received as part of our digital network enhancement to an all-digital platform. A sample of the courtesy notice to be received by these accounts is enclosed.

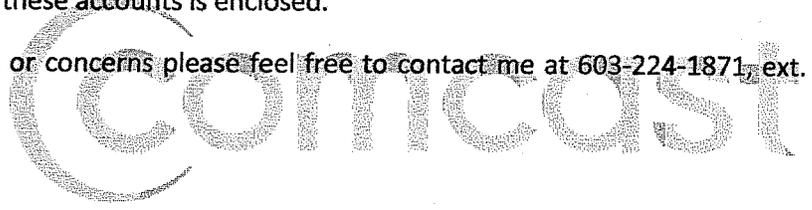
As always, if you have any questions or concerns please feel free to contact me at 603-224-1871, ext. 202.

Sincerely,

Bryan Christiansen

Bryan Christiansen, Sr. Manager
Government & Regulatory Affairs

Enclosures



IMPORTANT SERVICE MESSAGE:

On July 23, 2013, Comcast will start encrypting Limited Basic service on your cable system.

If you have a set-top box, digital adapter, or a retail CableCARD™ device connected to each of your TVs, you will be unaffected by this change. However, if you are currently receiving Comcast's Limited Basic service on any TV without equipment supplied by Comcast, you will lose the ability to view any channels on that TV.

If you are affected, you should contact Comcast at **855-860-8989** to arrange for the equipment you need to continue receiving your services. In such case, you are entitled to receive equipment at no additional charge or service fee for a limited period of time. The number and type of devices you are entitled to receive, and for how long, will vary depending on your situation:

- If you are a Limited Basic customer and receive the service on your TV without Comcast-supplied equipment, you are entitled to up to two devices for two years (five years if you also receive Medicaid).
- If you subscribe to a higher level of service and receive Limited Basic service on a secondary TV without Comcast-supplied equipment, you are entitled to one device for one year.

You can learn more about this equipment offer and eligibility at comcast.com/digitaladapterinfo or by calling 855-860-8989.

To qualify for any equipment at no additional charge or service fee, you must request your equipment between June 23, 2013 and November 20, 2013 and satisfy all other eligibility requirements.

You can learn more about this equipment offer and eligibility at comcast.com/digitaladapterinfo or by calling 855-860-8989.

SA4DF006

**IMPORTANT INFORMATION
ABOUT YOUR COURTESY VIDEO SERVICES**

DATE

Account Holder
Address
City, ST 00000

Dear _____:

On XX/XX/XXXX, Comcast will begin encrypting Limited Basic service on the cable system in your community.

TVs connected to a set-top box, digital adapter (DTA) or retail CableCARD™ device will be unaffected by this change. However, if you have any TVs that are currently receiving Comcast's Limited Basic service *without* equipment supplied by Comcast, you will lose the ability to view any channels on those TVs.

If you are affected, you should contact Comcast at the number below to arrange for the equipment you will need to continue receiving services. We will provide you with up to three digital adapters or CableCARDS at no additional charge (including those you may already have on your account), unless digital equipment is otherwise provided for by your community's agreement with us. Please know that if you choose not to take a digital device for any TV, you will not receive Comcast service on that TV. If you request more than the three digital devices mentioned above, you will incur a monthly charge of either \$0.50 or \$1.99 depending on your service level for each additional digital adapter and a monthly equipment charge of no more than \$1.50 for each additional CableCARD in the same retail device.

For more information or to obtain your digital equipment, please call 1.800.581.5122 and reference this letter.

Sincerely,

Installation, taxes and other fees extra. Pricing subject to change. ©2013 Comcast. All rights reserved.





Comcast Cable
54 Regional Drive
Concord, NH 03301
www.comcast.com

AA

MAY 15 2013

May 14, 2013

City of Concord
Tom Aspell, City Manager
41 Green Street
Concord, N.H. 03301

Re: Check Number 510330970 - \$182,866.28

Dear Mr. Aspell:

Please find enclosed Comcast's Franchise Fee payment for the first quarter of 2013. If you have any questions regarding these payments, please feel free to contact me at 603-224-1871, ext. 202.

Best regards,

Bryan Christiansen
Sr. Manager of Government Relations



COMCAST FINANCIAL AGENCY CORPORATION
 A Comcast Cable Communications Group Company
 1701 JFK Boulevard
 Philadelphia, PA 19103-2838

11411824

PAGE: 1 of 1

DATE: May 1, 2013
 CHECK NUMBER: 510330970
 AMOUNT PAID: \$182,866.28



00217 CKS 6A 13121 - 0510330970 NNNNNNNNNN 1215100005009 X193A1 C
 CONCORD CITY OF NH
 41 GREEN STREET
 OFFICE OF THE MAYOR
 CONCORD NH 03301

MAY 15 2013

VENDOR NUMBER: 154624

VENDOR: CONCORD CITY OF NH

INVOICE NO.	INVOICE DATE	ACCOUNT NUMBER	DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
97070	03/31/13		Concord NH	\$0.00	\$182,866.2
			TOTALS	\$0.00	\$182,866.2

PLEASE DETACH BEFORE DEPOSITING CHECK



COMCAST FINANCIAL AGENCY CORPORATION
 A Comcast Cable Communications Group Company
 1701 JFK Boulevard
 Philadelphia, PA 19103-2838

CHECK NUMBER 510330970

56-154441

May 1, 2013

*** VOID AFTER 180 DAYS ***

PAY TO THE ORDER OF: CONCORD CITY OF NH
 41 GREEN STREET
 OFFICE OF THE MAYOR
 CONCORD, NH 03301

CHECK AMOUNT
\$182,866.2

EXACTLY *****182,866 DOLLARS AND 28 CENTS

JPMorgan Chase Bank, N.A.
 Columbus, OH



David A. Scott

Authorized Signature

⑈ 510330970⑈ ⑆044115443⑆

675528343⑈



System Name: Comcast of Maine/New Hampshire, Inc.
Email: Patrick_Moore@cable.comcast.com
Phone: 610-650-2999

Vendor ID:	154624
Contract Name:	Concord NH
Statement Period:	Jan - Mar, 2013
Payment Amount:	\$182,866.28
Statement Number:	97070
CUID:	None
System ID:	8773-2000-1580

CONCORD CITY OF NH
41 GREEN STREET
OFFICE OF THE MAYOR
CONCORD, NH, 03301

This statement represents your payment for the period listed above.

Revenue Category	Amount
Expanded Basic Video Service	\$1,382,075.81
Limited Basic Video Service	\$614,068.04
Digital Video Service	\$666,752.33
Pay	\$240,389.90
PPV / VOD	\$145,255.77
Video Equipment	\$8,473.19
Digital Video Equipment	\$130,074.90
Video Installation / Activation	\$25,656.63
Franchise Fees	\$194,703.92
PEG Fees	\$16,038.01
Guide	\$854.59
Other	\$18,158.95
Late Fees	\$9,399.33
Write-offs / Recoveries	(\$13,454.33)
Ad Sales	\$200,716.91
Home Shopping Commissions	\$18,160.85
Total	\$3,657,324.80
Franchise Fee %	5.00 %
Franchise Fee	\$182,866.28

MAY 15 2013

To the best of my knowledge and belief, the above is a true and correct statement for the accounting of the gross revenues received by this corporation for the period.

Pat Moore

Analyst



6 INF.

Bonenfant, Janice

From: Colin Van Ostern <colinvo@vanostern.com>
Sent: Friday, May 17, 2013 10:31 AM
To: * City Clerk
Subject: Exec Council Report - Open-road tolling & 3 new commissioners

AA

Friends,

The highlight of this week's Governor & Council meeting may have been the word that the new Overhead Tolling lanes on I-93 in Hooksett, NH open next Wednesday, meaning drivers in those lanes can safely move through the tolls without slowing down!

Here's a run-through of the meeting:

(1) Projects impacting Merrimack Co & Central NH: Supported expansion of the Boys & Girls Club in Concord, renewed leases for the Circuit & Superior Courts in Concord, and approved \$2 MM in federal funds for supplemental nutrition programs for Women, Infants & Children.

(2) Projects impacting the Monadnock Region: Helped support the Monadnock Economic Development Corp's loan to help support 100 jobs at Keene employer Warwick Mills, and ok'd coordinated transportation services for elderly & persons with disabilities.

(3) Projects impacting Strafford & Belknap Co: Allowed the Business Finance Authority to guaranteed a loan for Buragon Steel in Dover to help support 21 employs there; a federal grant for emergency medical ventilators for Dover, \$1.3 MM in federal funds for supplemental nutrition programs for Women, Infants & Children and home visits for pregnant women, moved forward with construction of US 202 park & ride in Rochester, and a contract with the Strafford Regional Planning Commission to manager transportation planning.

(4) Other projects & policies with statewide impact: Approved renewal of the \$10MM marketing contract to promote NH travel and Tourism ("Live free and ..."), 86% of which is direct media buys.

Also, rejected (3-2) a contract with Springfield Terminal Railway Co. (Pan-Am) to take over service of the 18-mile state-owned Hillsboro Branch freight rail line. I voted Yes because the state has been without revenue from this line for several years, and the state Department of Transportation felt this contract would result in rail service that NH would share the benefits of, and because the only other bidders' offer was missing most of the critical information requested (ie, financial statements, pro-forma projections for the line, etc). And approved sale of the former Stratham campus of the Community College System to a private company

(5) Confirmations & Nominations: The Governor nominated Commissioners of Insurance, Information Technology, and Revenue Administration, as well as several other positions (details below). A public hearing is likely the last week of May or first week of June; follow me on Facebook or Twitter to get the details when they are finalized.

Full details on all these items are included below. The next meeting is on June 5. If you have any questions, please don't hesitate to let me know - and if you prefer not to receive these updates, just drop me an email and let me know and I'll remove you from this list.

Sincerely,

Colin

ULL 5/15 AGENDA: <http://1.usa.gov/14fNqO6>

(or follow the links below for documentation of each item)

1. DETAIL: CENTRAL NH PROJECTS

Authorized to enter into an agreement with the City of Concord, NH, to purchase equipment and furnishings for the Concord Boys and Girls Club in Concord, in the amount of \$500,000. Effective May 15, 2013 through June 30, 2014. **100% Federal Funds.**

Authorized the Bureau of Court Facilities to enter into a lease agreement with Merrimack County, Boscawen, NH, to provide courtroom and office space for the 6th Circuit-Probate Court comprised of approximately 6,612 square feet located at the County Administration Building, Concord, NH, in an amount not to exceed \$201,075.36. (2)Further authorize a waiver from the "Clean Air" testing requirement. Effective July 1, 2013 through June 30, 2015. **100% Transfer Funds – transfer from AOC, Rent from Other Agencies.**

Authorized the Bureau of Court Facilities to enter into a lease agreement with Merrimack County, Boscawen, NH, to provide courtroom and office space for the Merrimack County Superior Court comprised of approximately 18,412 square feet, Concord, NH, in an amount not to exceed \$563,407.20. (2)Further authorize a waiver from the "Clean Air" testing requirement. Effective July 1, 2013 through June 30, 2015. **100% Transfer Funds – transfer from AOC, Rent from Other Agencies.**

Authorized the Bureau of Population Health and Community Services, Healthy Eating and Physical Activity Section, Special Supplemental Nutrition Program for Women, Infants and Children, to enter into an agreement with Community Action Program of Belknap and Merrimack Counties Inc., Concord, NH, to provide Women, Infants and Children, Commodity Supplemental Food Program, and Breastfeeding Peer Counseling Program services to low income women, children, and seniors, in an amount not to exceed \$1,977,206. Effective July 1, 2013 or upon G&C approval, whichever is later, through June 30, 2015. **100% Federal Funds.**

2. DETAIL: MONADNOCK PROJECTS

Authorized a Public Hearing and approved the purchase by the Business Finance Authority of a loan made by Monadnock Economic Development Corporation to Warwick Mills, Inc. located in Keene, NH. Action will authorize a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

Authorized the Bureau of Rail and Transit to enter into an agreement with the County of Cheshire, Keene, NH, for coordinated transportation services for elderly persons and persons with disabilities, for an amount not to exceed \$99,921. Effective July 1, 2013 through June 30, 2015. **100% Federal Funds.**

Authorized the Bureau of Construction to enter into a contract with Frank W. Whitcomb Construction Corp., Walpole, NH, for applying a pavement preservation treatment along NH 9 in Chesterfield, Westmoreland and Keene, on the basis of a low bid of \$640,440. (2)Further authorize a contingency in the amount of \$32,022 for payment of latent conditions, which may appear during the construction of the project. Effective upon G&C approval through August 23, 2013. **100% Betterment Funds.**

Authorized the Bureau of Construction to enter into a contract with Pike Industries Inc., Belmont, NH, for pavement rehabilitation on 3.75 miles NH Route 12 in Westmoreland, on the basis of a low bid of \$2,972,302.43. (2)Further authorize a contingency in the amount of \$297,230.24 for payment of latent conditions, which may appear during the construction of the project. Effective upon G&C approval through June 27, 2014.

3. DETAIL: STRAFFORD/BELKNAP PROJECTS

Authorized a Public Hearing to approve an award of a State Guarantee under RSA 162-A:13 with respect to a loan from Northway Bank to Burgon Tool Steel Co., Inc. dba BTS Patriot located in Dover, New Hampshire. Action will authorize a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

Authorized the Bureau of Infectious Disease Control to enter into a grant agreement with the City of Dover, Dover, NH, under which the Division of Public Health Services will provide two portable ventilators and necessary accessories valued at \$13,980 to enhance respiratory medical capacity in response to a large-scale health emergency, using funding supported by the Federal Department of

Homeland Security Grant to NH. Effective upon G&C approval and until the grant agreement is terminated by one of the parties. **100% Other (DOS Grant).**

Authorized the Bureau of Population Health and Community Services, Healthy Eating and Physical Activity Section, Special Supplemental Nutrition Program for Women, Infants and Children, to enter into an agreement with Goodwin Community Health, Somersworth, NH, to provide Women, Infants and Children, Commodity Supplemental Food Program, and Breastfeeding Peer Counseling Program services to low income women, children, and seniors, in an amount not to exceed \$921,404. Effective July 1, 2013 or upon G&C approval, whichever is later, through June 30, 2015. **100% Federal Funds.**

Authorized the Bureau of Population Health and Community Services, Maternal and Child Health Section to exercise a contract renew and amend option with Community Action Partnership of Strafford County, Dover, NH (originally approved by G&C on 3-7-12, item #28), to provide home visiting services to pregnant women, by increasing the price by \$310,428 from \$232,821 to \$543,249, and by extending the completion date from June 30, 2013 to June 30, 2015. **100% Federal Funds.**

Authorized the Bureau of Right of Way to exchange 1,590 square feet of State owned land, located on Washington Street in the City of Rochester, to Joseph J. Migliore III and Angeles Getino Diaz, for a 15,966 square foot Temporary Construction Easement needed for the purpose of constructing the US Route 202 Park and Ride. Effective upon G&C approval. No Cost. Originally purchased with 80% Federal, 20% Turnpike Funds.

Authorized the Bureau of Planning and Community Assistance to enter into a contract with the Strafford Regional Planning Commission, Rochester, NH, to undertake certain transportation related planning activities, in the amount of \$964,952. Effective July 1, 2013 or upon G&C approval, whichever is later, through June 30, 2015. **100% Federal Funds.**

4. DETAIL: OTHER PROJECTS & POLICIES

Authorized the Division of Travel and Tourism Development to exercise a contract renewal with Rumbletree Inc., North Hampton, NH (originally approved by G&C on 4-27-11, item #23), for domestic and international advertising and promotional services, in the amount of \$9,905,546. Effective July 1, 2013 through June 30, 2015. **98% General, 2% Park Funds.**

Rejected the request of the Bureau of Rail and Transit to enter into an Operating Agreement with the Springfield Terminal Railway Co., North Billerica, MA, to provide rail freight service on the state-owned Hillsboro Branch Railroad line in Wilton, Lyndeborough, Greenfield, Hancock, and Bennington. Effective upon G&C approval through December 31, 2015, with a provision for renewal for an additional seven-year period through December 31, 2022. **100% Agency Income.**

Authorized to sell the former Stratham campus, land and building, to Juliet Marine Systems Inc., for \$2,750,000. (2)Further authorize to waive the State's right of first refusal for the sale of the Stratham property. (3)Further authorize to pay the sales price of \$2,750,000 to the State of NH in three equal installments of \$916,667 on the latter of July 1, 2013, July 1, 2014, and July 1, 2015; or the sale closing date, with subsequent payments made 12 months and 24 months after said closing date.

5. DETAIL: APPOINTMENTS & NOMINATIONS:

(* = District 2 Resident)

NOMINATED FOR A VOTE IN JUNE:

Commissioner of the Department of Revenue: John T. Beardmore, Hopkinton*

Commissioner of the Department of Information Technology: Peter C. Hastings, Derry

Commissioner of the Department of Insurance: Roger A. Sevigny, Manchester

Deputy Commissioner of Banking: Ingrid E. White, Bow

Board of Auctioneers: Robert P. Secord, West Swanzey

Community College System of NH Board of Trustees: Allen R. Damren, Claremont

Community College System of NH Board of Trustees: Geraldine Ilukowicz, Grantham

Executive Branch Ethics Committee: Patricia B. Quigley, Concord*

Fire Standards and Training: Kerry Le Blanc, Bedford

Higher Education Commission: Paula Marie Buley, Nashua

Lakes Management Advisory Committee: Frederick C. Clews, Hampton

Speech-Language Therapy Governing Board: Luann Udell, Keene*

Board of Nursing: Tracey L. Collins, Rochester*

Board of Nursing: Nora C. Fortin, Stratham

Board of Nursing: Kathleen M. Kidder, Andover

Real Estate Appraisers Board: Patricia C. Sherman, Newbury*

CONFIRMED:

New Hampshire Retirement System Board of Trustees: Germano M. Martins, Hooksett

Business Finance Authority: Jeffrey R. Hayes, Intervale

Joint Promotional Program Screening Committee: Stacy S. Lopes, Campton

Real Estate Appraisers Board: Douglas Martin, Charlestown*

State Committee on Aging: Richard D. Crocker, Plymouth

State Committee on Aging: Robert B. Ritchie, Fitzwilliam

Assessing Standards Board: Betsey L. Patten, Moultonborough

Division for Children, Youth and Families Advisory Board: James E. Michalik, Gorham

Fish and Game Commission: Vincent E. Greco, Pembroke

Health Services Planning and Review Board: Christopher Martin, Newport

###



Bonenfant, Janice

From: Colin Van Ostern <colinvo@vanostern.com>
Sent: Thursday, May 30, 2013 8:27 AM
To: * City Clerk
Subject: Upcoming events: Hearings, Convention & Rail meeting

1/2A

Friends,

I just wanted to update you on three upcoming events in the next week you might be interested in:

Public confirmation hearings for Commissioners of Revenue Administration & Insurance

FRIDAY, 5/31, 9:00 am, State House in Concord
Commissioner of Revenue Administration (John Bearmore)
Commissioner of Insurance (Roger Sevigny)

To be confirmed, these nominees must receive support from a majority of the Executive Council, which will likely vote at our next meeting the week following this hearing. Please feel free to attend the hearing or send feedback to me by phone or email.

Democratic Party State Convention

SATURDAY, 6/1, 9:30 am, Nashua South High School

I was honored to be asked to co-chair the annual state Democratic Party convention. If you'd like to join me, Governor Hassan, Senator Shaheen, Congresswomen Shea-Porter & Kuster, and hundreds of activists from around the state, please get a ticket online here.

Public Meeting on Rail & Bus options for Boston-Concord Corridor

WEDNESDAY, 6/5, 7:00 pm, Manchester City Hall

NH Dept of Transportation is hosting a public meeting "to receive input and discuss transportation needs, and preferences for solutions that involve bus and rail options for a 73-mile corridor between Concord, New Hampshire and Boston, Massachusetts. This study will examine rail and bus options to address transportation, economic development, sustainability, quality of life, and environmental issues. . ."

If you have any questions, don't hesitate to let me know.

Thanks very much,
Colin

Paid for by Van Ostern for New Hampshire.
www.vanostern.com PO Box 193, Concord, NH 03302.
Colin Van Ostern, fiscal agent.

[Click here to unsubscribe](#)





GREATER CONCORD SAFE COMMUNITY COALITION MEETING

Date: 06/13/13

Time: 12-2pm

Meeting to be held at:

Safety and Health

Council of Northern

New England

57 Regional Drive

Concord, NH

School Security in

New Hampshire

Join Gregg Champlin, Emergency Management Specialist & NH

Homeland Security expert as he talks about how to keep kids safe in schools.



Phone: 603/437-1111

Phone: 603/553-4337

Email:

debra.santora@dermocon.edu

Contact person:

Debra Santora



A *Safe Community* doesn't happen by accident...

