



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

1. Call to Order.
2. Invocation by Pastor David Butler, Center Point Church
3. Pledge of Allegiance.
4. Roll Call.
5. Approval of the April 8, 2013 meeting minutes.
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.

- Consent Agenda Items -

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.
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.
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.
16. Resolution to discontinue completely West Locke Road, a Class VI local highway, in Concord New Hampshire; together with report from the City Planner.
17. 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.
18. 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.

19. 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.
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. *(To be submitted under separate cover)*
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 \$_____ and authorizing the issuance of \$_____ 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. *(To be submitted under separate cover)*

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.
(To be submitted under separate cover)
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.
(To be submitted under separate cover)

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.
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
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)
- 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)

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)

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)
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)

Appointments by the Mayor

Reports

55. Presentation from the Friends of the Merrimack River Greenway Trail.
56. Main Street Project Update from the Community Development Department.
(Constituent communication regarding Main Street redesign received)

New Business

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)*
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)

Comments, Requests by Mayor, City Councilors

Comments, Requests by the City Manager

Consideration of Suspense Items

Adjournment

Information

- 5 Inf 1 February 19, 2013 and March 26, 2013 Concord Community TV Board of Directors Meeting Minutes.
- 5 Inf 2 March 28, 2013 Transportation Policy Advisory Committee Meeting Minutes.
- 5 Inf 3 April 1, 2013 Concord Public Library Board of Trustees Meeting Minutes.
- 5 Inf 4 April 15, 2013 Parking Committee Meeting Minutes.
- 5 Inf 5 April 16, 2013 Traffic Operations Committee Meeting Minutes.
- 5 Inf 6 District Two Executive Council Reports from Colin Van Ostern.
- 5 Inf 7 Invitation to Mayor Bouley and Members of City Council to participate in the City of Concord's Memorial Day parade to be held on Monday, May 27, 2013.
- 5 Inf 8 Brochure about the Endicott Hotel apartments.
- 5 Inf 9 Copy of communication the City Planner sent to the Pembroke Zoning Board of Adjustment regarding the potential expansion of a gravel pit to be located off Clough Mill Road in Pembroke.
- 5 Inf 10 Copy of communication from Senator Sylvia Larsen to Mayor Bouley and Members of City Council regarding the potential construction of a Women's Prison behind the existing NH State Prison for Men on Fisherville Road in Concord.
- 5 Inf 11 Communication from Comcast Cable notifying Council of a price adjustment going into effect, July 1, 2013.
- 5 Inf 12 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.
- 5 Inf 13 Proposed FY 2013 – 2014 budget for Concord Community Television.



Non-public meeting in accordance with RSA 91-A:3, II to discuss the City Manager's Annual Evaluation to be held at 6:00 p.m.

City Council Meeting
Draft Minutes
April 8, 2013
City Council Chambers
7:00 p.m.

Non-public meetings in accordance with RSA 91-A:2, I (a) to discuss the status of collective bargaining negotiations and RSA 91-A: 3, II (d) to discuss property sale and/or acquisition to be held after the Council meeting.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by the Reverend Peter Hey, Wesley Methodist Church
3. Pledge of Allegiance.
4. Roll Call. Councilors Bennett, Blanchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady-Sexton, Keach, Kretovic, McClure, Nyhan, Patten, St. Hilaire, Shurtleff and Werner were present. Councilor Bouchard was excused.
5. Approval of the March 11, 2013 meeting minutes.

Action: Councilor St. Hilaire moved approval of the March 11, 2013 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

- Consent Agenda Items -

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

Action: Councilor Grady Sexton moved approval of the consent agenda with items 16 and 18a moved to the end of the agenda for discussion. The motion was duly seconded and passed with no dissenting votes.

Items Tabled for a May 13, 2013 Public Hearing

7. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 17, Vehicles and Traffic; Article 17-7, Rights and Duties of Pedestrians; together with report from the City Solicitor. (1-9) (2-33b; 2-35) (3-38)
8. 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.

From the City Manager

9. Positive Citizen Comments.
10. Council meeting date calendar.

Consent Reports

11. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,372.65 as provided for under the preauthorization granted by City Council.
12. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$131 as provided for under the preauthorization granted by City Council.
13. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$8,985.60 as provided for under the preauthorization granted by City Council.
14. Diminimus gifts and donations report from the Fire Department requesting authorization to accept monetary gifts totaling \$592.10 as provided for under the preauthorization granted by City Council.
15. Overall Economic Development Performance (OEDP) Annual Report.
16. Committee report on the Finance Committee budget schedule and adoption date.
(Pulled from consent by Mayor Bouley)

Action: Item to be discussed at the end of the agenda.
17. Report from Deputy City Manager – Development requesting authorization to modify an existing utility easement along the Whitney Road corridor.
18. Economic Development Advisory Committee (EDAC) review and recommendation on City's economic development policy.

- 18a. Reports from the Planning Board and Conservation Commission in response to a communication from McKenna's Purchase Northern Pass Committee seeking the city's assistance in regards to the Northern Pass Project. (1Sus2) ***(Pulled from consent by Councilor Werner)***

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

Consent Resolutions

19. Resolution re-adopting the Beneflex plan and authorizing the City Manager to execute Beneflex plan documents.
20. Resolution rescinding bond authorization in the amount of \$1,364,340.10 by the City of Concord for the use by the Concord School District; together with report from the Deputy City Manager – Finance.
21. Resolution authorizing the City Manager to submit an application to the NH Division of Historical Resources for Certified Local Government (CLG) funds to be utilized for the conduct and preparation of a study of historic carriage houses and urban barns within the West End Neighborhood; together with report from the City Planner.
22. Resolution authorizing the City Manager to enter into an amended and restated lease agreement between the City of Concord and the Concord Boys and Girls Club of Greater Concord; together with a report from the Deputy City Manager-Development. ***(Supplemental report not previously distributed)***
23. Resolution authorizing the City Manager to submit an application for up to \$73,000 to the Federal Aviation Administration (FAA) and the New Hampshire Department of Transportation (NHDOT), Division of Aeronautics grant funds for the purpose of the installation of frangible mounts and a light beacon on the localizer for runway 17/35 at the Concord Municipal Airport; together with report from Engineering.
24. Resolution authorizing the City Manager to submit an application for up to \$1,340,000 to the Federal Aviation Administration (FAA) and the New Hampshire Department of Transportation (NHDOT), Division of Aeronautics grant funds for the purpose of constructing the eastern portion of the parallel taxiway for runway 12/30 at the Concord Municipal Airport; together with report from Engineering.

Consent Communications

25. Street closure request from the Concord Family YMCA in order to hold a block party on Friday, May 17, 2013.
26. Street closure request for the Concord High School Levee to be held on June 13, 2013.

Appointments

27. City Manager's proposed reappointments to the Library Board of Trustees.
Jeremy Clemans and Megan DeVorse

28. City Manager's proposed reappointments to the Conservation Commission.
Christopher Morgan, Christopher Kane and Frederick Chormann, Jr.

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

29. April 8, 2013 Public Hearings

A. 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) ***(Public hearings to be held in March and April; action to be taken in May)***

Action: Mayor Bouley pointed out that this is the second of two public hearings for this item. The Mayor opened the public hearing.

Public Testimony

Allan Herschlag, resident, noted that he had written a piece making a suggestion as to how the assessment could be mitigated and also suggested that a "no" vote not to accept the assessment would stop it. He noted that he now understands, after talking to the Mayor and the Director of DRA, that a "no" vote would only change it for next year and what is currently in place cannot be mitigated by the city and can only be mitigated by property owners either appealing or asking for an abatement. Mr. Herschlag noted that he feels that this couldn't have come at a worst time, raising costs to downtown businesses at the time when both downtowns are going to be starting long term construction projects and business may recede during this period. He stated that they are also placing an undue burden on the commercial properties enforcing them to correct mistakes that the city has made. He noted that the question now is what does the city do, how do they fix this to make this fair to the city's commercial businesses. He urged the Council to find a solution that is fair not only for the commercial properties but also the community as a whole.

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

Mayor Bouley directed a question to City Solicitor Jim Kennedy noting that he had informed the City Manager that this item will be acted upon at the next Council meeting. He asked for an explanation as to why Mr. Kennedy has come to this conclusion noting that it is his recollection that every year that they have done this, they have always taken action following the second public hearing. Mr. Kennedy stated that the statute sets forth the procedure of the requirement for two

hearings. He noted that there is a timeframe set forth in the statute that requires the delay. He asked whether he could take this under advisement and before deliberation he can review the statute specifically to confirm the appropriate time.

****See end of item I for City Solicitor's response.**

- B. 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; together with report from the Deputy City Manager – Finance. (3-11)

Action: There being no Council objection, hearings B and C were read together.

City Manager Tom Aspell provided a brief overview of both items B and C.

Mayor Bouley opened the public hearings for both items B and C. There being no public testimony, the Mayor closed the hearings.

- C. Non-ordinance fees. (3-12)

Action: Public hearing for this item taken with item B.

- D. Capital Improvement Program (CIP) Out Years. (3-13)

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.

- E. Resolution appropriating the sum of \$18,000 for the purchase and installation of seven self-operable lifts and accessories to be located at each of the community's seven swimming pools; together with report from the General Services Director. (3-14)

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.

- F. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing and Parking; Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I; amending parking on District 5 Road; together with report from the Parking Manager. (3-15)

Action: City Manager Tom Aspell provided a brief overview explaining that this ordinance would correct a previously incorrect ordinance and signage that didn't conform to that ordinance. Referencing the bottom diagram for the no parking, Mr. Aspell noted that the sides to the right or to the east as Dimond Road

connects to District 5 Road, the two sections of no parking 30 feet would not be done because he feels that would eliminate too much parking. He stated that he is suggesting that Council approve the ordinance as proposed but essentially what they would have is the no parking at the end of District 5 Road and at the intersection of Dimond Road which would protect the ability for the school buses to turn around but also leave enough parking for the neighborhood and the area for people to visit.

Mayor Bouley asked whether the Parking Committee is recommending the bottom map out of the two maps. Mr. Aspell responded yes but that the two no parking 30 feet sections on the right hand side along District 5 Road to the right would be crossed out.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, noted that he would like to recommend that if the city is going to remove the no parking signs, that they specifically mark the end of the city right of way so people will know where they can park legally and not be on someone else's property. He stated that it might be wise to do a little bit of maintenance out here and place some gravel in the areas in which the city want people to park.

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

- G. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6, Parking Prohibited at all Times in Designated Places, Schedule I; Whitney Road; together with reports from the Traffic Engineer and the Parking Committee in response to a communication from Richard Uchida, Hinckley Allen Snyder LLP on behalf of Interchange Development, LLC and Drake Petroleum Company, Inc. requesting a no parking zone on Whitney Road in an area to be developed for a convenience store and service station. (11-8) (3-16)

Action: City Manager Tom Aspell provided a brief overview.

Councilor Blanchard inquired whether it's anticipated that there will be room in that parking lot for trucks to pull into. Mr. Aspell responded yes.

Councilor McClure asked if, the way this is written, this ordinance would go into effect if it's passed this evening even if the development is not constructed. Mr. Aspell indicated that to be correct.

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

- H. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I; Bradley Street; together with report from the Traffic Engineer. (3-17)

Action: There being no Council objection, both H and I were read together.

City Manager Tom Aspell provided a brief overview of both items H and I.

Mayor Bouley opened the public hearings for items H and I.

Public Testimony

Roy Schweiker, resident, noted that he just wanted to bring attention to the fact this is a two way street that is twenty two feet wide and it is being deemed that parking should not be allowed on either side for traffic reasons even though the street is a dead end.

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

- I. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Section 17-4-3, One-Way Streets, Schedule VI, Bradley Street. (3-18)

Action: Public hearing for this item taken with item H.

****Response to Public Hearing A question from Legal Department** – City Solicitor Jim Kennedy indicated that RSA 75:8-b is a statute that employs or permits a municipality with a population of more than 10,000 to engage in this annual appraisal process. He stated that the NH Legislature considers this to be an important issue and requires two public hearings. He explained that in addition to the two public hearings it states expressly in the statute that after holding two public hearings the authorization vote of the City Council must wait at least fifteen days and not more than sixty days.

April 8, 2013 Public Hearing Action

30. 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; together with report from the Deputy City Manager – Finance. (3-11)

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

Councilor St. Hilaire noted his concern with the stick and puck fee increasing from \$8.00 to \$9.00. He stated that if its adults doing it during the day time, he doesn't have a problem with it. Mr. Aspell indicated that it was day time stick and puck.

Councilor Nyhan noted that he believes the time is from 11:00 a.m. to 12:00 p.m. Monday through Friday.

Councilor St. Hilaire noted that he assumes that its adults going there and not kids going there after school.

The motion to approve passed with one dissenting vote.

31. Non-ordinance fees. (3-12)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed with one dissenting vote.

32. Capital Improvement Program (CIP) Out Years. (3-13)

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

Councilor Kretovic questioned as to when an item comes out of the CIP if there is an item that has already been completed. Mr. Aspell responded that it is when he does the next one. Councilor Kretovic noted that the bike master plan has been completed.

The motion to approve passed with no dissenting votes.

33. Resolution appropriating the sum of \$18,000 for the purchase and installation of seven self-operable lifts and accessories to be located at each of the community's seven swimming pools; together with report from the General Services Director. (3-14)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed on 14 to 0 on a roll call vote with Councilors Bennett, Blanchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten, St. Hilaire, Shurtleff and Werner voting yes.

34. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing and Parking; Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I; amending parking on District 5 Road; together with report from the Parking Manager. (3-15)

Action: Councilor Nyhan moved to approve the no parking changes as described by the City Manager in regards to the second diagram. The motion was duly seconded.

Councilor Coen inquired as to the timeline in which this will be implemented. Mr. Aspell responded that it may take a few weeks for the signs to be made, if none are in stock.

Councilor Nyhan's motion was approved with no dissenting votes.

35. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6, Parking Prohibited at all Times in Designated Places, Schedule I; Whitney Road; together with reports from the Traffic Engineer and the Parking Committee in response to a communication from Richard Uchida, Hinckley Allen Snyder LLP on behalf of Interchange Development, LLC and Drake Petroleum Company, Inc. requesting a no parking zone on Whitney Road in an area to be developed for a convenience store and service station. (11-8) (3-16)

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

Councilor McClure noted that the development is contingent upon the city stopping parking. She noted that they may be passing an ordinance that will direct the city to set up a no parking zone and put up signs but they don't know for sure that this development is actually going to be built. She wondered that, instead of the ordinance taking effect upon passage, should it take effect upon the issuance of a CO for the proposed development.

Carlos Baia, Deputy City Manager-Development, noted that he knows that parking has been an issue on this street in the past. He noted that it is his understanding that this development is moving forward.

Councilor McClure indicated that they have done other things in the past in anticipation of developments that never happen. She stated that if there is some good reason not to make it effective when the development is built she would like to hear that. Mr. Baia noted that the approval letter reads "prior to the issuance of certificate of occupancy."

Councilor McClure moved to change the ordinance from taking effect upon passage to upon issuance of the certificate of occupancy. The motion was duly seconded.

Councilor Blanchard noted that she accepts this amendment to her motion.

Councilor Kretovic indicated that the Parking Committee had looked at this from the perspective that there have been complaints and she would be more supportive of the ordinance passing without the restriction of the occupancy permit.

Councilor Coen wants to be clear that this would no way hamper the developer moving forward.

Councilor Keach stated that regardless of what happens, parking is going to be an issue and feels that it makes sense just to pass this ordinance as proposed.

Councilor Nyhan seconded the amendment.

Following additional Council discussion, Councilor McClure's amendment failed on a show of hands vote with four voting for the amendment and 9 voting against the amendment.

Councilor Blanchard's motion to accept the ordinance passed with two dissenting votes.

36. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I; Bradley Street; together with report from the Traffic Engineer. (3-17)

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

37. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Section 17-4-3, One-Way Streets, Schedule VI, Bradley Street. (3-18)

Action: Councilor McClure moved approval. The motion was duly seconded and passed with no dissenting votes.

Reports

New Business

Unfinished Business

38. 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) (*Action on this item tabled following a July 9, 2012 public hearing*)

Action: Item remains tabled.

39. 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) (*Public hearing held in February 2013 – item tabled*)

Action: Item remains tabled.

Comments, Requests by Mayor, City Councilors

Councilor Werner noted that the energy chapter of the master plan is in final draft form. He indicated that this will be part of the Planning Board's agenda on April 17th. He thanked the Energy Committee members for their diligent work and also thanked Becky Hebert from Planning for all of her work.

Councilor Keach noted he wanted to comment in terms of the whole assessing debate and make clear to the public that the Council has a very limited role in the whole assessment process.

Comments, Requests by the City Manager

40. Discussion regarding meeting minutes for various boards and commissions within the City of Concord.

Action: City Manager Tom Aspell indicated that there are links to meeting minutes and agendas of the various boards and committees on the city's website.

Consideration of items pulled from the consent agenda for discussion

Items 16 and 18a have been pulled from the consent agenda for discussion.

16. Committee report on the Finance Committee budget schedule and adoption date.
(Pulled from consent by Mayor Bouley)

Action: Mayor Bouley distributed an alternate budget schedule that he drafted. He explained that, in reviewing the schedule, he pointed out that the current proposed schedule has the first meeting during the Rock and Road Race event which closes down the streets surrounding the City Hall complex and makes it hard for the residents to find parking for the meeting. Referencing his alternate schedule, the Mayor indicated that he tried to limit the number of meetings to be more efficient with the time, trying to combine some efforts and also eliminating the Thursday evening meetings. He highlighted the alternate schedule dates pointing out that most of the meetings would be held on Mondays with one being held on a Saturday, June 8th from 8:00 to noon. He noted that this gives the opportunity for people that can't attend a meeting during the evening to attend the meeting on a Saturday.

Referencing the alternate schedule, Councilor Coen pointed out that Monday, June 3rd is scheduled for Fire, Police and General Services and Saturday, June 8th is scheduled for Administration, Community Development, etc. He wondered if the Fire, Police and General Services would have more interest for the community.

Mayor Bouley indicated that is a great suggestion and noted that it could be rearranged.

Councilor Nyhan stated that he likes the alternate schedule and the elimination of Thursday evening meetings. Referencing a Saturday meeting, he noted that this gives the community the opportunity to attend.

Councilor Blanchard pointed out that the report indicates that the meetings begin at 6:30 p.m. but the schedule indicates that they begin at 7:00 p.m.

Mayor Bouley noted that, prior to last year, they were meeting at 6:30 p.m. and last year they had changed it back to 7:00 p.m.

The Council agreed that they liked the alternate budget schedule being proposed.

Following discussion, the Council agreed with reversing the dates of departments meeting on June 3rd and June 8th. June 3rd would be Administration, Community Development, etc. and June 8th would be Fire, Police and General Services.

Councilor Nyhan moved to change the Finance Committee budget schedule as discussed and replacing the proposed June 3rd schedule and June 8th schedule and reversing those two. The motion was duly seconded and passed with no dissenting votes.

18a. Reports from the Planning Board and Conservation Commission in response to a communication from McKenna's Purchase Northern Pass Committee seeking the city's assistance in regards to the Northern Pass Project. (1Sus2) *(Pulled from consent by Councilor Werner)*

Action: Councilor Werner noted that many people perceive this as a northern New Hampshire situation in terms of impact but it does impact the city also. He indicated that he hopes that in future months there will be many opportunities for Concord residents to have input into the project as it moves along because it does have an impact, whether visually or environmentally on the Concord community. Councilor Werner moved to accept the reports. He thanked the Conservation Commission and the Planning Board for the work that they have done; he also recognized the people at McKenna's Purchase for letting their concerns be known.

Following brief discussion, Councilor St. Hilaire noted that he viewed accepting the report as only accepting the report and not adopting any particular position. He noted that if they do want to adopt a position he suggests doing so in the future.

Mayor Bouley noted that it's his interpretation that by accepting these reports the Council is acknowledging that they have received them.

The motion was duly seconded and passed with no dissenting votes.

Consideration of Suspense Items

Councilor Nyhan moved to consider the suspense item not previously advertised. The motion was duly seconded and passed with no dissenting votes.

4 Sus1 **Referral to the Legal Department and the Public Safety Advisory Board**

Communication from Downtown Merchants requesting a more defined and stricter enforcement of panhandling laws in the City of Concord.

Action: Councilor Nyhan moved to refer this communication to the Legal Department and the Public Safety Advisory Board. The motion was duly seconded and passed with no dissenting votes.

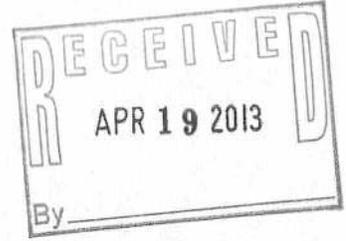
Adjournment

The time being 8:12 p.m., Councilor Nyhan moved to enter into non-public meetings in accordance with RSA 91-A:2, I (a) to discuss the status of collective bargaining negotiations and RSA 91-A: 3, II (d) to discuss property sale and/or acquisition. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*

TJA



April 19, 2013

Dear Mayor and Councilors,

Attached is a petition, signed by NH citizens, requesting that 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.

Such buffer zones exist in many locations; recently the 35' buffer was put in place in Vermont, matching the code which Massachusetts also passed recently.

The buffer zones exist to:

- Protect patient privacy
- Patient/demonstrator/protester safety
- Unobstructed passage of the public
- Freedom of speech and assembly

In Concord, clients and volunteer escorts are harassed, intimidated and inhibited by the extreme proximity (2-6 feet) of the demonstrators/protesters at the entrance to the Concord Feminist Health Center on Main Street. This petition is presented as a pro-active measure to eliminate the likelihood of violence and to ensure public safety.

If it would be helpful in your consideration of this petition, a volunteer escort will attend a city council meeting to provide information regarding the need for the 35' buffer zone.

Thank you for your consideration in this public safety issue.

**A PETITION TO THE COUNCIL OF THE CITY OF CONCORD
REGARDING FREEDOM OF ACCESS TO CLINIC ENTRANCES
THIS COPY WAS PRINTED ON 17 JANUARY 2012**

We, the undersigned, request the Concord City Council to improve safe passage for patients wishing to enter reproductive health clinics in Concord. This request is being made with an eye toward the U.S. Freedom of Access to Clinic Entrances (FACE) Act, 18 U.S.C. § 248, and measures that have been taken in other cities and states across the country to decrease physical interference of patients by anti-abortion protesters. [see p. 2]

Specifically, we request the Concord City Council to amend Ordinance No. 2179, § I, 1-22-96 of the City of Concord Code of Ordinances to require a 35-foot fixed buffer zone around the driveways, entrances, and exits of reproductive health clinics in Concord, to eliminate the barring of patient entry/egress by anti-abortion protesters. Physical patient-protester buffers such as this have reduced unwelcome physical interactions and/or violence in other cities and states. [see p.5]

Due to the large number of patients arriving at reproductive health clinics in Concord by foot (especially where entrances abut the sidewalk), we wish to thank the Concord City Council in advance for their time and consideration with regard to this important social justice and public safety issue.

Name	Address & Contact Info (Optional)	City & Zip Code
DUP Gaite O'Keefe	24 Hillcrest Ave	Concord 03301
DUP Cassie O'Keefe	24 Hillcrest ave	Concord 03301
Nancy Norman	16 Thorncliffe St.	Concord 03301
(Rep) Sylvia Bale	- sylvia.gale4@comcast	Maslem 03063
Carol Bush	48 Pleasant Ave., Franklin	Franklin, NH 03235
Sandra Key	56. Hill ST Concord	Concord NH 03301
Beth Lukatis	85 Walden Hill Rd Warner	Warner 03278
Eileen Ehlers	14 Ardon Dr	Horseshoe NH 03106
Robert Ehlers	14 ARDON DR	Horseshoe NH 03106
Lisa Hall	88 Fairview Henniker	NH 03242

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Name	Address & Contact Info (Optional)	City & Zip Code
<u>Susan Damar</u>	7485397 388 WESTERN AVE #A3 MAN	HENNIKER 03242
<u>Cassie Okeefe</u>	24 Hillcrest AV. 4910-1368	Concord 03301
<u>Cecile Okeefe</u>	24 Hillcrest Ave	Concord 03301
<u>Sue Gingrich</u>	39 Wilson Hill Rd	
<u>Tori Bunk</u>	48 Highland Ave ^{New Boston NH} 03070	Franklin 03235
<u>Sara Persechino</u>	2675 Hopkinton Rd	Concord 03229
<u>Greg S. Goldberg</u>	37 Tanglewood Dr. Henriker, Mass	Henriker 03242
<u>Kat Guyat</u>	336 Cale Rd	Manchester, NH 03103
<u>Beth Inkaitis</u>	55 Wickett Hill Rd	Waver 03278
<u>Arpiaz Saunders</u>	93 High Pond Road	Hopkinton 03229

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	24 Hillcrest Ave	Concord 03301
	Clare Milne	Auburn 03032
	569 Londonderry Tpk	Auburn 03032
	Goshea Micchona	
	4 Windham Drive	Concord 03301
	Jewel Munson	Concord 03301
	8 Bradley St	Concord 03301
	Fatti Baum	Concord 03301
	4 Windham Dr.	Concord 03301
	Sydney O'Leary	Concord 03301
	54 MOUNTAIN RD	CONCORD 03301
	TRUHA W. Sewall	CONCORD 03301
	JARED M REINWARD	Concord NH 03301
	12 EAST SIDE DRIVE #417	Concord NH 03301
	Rebecca Herman	Bradford, NH 03222

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Name	Address & Contact Info (Optional)	City & Zip Code
✓ <u>Mark McCann</u>	<u>169 Portsmouth St</u>	<u>Concord, NH 03301</u>
✓ <u>Nelly Donville</u>	<u>384 Donald St.</u>	<u>Bedford NH 03110</u>
✓ <u>[Signature]</u>	<u>Attant G. Schmidt 11 Pope Circle, Mass.</u>	<u>Nashua 03063</u>
✓ <u>Kathleen Lucier</u>	<u>12 Clark St., Franklin, NH, 03235</u>	<u>Franklin 03235</u>
✓ <u>Catherine Corkery</u>	<u>97 High St</u>	<u>Penacook 03303</u>
✓ <u>Sandra Ackerman</u>	<u>1 Sarah Paul Hill</u>	<u>Madbury 03823</u>
✓ <u>GAIL MORRISAN</u>	<u>PO Box 132/83 Stage Road</u>	<u>SANBANTON NH 03269</u>
<u>Trem McCormack</u>	<u>1 Keane Dr</u>	<u>CONCORD, NH 03303</u>
_____	_____	_____
_____	_____	_____

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[Redacted]	[Redacted]	[Redacted]

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Name	Address & Contact Info (Optional)	City & Zip Code
<i>Ruth A. Kevghas</i> RUTH A. KEVGHAS	13 MAPLE ST #3	CONCORD, NH 03301
<i>Lestie A. Winship</i> LESTIE A. WINSHIP	119 PORTSMOUTH ST. #196	Concord, NH 03301
Karen Zwick	19 Concord Garden	Concord, NH 03301
Colleen Graham	1169 Portsmouth St. #199	Concord, NH 03301
Ellen Burger	272 E. Side Dr.	Concord, NH 03301
<i>Nancy Kschinke</i> <i>Dalia Vidunas</i> DALIA VIDUNAS	633 Maple ST.	Hopkinton, NH 03229
Dalia Vidunas	51 PLYMOUTH DR	Concord, NH 03301
_____	_____	_____
_____	_____	_____
_____	_____	_____

"Buffer zone" laws

In the United States, three U.S. states have passed "buffer zone" legislation, which can create either a "fixed" area around a medical facility or a "floating" area around patients and staff.^{[8][9]}

- **Colorado:** 100 feet fixed and eight feet floating. After being enacted in 1993, the "floating" provision was first challenged in 1995, when three pro-life activists suggested that it violated their right to freedom of speech. Although upheld in a trial court and by the state's appeals court, the Supreme Court of Colorado would not hear the case, so the petitioners took their case against Colorado's floating buffer law to the Supreme Court of the United States. In February 1997, considering its ruling against a floating buffer zone in the case Schenck v. Pro-Choice Network of Western New York, the Supreme Court requested that the appeals court of Colorado re-examine their state's law. It was upheld again, and in February 1999, the Supreme Court of Colorado agreed with the holdings of the lower court. In the 2000 case Hill v. Colorado, the "floating" provision was again appealed before the federal Supreme Court, where it was upheld 6-3.^[10]
- **Massachusetts:** 35 feet fixed buffer zone enacted in 2007.^[11] Massachusetts Attorney General Martha Coakley's Office defended the constitutionality of the statute in the federal court proceedings. In May 2007, Attorney General Coakley testified before the Legislature in support of the passage of the legislation.^[12] The buffer zone law was signed by Governor Deval Patrick and took effect on November 13, 2007. Attorney General Coakley successfully defended the statute before the U.S. Court of Appeals for the First Circuit, which affirmed the constitutionality of the Commonwealth's buffer zone law on July 8, 2009. The 2007 law changed the 2000 law, which provided for an 18 feet fixed buffer zone and six feet floating buffer zone. Enacted on November 10, 2000, this law was struck down by U.S. district judge Edward Harrington soon afterward because he felt there was an unacceptable discrepancy in the floating buffer zone being applied to pro-life protesters but exempted from clinic workers.^[13] The law was restored in August 2001 by a federal appeals court.^[14]
- **Montana:** 36 feet (11 m) fixed buffer zone and eight feet floating buffer zone.

Several local governments in the United State have, at some time, also passed similar municipal ordinances:

- **Buffalo and Rochester, New York:** 15 feet fixed and 15 feet (4.6 m) floating around four clinics in two cities. The buffer zone resulted from an injunction issued by the U.S. district court in response to a federal lawsuit filed against 50 individuals and three pro-life organizations, including Operation Rescue, by three doctors and four clinics. The law was challenged in the 1997 case court case, Schenck v. Pro-Choice Network of Western New York, by pro-life activist Paul Schenck. The case came before the Supreme Court, where Justices, in considering Madsen v. Women's Health Center, ruled 8-1 to uphold the constitutionality of the fixed buffer zone, but not that of a floating buffer zone.^[10]
- **Melbourne, Florida:** 36 feet fixed buffer zone around a clinic, 300 feet (91 m) floating buffer zone around patients, and 300 feet (91 m) buffer zone around the homes of the clinic's employees. The injunction also regulated noise levels outside of the clinic and prevented demonstrators from displaying images which could be seen from inside. It was upheld in full by the Supreme Court of

Florida but came before the federal Supreme Court in *Madsen v. Women's Health Center* in 1994. The Court upheld the fixed buffer zone, and the noise regulation around clinics and in residential areas, but rejected the floating buffer zone, residential buffer zone, and prohibition against displaying images.^{[10][15]}

- **Pittsburgh, Pennsylvania**: 15 feet fixed buffer zone and eight feet floating buffer zone.^[8] The statute was approved by the Pittsburgh City Council in December 2005.^[16] In 2009 a three judge appeals court panel found in *Brown v. Pittsburgh* that while either a fixed buffer or a floating buffer alone is constitutional, this combination of buffers is "insufficiently narrowly tailored," and thus unconstitutional.^[17]
- **Vallejo, California**: fixed buffer zone which requires protesters to remain across the street from a clinic enacted in 1991.^[18] After the Supreme Court of California upheld the injunction, the case was taken to the federal Supreme Court in October 1994, but was remanded to the state court due to the recent *Madsen v. Women's Health Center* decision. The California Supreme Court again upheld the buffer zone in July 1995. On March 17, 1997 the case reached the federal Supreme Court as *Williams v. Planned Parenthood Shasta-Diablo*, and Justices voted 6-3 to uphold the buffer zone.^[19]
- **West Palm Beach, Florida**: 20 feet buffer zone and noise ordinance approved in September 2005.^[8] U.S. District Judge Donald Middlebrooks found the law to be an infringement of the right to free speech on April 11, 2006, and ordered that it be enjoined, but upheld the regulation against excessive noise.^[20]
- **Chicago, Illinois**: 8 foot floating buffer zone within 50 feet of clinic entrance enacted in November 2009.^[21]

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First Circuit Again Upholds Massachusetts' Clinic Buffer Zone Law

by [Jessica Mason Pieklo](#), Senior Legal Analyst, RH Reality Check

January 13, 2013 - 3:09pm ([Print](#))

(Dig Boston)

On Wednesday a federal appeals court upheld the buffer zone law for Massachusetts abortion clinics, holding that the regulations strike the appropriate constitutional balance between protecting the rights of patients and the speech rights of clinic protestors.

The law creates a 35-foot fixed buffer zone around the driveways and entrances of clinics. Anti-choice activists challenged the law, arguing the buffer zone unconstitutionally infringes on the speech rights of those who want to engage in "anti-abortion counseling" outside clinics.

The court has twice upheld an earlier version of the law in 2001 and again in 2004. The law was revised in 2007 which sparked a host of new legal challenges.

In its opinion the First Circuit Court of Appeals reaffirmed that while abortion may remain a divisive issue for some, ultimately it is a legal medical procedure and those in need are entitled to safe passage to and from clinics. "Few subjects have proven more controversial in modern times than the issue of abortion," the court held. "The nation is sharply divided about the morality of the practice and its place in a caring society. But the right of the state to take reasonable steps to ensure the safe passage of persons wishing to enter health care facilities cannot seriously be questioned."

Attorney General Martha Coakley, whose office defended the law, praised the decision in a statement.

"We are pleased that the court has once again upheld the Commonwealth's buffer zone law which provides safe access to reproductive health care facilities while preserving freedom of expression," Coakley, said in a statement. "We have always believed, and the court agreed, that the buffer zone leaves open the opportunity for civil engagement on public areas around these facilities while ensuring that patients and health care providers can safely access these facilities."

The First Circuit decision will likely be appealed.

The legal battle over buffer zones demonstrates the continuing effectiveness, indeed the necessity of the FACE Act. As anti-choice activists push for the re-criminalization of abortion and as more and more clinics close due to TRAP regulations and the push by Catholic organizations to merge with as many health care providers as possible, the number of actual clinics providing abortion care has dwindled to alarming scarcity in many places. Protecting the rights and health of women and clinic workers becomes an even greater priority in such a climate, and this reality at the heart of the First Circuit's opinion.

TJA

April 23, 2013

Re: Statement relating to the petition to the Council of the City of Concord regarding freedom of access to clinic entrances

Dear Concord City Council:

I am a friend to a Concord Feminist Health Center (Center) employee. I am also a Center patient. And today I would like to share my experience with Center protesters with you.

About this time last year, while visiting my friend during our lunch hour, I observed a protester bar the entry / egress of at least three patients; and, passers by assumed by her to also be patients. I asked her, please, to stop violating New Hampshire assault and battery laws relating to the barring of entry / egress. She then said, "But people shouldn't go in there. It's unsafe." A passer by, who became involved in our discussion because the woman was barring passers by from traveling north and south on the sidewalk, felt it necessary to inform the woman that the only unsafe aspect of "this whole thing" was her actions! The passer by had to squeeze herself against some shrubbery to get past the woman because she was protesting with two men in the middle of the sidewalk in close proximity to the steps to the Center which is already a busy little patch of sidewalk.

After the passer by left, the woman became visibly upset when I remained, and asked why I didn't "move along." I told her that as a concerned citizen, I planned to remain there to bear witness to the incident I had just observed; and any future incidents, should they occur, and should it become necessary to call the Police to intercede on behalf of employees, patients,

visitors, or passers by. She then approached me, as if to get in my face. I felt both threatened and scared by her behavior. And she said, "We'll see about that." She whipped out her camera and began taking photographs of me. After she was done, I took out my camera and asked if I could take her photograph, in case it became necessary to share it with the Police, because I felt both threatened and scared by her behavior. After I took her photograph, she disappeared post haste. I have not seen her since although my friend tells me that patients had been complaining about her aggression for the previous two weeks. My friend told me that many patients felt threatened and scared by the behavior of this woman and other protesters who often accompanied her.

I have seen the two men on numerous occasions since, barring the entry / egress of patients to the Center; and, passers by traveling north and south on the sidewalk. On two occasions, I have seen one of the two men sitting on the Center's steps with a protest sign! These steps are the Center's entry / egress, and I had to ask this man to move in order to enter the Center to visit my friend. It was a scary experience. It made me feel unsafe. I was born in Concord a little over 40 years ago. The City of Concord, and the greater Concord area, has always been both a wonderful place to live and a very safe place to live. And so I ask the Concord City Council to consider this petition in order to improve safety for the women of the City of Concord; and, the greater Concord area. Several cities now have municipal ordinances like the one the petition proposes, most recently, the Cities of Burlington, Vermont and San Francisco, California. Protesters have brought suit against stationary buffer zones in other cities; but, they have passed the "balancing test" on every court level, including the U.S. Supreme Court's, because they protect both the rights of protesters / patients; and also, the utilitarian interests of the community, namely that of "public safety."

I am attaching (below) a photograph I took of the female protester who behaved aggressively toward me. Thank you for your time and consideration.

Sincerely yours,
Rebecca Herman
Bradford, NH



Bonenfant, Janice

From: Amanda Grady Sexton <amandakgrady@gmail.com>
Sent: Tuesday, April 23, 2013 10:05 PM
To: Bonenfant, Janice
Subject: Fwd: My statement of testimony relating to the petition regarding the freedom of access to clinic entrances
Attachments: CCC statement.pdf

FYI Janice

----- Forwarded message -----

From: "R. J. H." <rebeccajherman@yahoo.com>

Date: Apr 23, 2013 9:17 PM

Subject: My statement of testimony relating to the petition regarding the freedom of access to clinic entrances

To: "amandakgrady@gmail.com" <amandakgrady@gmail.com>

Cc:

Dear Councilor Grady Sexton:

The above-captioned is attached.

Thank you very much for your time and consideration.

And for your service to the community.

Sincerely yours,
Rebecca Herman
Ph: 603-748-3415

Attachment: CCC statement.pdf

Bonenfant, Janice

From: Amanda Grady Sexton <amandakgrady@gmail.com>
Sent: Friday, May 03, 2013 8:34 PM
To: Bonenfant, Janice
Subject: Fwd: Public Safety complaint

TJA

Dear Janice,
 Would you include this in the upcoming Council packets?
 Thanks so much,
 Amanda

----- Forwarded message -----

From: "R. J. H." <rebeccajherman@yahoo.com>
Date: May 3, 2013 8:01 PM
Subject: Public Safety complaint
To: "jduval@concordpolice.com" <jduval@concordpolice.com>
Cc:

Dear Chief John F. Duval:

While passing by the Concord Feminist Health Center for almost a year now, I have been noticing something just a little peculiar for what I used to consider our safe little city.

On Fridays, at various points throughout the day, there are "protesters" lined up on the sidewalk; exactly opposite the entrance way to the Concord Feminist Health Center, on the edge of the sidewalk, within less than seven feet from the steps. The steps that are the only entry/egress point for patients. Sometimes this happens on Wednesdays, too.

On a number of occasions, I have had to pass, awkwardly, between the protesters and the steps. Doing so makes me feel bullied and afraid so now I enter the street as I approach the steps so as to pass by more safely. On one such occasion I noticed a large man sitting on the steps with a protest sign! Barring patient entry / egress. If I was a patient I would have felt bullied and afraid if my entry / egress was barred like that. An attorney friend of mine tells me that barring entry / egress is against New Hampshire assault and battery laws. Is this true? I have also seen protesters barring entry/egress to parking meters as patients attempt to use them.

On another such occasion, I noticed two people I know standing near the steps. I asked them what they were doing. They told me they are volunteer patient escorts; there, because patients say they feel less bullied and afraid when volunteer escorts are present. I asked them if they feel bullied and afraid themselves. They admitted that they did; but, if they were not there they said, protesters are even more aggressive toward patients. I asked them if they know about City of Concord ordinances pertaining to protesting. Specifically this one:

4-8-2 - Prohibited Acts—Generally.

A person shall not in the course of demonstration activity within any access area:

- (a) Picket in an aggressive manner;
- (b) Interfere with, obstruct, or block pedestrian or vehicular traffic, or egress from or access to a vehicle;
- (c) Interfere with, obstruct, or block another person's passage into or out of any facility.
- (d) Fail to withdraw upon a clearly communicated request to do so to a distance of at least eight (8) feet away from any person who has made the request.

(Ord. No. 2179, § I, 1-22-96)

With regard to (d), I asked them specifically if they had asked the protesters to move at least 8 feet away from them as they stand next to the steps in order to greet patients. They said they had but their requests were ignored. I asked them if they had called the police. No, they said. "Because the City of Concord Police Department no longer responds to calls like this."

If so, just wow. Because under the U.S. The Freedom of Access to Clinic Entrances Act, both the City of Concord and the City of Concord Police Department are obligated to keep this entry/egress point (the steps) safe. Again, I can't imagine the Concord Police Department having such little regard for the public safety of women patients or passersby. Because in this case it would be like telling a women who calls the City of Concord Police Department to report domestic abuse just to "keep calm and carry on." So I am sure there has been some kind of misunderstanding here.

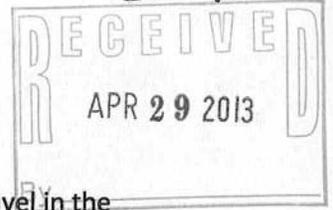
Thank you in advance for any additional attention you can devote to the above-captioned matter while it's still possible for public safety to carry the day. If a patient, protester, or passerby is injured on this busy little patch of sidewalk in front of this popular and apparently controversial entry/egress point (the steps) it should surprise no one. Speaking of which, I must ask. Why is it that I always see police around the bars at night; but, never here? Isn't the safety of passersby (if not women patients) just as important here?

Fyi - the City of Burlington, VT just passed a city ordinance prohibiting protesters from coming within 35 feet of reproductive health care clinic entry/egress points. This ordinance was based upon a similar State of Massachusetts law. Hence I have carbon-copied Amanda Grady Sexton, City of Concord Councilor, on this complaint as I wish to make the City of Concord both aware of my complaint; and, aware of what other cities and states are doing to improve public safety for women patients and passersby.

Sincerely yours,
Rebecca Herman
Phone: 603-748-3415

Cc: Amanda Grady Sexton, City of Concord Councilor

5-9



ATTENTION: MAYOR JIM BOULEY and CONCORD CITY COUNCIL.

We, the residents and travelers of Concord, NH, who live, work, attend schools and travel in the immediate area of the intersection of Thorndike and South State Streets, propose a change(s) in the aforementioned intersection. It is currently a 2-way stop, with both stop signs being on either side of Thorndike St. as you enter S. State St. We believe, for safety reasons, this should now be a 4-way stop.

TAA

We also would like to propose a parking ban on the west side of S. State St. in front of the addresses of 56-60 S. State St. The closest vehicles parked there are approx. 36 ft. from the intersection. This causes very poor visibility for vehicles moving out of Thorndike heading east into the intersection. This would eliminate only 2-4 parking spaces in front of 2 buildings, yet allow drivers entering the intersection much better visibility further down S. State St. in both directions. These 2 buildings and those surrounding them have their own private parking lots, so no parking will be lost to those tenants and their visitors.

There's currently no parking allowed on the east side of S. State St. near the intersection. Plus, there is no parking on either side of Thorndike St between 1-8 Thorndike. This proposal would allow for much better visibility with no parking within approximately 50 ft. or more of the intersection on all streets.

Another proposal is the installation of a One-Way street in the one block area from 1-8 Thorndike and could be one way going east. This would prohibit vehicles turning from S. Main St onto Thorndike and subsequently enter the intersection. This forces some vehicles to seek an alternate route, thereby alleviating some of the traffic flow through the intersection.

FOR WEST

Even with parking bans and/or a one way street portion in those areas, it's a dangerous intersection and we still believe it should become a 4-way stop, regardless if the other proposed changes are made. There are many facts and concerns to support some or all of these changes. I have included them and the signatures of all concerned.

We realize no single change can totally fix a problem, eliminate human errors or correct bad driving habits, but we also have seen an increase in accidents very recently and this cannot be ignored. In addition to the reported accidents, there are always many close calls daily at this intersection. Despite current safety measures, some drivers fail to obey traffic laws. Many drivers, school buses and pedestrians use this intersection daily and many times a day travel is heavy in all directions of the intersection. It is therefore our belief that if this intersection is not improved, more accidents will happen regularly. We thank you for you time and consideration in this matter. Have a safe and wonderful day.

Respectfully written and submitted by Timothy Willis – 8 Thorndike Street, Apt. 2 Concord, NH 03301

603-892-3545

Accidents: There have been 7 reported since 2010. 3 of these have been in 2013 alone. 4 Injuries have been reported from the 2013 accidents. 2 of the accidents have been very recent and occurred within 2 weeks of each other (3/26/13 and 4/5/13)

Visibility: Buildings, homes, trees, bushes, parked cars and telephone poles on all corners of the intersection are very close to the street, obstructing the view of drivers exiting both sides of Thorndike as they enter the intersection. Drivers on ^{THORNDIKE} can NOT see oncoming traffic on S. State when they're stopped on the stop line. Therefore, they must pull forward about 15 feet, almost onto S. State, to check for oncoming traffic better.

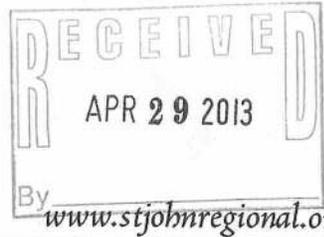
Telephone Poles: There are 2 poles near 8 Thorndike St. on the south side of the street near the intersection that are IN THE STREET, not on the sidewalk. Both stick out over a foot from the curb onto Thorndike. One is right on the southeast corner right next to the crosswalk and is about 9 feet from S. State. Vehicles turning right from S. State heading east onto Thorndike must avoid hitting this and vehicles stopped at the stop sign on Thorndike heading into the intersection. It's a tight squeeze and there is damage to the pole from repeated hits to it through the years.

Nearby intersections: The intersection of Thorndike and Grove Streets is a block away and has a 4-way stop and a speed table, yet is a lot less busy than the intersection of Thorndike and S. State Sts. West St. /S. State is about 4 blocks south of Thorndike/S. State and has similar safety measures as what is proposed here. It warrants those measures and is safer because of this.

The following concerned citizens are in support of changes and improvements at this intersection and thank you for your time, consideration and prompt action on this matter and look forward to a safer environment to live, work, play and travel for years to come. Thank you and have a great day!



ST. JOHN REGIONAL SCHOOL



Generation after Generation...since 1888

April 16, 2013

Mr. James Bouley
Mayor of Concord
41 Green Street
Concord NH 03301

Principal

Stephen J. Donohue

SCHOOL ADVISORY BOARD

Chairperson

Lisa Fauteux

Treasurer

Laurel Will

Recording Secretary

Jane Cipriano

Scott Atwell

Scott Bohan

Christopher Mulleavey

Michelle Radie-Coffin

Mark Tierney

Gertrude Wheeler

Ex-Officio

Father Richard Roberge

Dear Mayor Bouley:

On behalf of the students of St. John Regional School, we are supporting the efforts of Mr. Timothy Willis in addressing the intersection of Thorndike and South State Streets. This is an intersection which is adjacent to our school grounds. Numerous accidents have taken place there, particularly close to our dismissal time in the afternoon. The danger of this intersection poses a safety hazard for our students and their family members.

We are in full agreement with Mr. Willis' idea of making Thorndike Street a one way street going west between South Main and South State Streets. While we strongly support making the intersection safer beyond the one way change, we would leave it up to the City officials to decide what might be the most effective methods.

We have consulted with Father Richard Roberge, the Pastor of Christ the King Parish and St. John the Evangelist Church. He, too, is in agreement that the one way on Thorndike would help and anything else the City can do to reduce the risk at this corner.

We thank you in advance for any consideration you might give to this matter.

Sincerely,

Stephen J. Donohue
Principal

Lisa Fauteux
President, Advisory Board

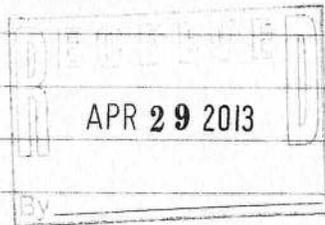
NAME - SIGNATURE - ADDRESS

		YES/NO	SUPPORT...	4-WAY STOP	PARKING BAN	ON WAY
TIMOTHY WILLIS	<i>Timothy Willis</i>	8 THORNDIKE ST/APT 2/CONCORD	YES	YES	YES	
Quanda	<i>[Signature]</i>	8 THORNDIKE ST/APT 2/CONCORD	✓	✓		
Angela Brown Johnson	<i>[Signature]</i>	8 THORNDIKE ST/APT 1/CONCORD	✓	✓		
Robert A. Johnson	<i>[Signature]</i>	84 THORNDIKE ST/1/CONCORD	✓	✓	✓	
Ken-Ann	<i>[Signature]</i>	585 State St.	✓	✓	✓	
Kathleen Finn	<i>[Signature]</i>	585 State St.	✓	✓	✓	
Kenneth R. Finn	<i>[Signature]</i>	585 State St.	✓	✓	✓	
Alvin	<i>[Signature]</i>	585 State St.	✓	✓	✓	
Arvid Price	<i>[Signature]</i>	585 State St.	✓	✓	✓	
Ashley	<i>[Signature]</i>	585 State St.	✓	✓	✓	
Stacy	<i>[Signature]</i>	585 State St.	✓	✓	✓	
J. Jendry	<i>[Signature]</i>	585 State St.	✓	✓	✓	
Alexis Wheeler	<i>[Signature]</i>	585 State St.	✓	✓	✓	
Brian O'Mara	<i>[Signature]</i>	585 State St.	✓	✓	✓	
PATRICK O'Mara	<i>[Signature]</i>	585 State St.	✓	✓	✓	
Ananda Tomas	<i>[Signature]</i>	59 S State St #1	✓	✓	✓	

THERE ARE NUMEROUS OTHER NEIGHBORS GIVING VERBAL SUPPORT, BUT

I WAS UNABLE TO COLLECT THEIR SIGNATURES DUE TO MY WORK SCHEDULE

MAKING IT SO I'D MISS THEM WHEN I WAS HOME AND THEY WERE NOT.



5-10

PO Box 218
Canterbury, NH 03224
April 20, 2013

TJA

Mayor Jim Bouley
41 Green Street
Concord, NH 03301

Dear Mayor Bouley:

I am writing to express concern with three dangerous traffic patterns on Centre Street in the hopes that action will be taken before someone is seriously injured or killed. Although I am not a resident of Concord, I do work, go to church and shop in Concord and feel a responsibility to the city and the safety of its citizens.

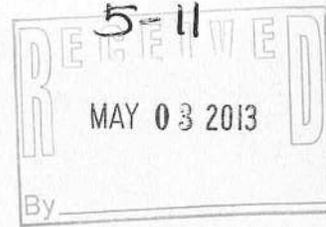
In the area of the intersection of Centre Street and Main Street drivers are allowed to make three different left hand turns that I have personally witnessed two fender benders where neither car stopped after hitting each other; numerous near misses of cars being broad-sided and more instances of drivers on the verge of road rage than I care to see. The intensity of the danger increases substantially during the morning and afternoon commutes. Specifically the turns are:

1. Left hand turn out of the Centre Street exit of TD Bank onto Centre Street to head towards Main Street;
2. Left hand turn out of the Centre Street exit of the Prescription Center parking lot onto Centre Street heading towards North State Street; and
3. Left hand turn off of Centre Street into the Centre Street parking lot entrance of the Prescription Center.

It is my hope that you will seek to have the turns evaluated and that serious consideration be given to banning these left hand turns. A driver who otherwise would take one of these turns will have to drive around the block to align themselves with a safe traffic flow or use another exit in the case of the bank and pharmacy. I know some individuals will be put out by this. However, if it was their loved one who was injured or killed because of a driver's impatience I believe they would be outraged. Thank you for your time and consideration.

Sincerely,
Kathleen A. Dunn
Kathleen A. Dunn





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

May 3, 2013

Subject: Request for City Council Action Regarding Impacts of Northern Pass project

Dear Mayor Bouley and Members of the City Council:

Thank you for referring our letter of January 14, 2013 regarding the Northern Pass Transmission (NPT) project to the Planning Board and Conservation Commission for their recommendations. We are writing to ask that you act on the reports submitted by the Planning Board and the Conservation Commission by submitting comments to the U.S. Department of Energy (DOE) now, while the comment period on the scoping process for NPT is open.

There are two main tracks in the permitting process for NPT. The first is obtaining a Presidential Permit from DOE, a process that involves the preparation of an Environmental Impact Statement (EIS). NPT filed an application with DOE in October 2010, and DOE is in the midst of the "scoping process" for the EIS. The EIS is intended to provide information that would enable DOE to make an informed permitting decision in light of the anticipated environmental impacts of the proposed project and of various reasonable alternatives. During the scoping process, DOE takes public comments and determines the scope of the assessments and the range of alternatives to the proposed project that will be analyzed in the EIS. At a later date, DOE issues a draft EIS for public comment and then prepares a final EIS. DOE must ultimately decide, with the benefit of the final EIS, whether granting a Presidential Permit to the project is consistent with the public interest.

The second track is obtaining approval of the project from the New Hampshire Site Evaluation Committee (SEC). Although the timing is somewhat unclear at this time, NPT is expected to file an application with the SEC once the draft EIS has been prepared. The draft EIS should provide considerable information that will help the SEC make its decision. While the SEC can require additional studies, it would be preferable to take advantage of the EIS process to ensure that the City's concerns are taken seriously and that they are given adequate attention during the preparation of the EIS, so that the SEC has as much relevant information as possible when it receives the NPT application.

As noted in our earlier letter, the Board of McKenna's Purchase Unit Owners Association (MPUOA) is very concerned about the visual impact of NPT on our lives and our property values. Indeed, in its "Report to the Mayor and City Council" (March 17, 2013), the Planning Board stated, "the impacts of this project should be reviewed for the entire length of the transmission line within the City, including not only McKenna's Purchase, but any other residential areas located adjacent to the line." The Planning Board report also noted, "An evaluation of visual impacts by the Appalachian Mountain Club found that Concord had the

largest land area of any community, 9,000 acres, that would be exposed to views of towers.” This is a reference to *Northern Pass Visual Impact Statement* (Larry Garland and Kenneth D. Kimball, Appalachian Mountain Club Research Department, September 25, 2012).

The AMC study found that, not only would Concord be the municipality with the largest number of acres exposed to towers, Concord would also have the highest number of towers visible per acre. The AMC report states, “The application that was filed for the Northern Pass in October 2010 contained no information related to visual impacts of this project nor has any been provided to date. It was unacceptable for an Application to be submitted without fundamental base information on such an important impact for a project of this magnitude and unfair to the public. The DOE EIS should conduct in depth analyses and consideration of the potential impacts to the most valuable scenic resources that contribute significantly to a \$3 billion tourist industry.” Surely a project with such an extensive negative impact on Concord should be carefully assessed, with a number of alternatives considered in order to properly balance the impact with the benefits of the project, if any. Indeed, the Conservation Commission’s report (March 8, 2013) concluded that the NPT project “should not be built.”

MPUOA is asking the City Council to ask DOE to conduct a thorough follow-up study, and to include a number of alternatives in the EIS. The Planning Board, in its report, stated, “The Planning Board suggested that the City Council advise the developer that the electrical transmission lines be placed underground where they are close to residential uses.” Burying the lines – within the proposed route as well as other potential routes – should be an alternative assessed in the EIS.

The alternatives should also include, as recommended in the Planning Board report, minimizing the size of the pylons and designing them to be as attractive as possible. MPUOA also suggests that alternatives include extensive visual screening in heavily impacted areas such as McKenna’s Purchase, where what little remains of a vegetated buffer could be removed if tall pylons are ultimately included in the design, as indicated in preliminary plans provided to MPUOA by NPT.

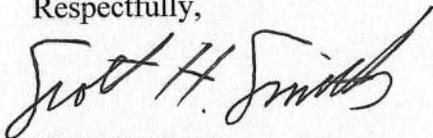
The scoping period for the DOE EIS will be closed in a limited amount of time after NPT files its revised proposed route with DOE. Therefore, MPUOA is asking the City Council to act now by commenting on the EIS scoping process. Failing to act now will hamper the City’s ability to protect Concord residents from NPT’s impacts. We suggest that the City Council’s comment letter make the following points:

1. Concord residents and the City Council are extremely concerned about NPT’s potential impact on the City’s character and property values as a result of the project’s potential visual impacts. The City Council is aware of the study prepared by the Appalachian Mountain Club, which found that, not only would Concord be the municipality with the largest number of acres exposed to towers, Concord would also have the highest number of towers visible per acre.
2. Some areas of the City could be severely impacted, including areas where the NPT route would follow existing rights of way in residential areas, where an increased number of towers would be visible, where towers would dominate the landscape, and where limited remaining visual buffers could be lost. In addition, those areas are affected by the

- potential health effects on residents nearby the already over-burdened rights of way.
3. The City Council asks that the high-voltage electrical transmission lines be placed underground, especially when they are close to residential uses.
 4. The City Council asks that the EIS include a thorough, in-depth assessment of the aesthetic and economic impacts of the NPT project for the entire length of the transmission line within the City, including a lot-by-lot assessment of residential areas located adjacent to the route.
 5. The City Council asks that the alternatives to be evaluated in the EIS include, as requested above, burying the lines in whole or in part. The alternatives should also include more attractive tower designs, shorter towers, and other tower configurations that would minimize the visual and consequent economic (property value) impacts. Finally, alternatives should include substantial visual buffers – vegetated and constructed – to mitigate the visual impacts, and other improvements to mitigate the property value impacts.

Thank you for considering this request. Representatives of the MPUOA would be happy to meet with the City Council to discuss these concerns.

Respectfully,



Scott H. Smith
McKenna's Purchase Northern Pass Committee Chair
and Secretary, McKenna's Board of Directors
scottsmith62@comcast.net

Committee Members:

Marilyn Fraser
Gloria Krzynowek
Garry Lane
Gene Rudolph
Paul Susca

4-18a
TJA



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Gloria McPherson, City Planner

DATE: March 17, 2013

SUBJECT: Planning Board referral from City Council in regard to a letter from residents of McKenna's Purchase in relation to the proposed Northern Pass

Recommendation

Please accept this report and consider the following comments and observations from the Planning Board and Planning Division.

Background

This item was referred to the Planning Board in January, and the Board discussed it at their regular meeting on February 20. Representatives of McKenna's Purchase were present to offer testimony and answer the Board's questions.

Discussion

The Planning Board is forwarding the following comments and observations for consideration by the City Council:

1. The Planning Board's authority to review any application by the Northern Pass for a Conditional Use Permit through the City would be limited to a review of (a) the impacts of the line on natural resources, such as wetlands, and (b) the potential visual impacts and the need for screening/buffering of nearby residential areas that are adjacent to a non-residential district boundary.
2. The Planning Board was of the opinion that the impacts of this project should be reviewed for the entire length of the transmission line within the City, including not only McKenna's Purchase, but any other residential areas located adjacent to the line. It was noted that the route as currently proposed (termed the "Alternate Route" at the time it was released, and located within the existing power line right-of-way) would be located near other residential areas in the City, including Brookwood Drive, Farmwood Road, Turtle Town Village (Jennifer Drive) and Alton Woods.

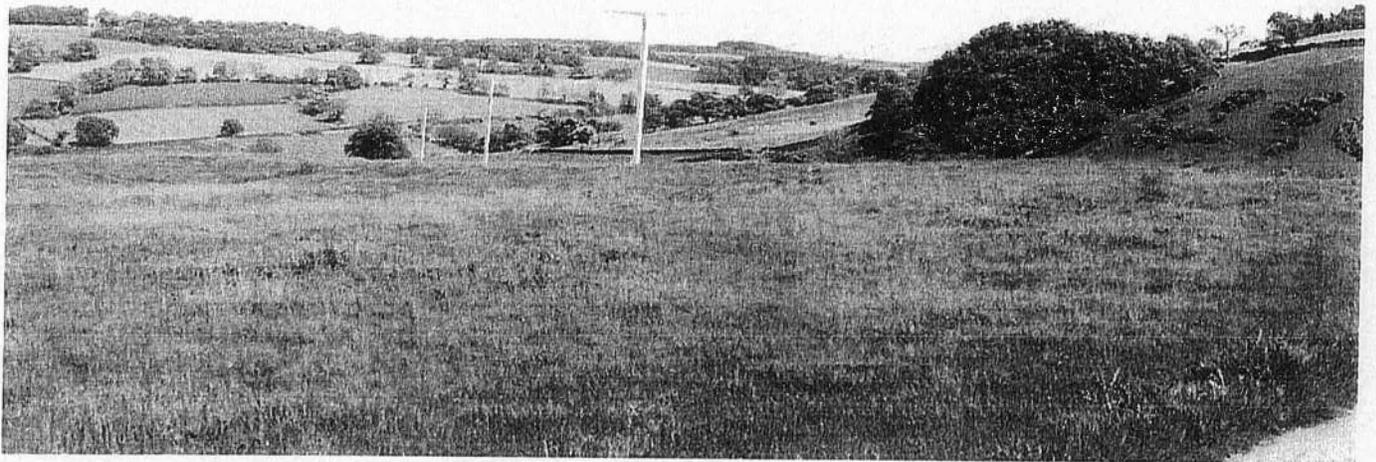
3. The Planning Board suggested that the City Council advise the developer that the electrical transmission lines be placed underground where they are close to residential uses.

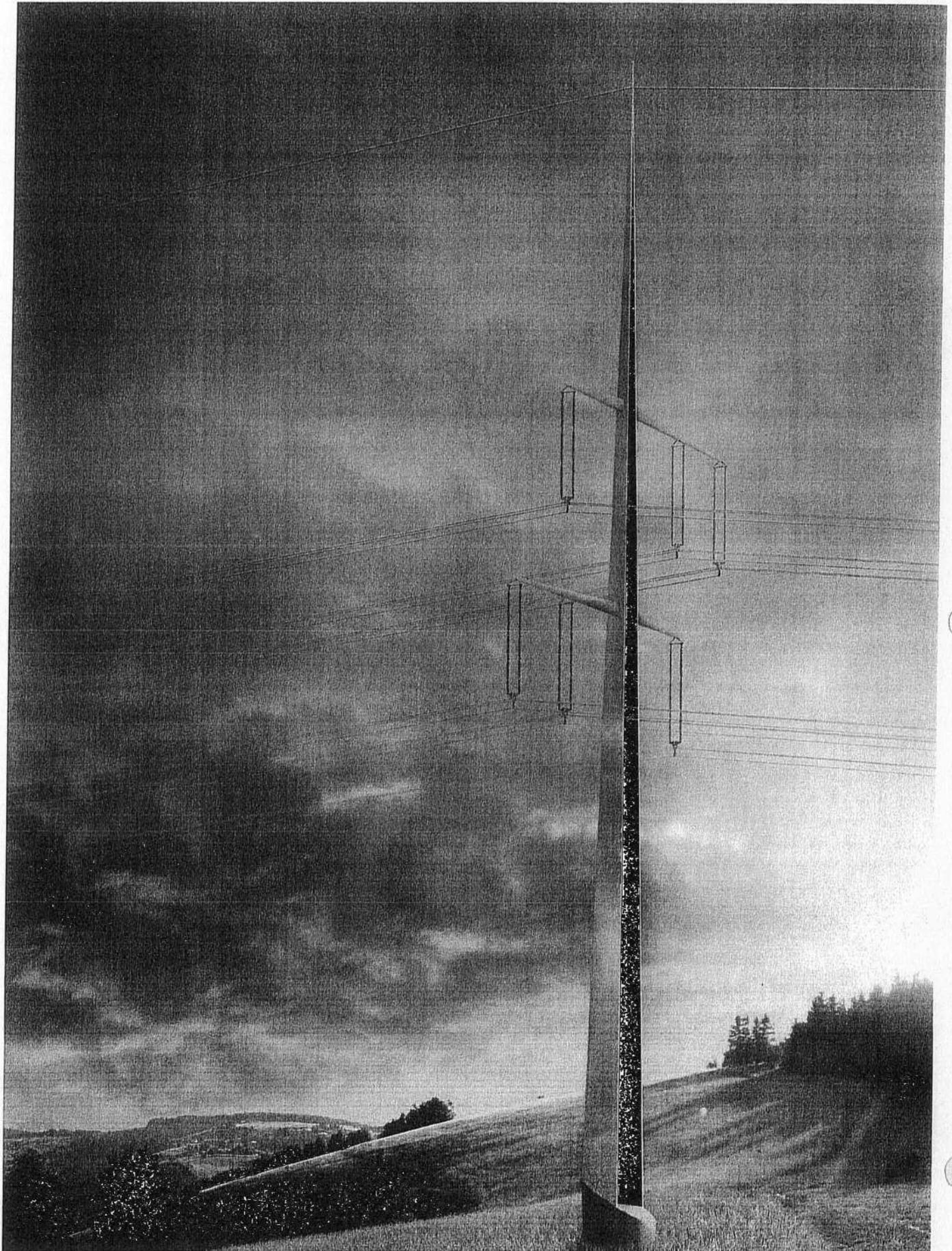
The Planning Division would also like to forward the following for consideration:

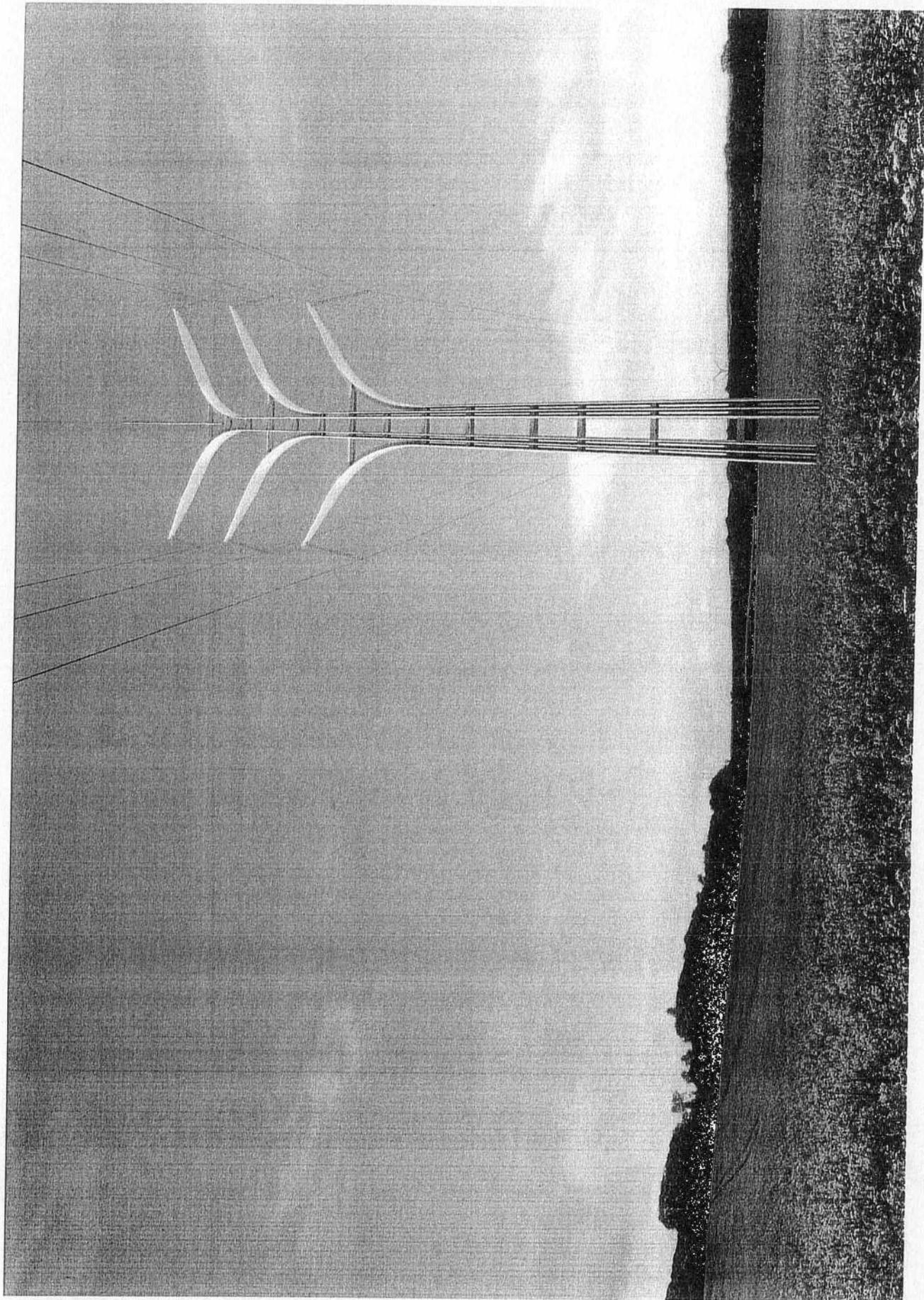
If Northern Pass happens, it makes sense that the project be designed and constructed in such a way as to have the minimum possible impact on the environment, the landscape, existing neighborhoods and businesses. The visual impact of large pylons is a particular concern. An evaluation of visual impacts by the Appalachian Mountain Club found that Concord had the largest land area of any community, 9,000 acres, that would be exposed to views of towers.

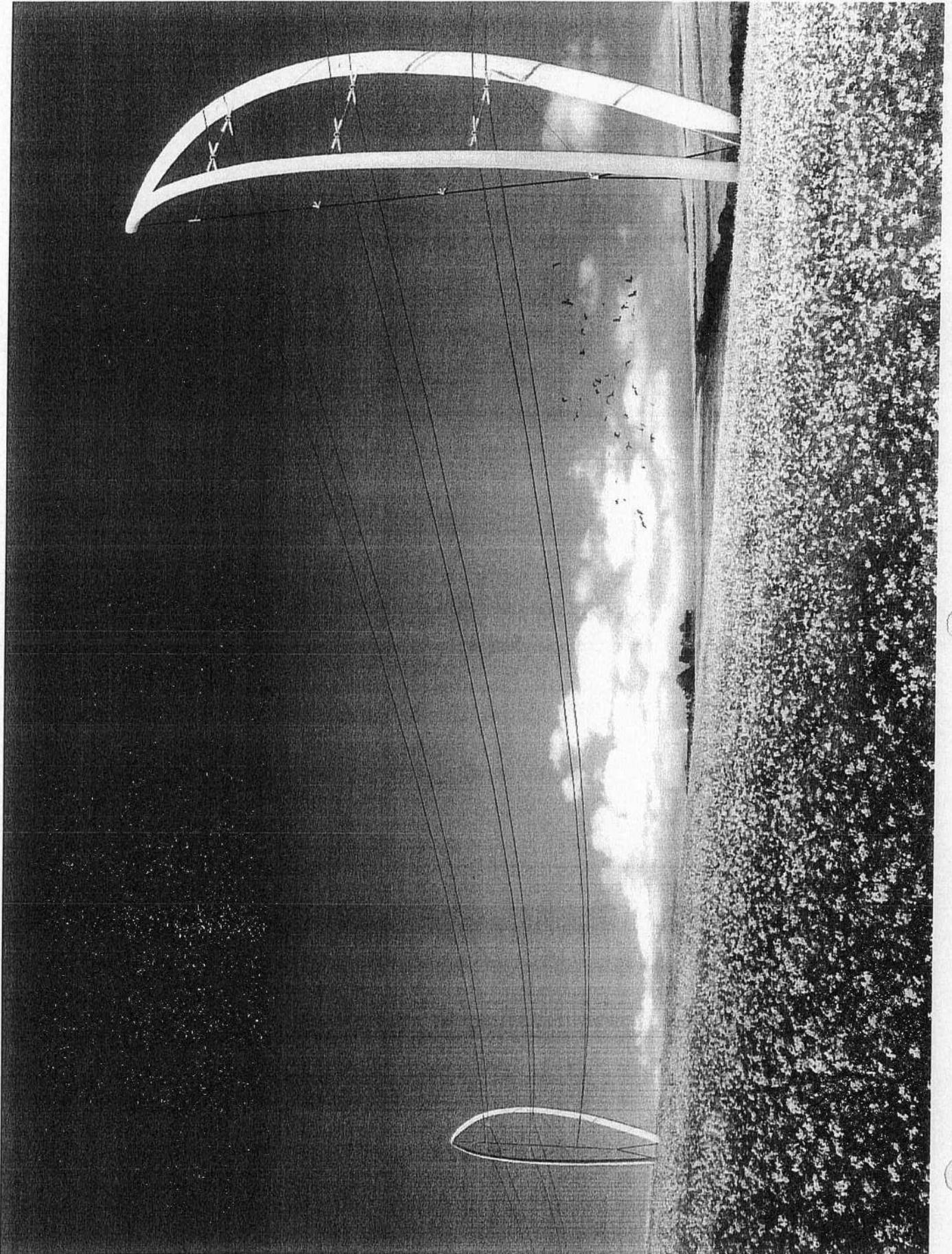
A project the scale of Northern Pass, with a potential for impacts throughout the City, should be a model project and encouraged to set high standards. If the transmission lines of Northern Pass cannot be placed underground, an effort should be made to minimize the size of the pylons and to design them to be as attractive as possible.

As an example of what can be done to lessen the aesthetic impact of pylons, the Royal Institute of British Architects launched a competition last year, inviting architects, designers, engineers and students of these disciplines to rethink the design of the electricity pylon, recognizing that it is an important, yet controversial feature of the modern landscape. Attached are photos of four of the shortlisted entries.











CITY OF CONCORD

TAA

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Concord Conservation Commission

DATE: March 8, 2013

SUBJECT: City Council referral regarding Northern Pass's use of the existing PSNH right of way through the McKenna's Purchase housing development

Recommendation

Accept this report.

Background

The Conservation Commission reviewed the City Council referral and discussed the communication from McKenna's Purchase at their February 13, 2013 and March 13, 2013 meetings. Residents of McKenna's Purchase were present at the February meeting and explained the concerns of the homeowners association.

Discussion

The Concord Conservation Commission opposes the Northern Pass project. The Commission believes the project will have a number of negative effects both in Concord and beyond.

The most likely route for Northern Pass in Concord is via an existing right of way that extends 8.09 miles in Concord, from the Canterbury line near Route 132 to the Pembroke line at the Soucook River. This was termed an "alternate" route at the time it was released; it requires approval from the Federal Aviation Administration for placement of new towers near Concord Airport. The "preferred" route, which may be utilized if the FAA does not permit new towers on the existing right of way, would use a portion of the existing right of way and 2.1 miles of new right of way through the Broken Ground area near Portsmouth Street.

Although most of the attention paid to the Northern Pass project has related to impacts of power line construction in northern New Hampshire, the project would have significant impacts in Concord. Although the height and location of new towers has not been released, they would be significantly higher than the existing towers, and would carry 345,000 volts as opposed to 115,000 volts on the existing power lines. An evaluation of visual impacts by the Appalachian Mountain Club found that Concord had the largest land area in acres (9,000) that would be exposed to views of towers of any community.

The City's Master Plan includes as one of the goals for Conservation and Open Space: "To maintain and enhance scenic views and natural vistas from the City's roads and public properties where possible (p. VII-2)." The existing power line passes through or near a number of City open space properties, including Spear Park, the Richards Community Forest, Turtle Pond conservation land, and conservation land off North Curtisville Road and Portsmouth Street. In addition, the Master Plan identifies both Broken Ground and the northern part of East Concord as priority areas for future open space protection.

The possibility of additional clearing of the existing right of way, and construction of towers on large concrete pads, would have additional negative effects through further fragmentation of wildlife corridors and impacts on wetlands and wetland buffers from construction. The existing power line right of way passes through a number of sensitive wetland areas.

The City should conduct a legal review of easement deed language for the existing power line, as well as deed language on conservation land listed above, to determine if there are restrictions on the expansion of the use within the right of way or on the height or type of structures being proposed.

Some 30 New Hampshire towns have taken positions in opposition to Northern Pass -- some by unanimous town meeting votes. In comments submitted to the US Department of Energy, a number of towns noted that information about the project has been limited and they had not had an opportunity to be briefed on it by Northern Pass officials. That is the case for our commission as well. Other towns pointed out that clear alternatives to Northern Pass exist, with high-voltage power lines that already exist to carry power from Canada to New England.

The Northern Pass project would carry electricity generated by Hydro Quebec to southern New England. There are indications that the power is not needed. Large-scale hydroelectric generation is not considered sustainable or "green" energy; it relies on the inundation of thousands of acres of boreal forest in Quebec -- by some estimates an area half the size of New Hampshire -- and construction of hundreds of miles of transmission lines from distant hydro dams. Such projects contribute to climate change through the release of methane gas from decomposing vegetation.

The Northern Pass project is of questionable value on many fronts: unproven demand, climate change impact, and the effects of new or expanded power line construction. The Concord Conservation Commission feels that because of these negative impacts, coupled with the local impacts on open space properties and the residents of Concord, the project should not be built.

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

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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.

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

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

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

The City of Concord resolves as follows:

- WHEREAS,** the City holds fee simple interest in North State Street, an original rangeway of the City; and
- WHEREAS,** a portion of the land along North State Street that is owned by the City has historically been fenced and incorporated into the west side of the Walker School property, located at 4 Church Street; and
- WHEREAS,** WBIN Media, Inc. has entered into a purchase and sale agreement to purchase the Walker School property from the Concord Union School District and has been authorized by the School District to seek permits and approvals for the redevelopment of the site; and
- WHEREAS,** WBIN Media, Inc. is desirous of acquiring a strip of land along North State Street from the City to allow the former school building to become conforming relative to the zoning side setback requirement and to facilitate access, circulation, landscaping and signage improvements; and
- WHEREAS,** the City has built right-of-way improvements associated with Bouton Street, including curbing, sidewalks and a drainage line, and a portion of these improvements are located outside the City right-of-way and on the east side of the Walker School property; and
- WHEREAS,** the City is desirous of redefining the Bouton Street right-of-way to encompass present improvements and allow for the possibility of future improvements on land owned in fee by the City; and
- WHEREAS,** in order to accomplish a property exchange between the City and WBIN Media, Inc., a subdivision application has been filed to subdivide a strip of the Walker School property running along the entire frontage of Bouton Street, which will become part of the Bouton Street right-of-way, and to subdivide a strip of land from the North State Street right-of-way which will be annexed to the Walker School property;

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

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

Page 2 of 2

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

- 1) The City Manager is hereby authorized to convey a portion of the North State Street right-of-way to WBIN Media, Inc.
- 2) The City Manager is hereby authorized to accept a portion of land along Bouton Street to become new public right-of-way from WBIN Media, Inc.
- 3) This resolution shall take effect upon its passage.



CITY OF CONCORD

TA

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Gloria McPherson, City Planner

DATE: April 26, 2013

SUBJECT: Authorization to exchange property in order to accept new public right-of-way on Bouton Street and dispose of right-of-way land on North State Street adjacent to the former Walker School

Recommendation

Please accept this report and hold a public hearing to authorize the City Manager to convey a portion of the North State Street right-of-way to WBIN Media, Inc. so it can be annexed to the Walker School parcel, in exchange for accepting new right-of-way along Bouton Street from WBIN Media, Inc.

North State Street Background

In the course of surveying and title research for the transfer of the Walker School property from the School District to WBIN Media, it was discovered that a strip of land, ranging from 25-feet wide to 35-feet wide, along North State Street that has been fenced and incorporated with the Walker School property for years was not owned by School District.

This portion of North State Street is an original rangeway of the City. It appears that the City owns the underlying land in fee. The edge of the right-of-way extends to within 10 feet of the Walker School building because the road was originally laid out to accommodate a boulevard with a wide central median.

Bouton Street Background

In the course of the same surveying and title research, it was also discovered that some of the City's improvements relative to Bouton Street, specifically a portion of a drainage line, the curbing and sidewalk, are located on the School District's Walker School property.

Discussion

The Walker School property is currently owned by the Concord Union School District. WBIN Media, Inc. has entered into a purchase and sale agreement to purchase the property and is currently engaged in the permit process for the redevelopment of the site. A letter

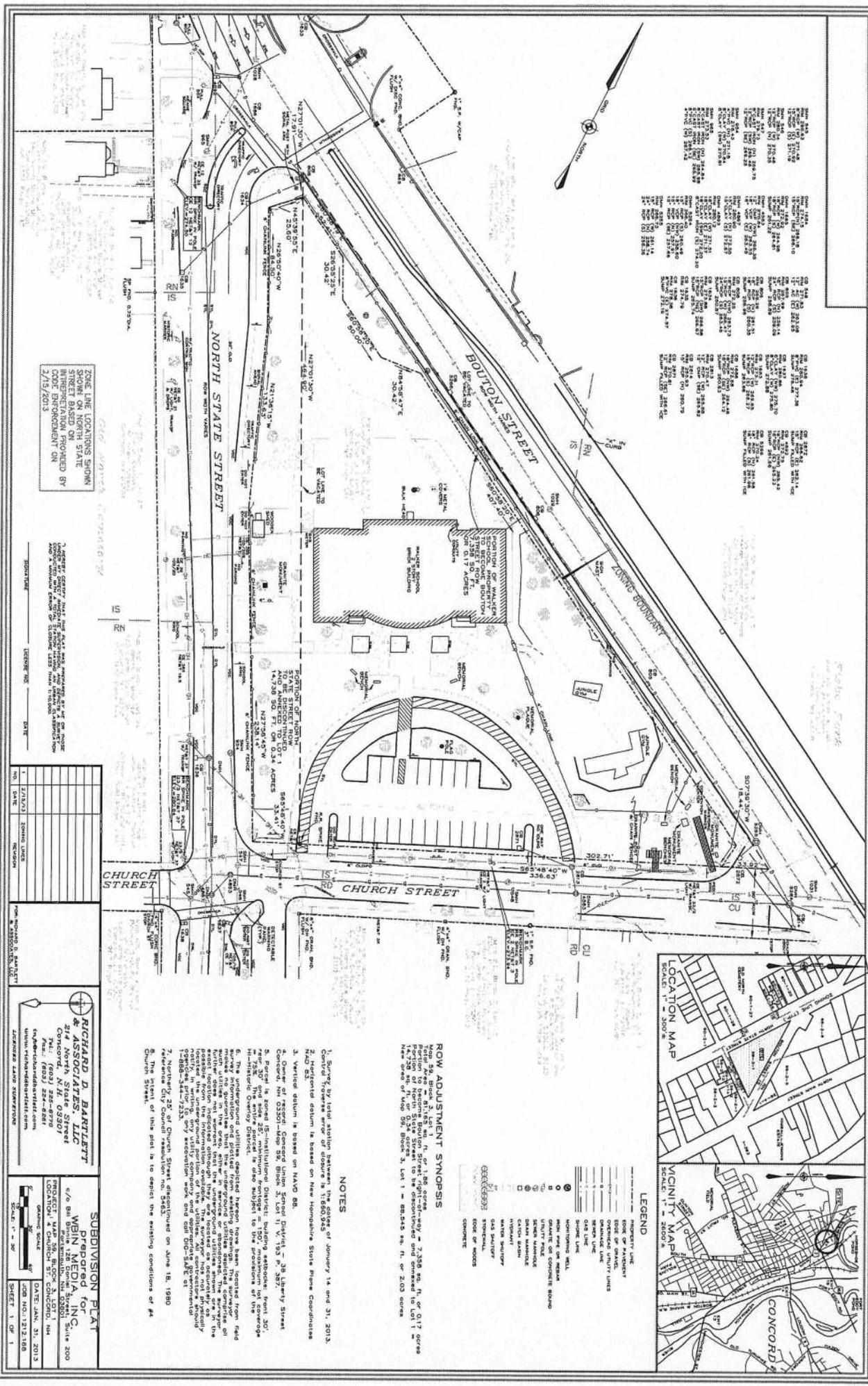
from the School District authorizing WBIN Media, Inc. to seek municipal permits and approvals is attached to this report.

Bill Binnie of WBIN Media, Inc. has expressed an interest in acquiring the strip of land along North State Street from the City, and in return, he has offered to subdivide and convey to the City a portion of the Walker School property along Bouton Street to be added to the Bouton Street right-of-way.

This property exchange would allow the Walker School Building to be conforming relative to the zoning side setback requirement and enable improvements to the site circulation, landscaping and signage. The exchange would also allow the City to own all the Bouton Street improvements within a newly defined right-of-way.

As an added benefit to the City, the Planning Division worked with Mr. Binnie's design team to define the land we would like along Bouton Street so that in addition to incorporating the curb, sidewalk and drain line, there will be enough room to accommodate the possibility of a dedicated bike lane and a bus pull off in the future.

The process to accomplish the property exchange requires a Minor Subdivision application, which has been submitted by WBIN Media, Inc. The proposed subdivision plan is attached to this report. The Planning Board will hold a public hearing on the proposed subdivision at its regular May meeting. Both parcels can be conveyed easily with Quitclaim deeds.



ZONE LINE LOCATIONS SHOWN
STREET BASED ON
INTERPRETATION PROVIDED BY
CODE ENFORCEMENT ON
2/15/2013

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF. ALL ANGLES ARE IN DEGREES, MINUTES AND SECONDS. ALL CURVES ARE FULL CIRCLES UNLESS OTHERWISE NOTED.
2. THE SURVEY WAS CONDUCTED ON 12/10/12. ALL DATA IS BASED ON THE SURVEY.
3. THE SURVEY WAS CONDUCTED BY RICHARD D. BARLETT & ASSOCIATES, LLC.

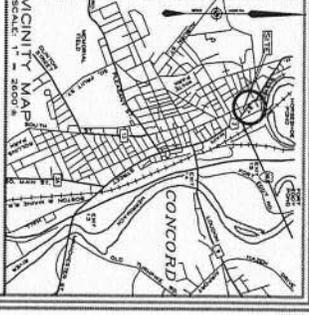
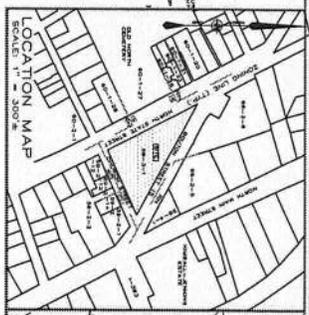
NO.	STREETS	ZONING
1	NORTH STATE STREET	R-1
2	CHURCH STREET	R-1
3	BOUTON STREET	R-1

FOR RECORD BY BARLETT & ASSOCIATES, LLC

RICHARD D. BARLETT & ASSOCIATES, LLC
214 NORTH STATE STREET
CONCORD, NH 03301
Tel: (603) 224-8777
Fax: (603) 224-8781
www.rdbarc.com

SUBDIVISION PLAT
Prepared for
WBN MEDIA, INC.
476 BIRCH STREET, SUITE 200
CONCORD, NH 03301
DATE: JAN. 31, 2013
JOB NO: 1212188
SHEET 1 OF 1

LOT NO.	AREA (SQ. FT.)	AREA (SQ. YD.)	PERCENT OF TOTAL
1	1,234.56	0.035	0.35
2	1,234.56	0.035	0.35
3	1,234.56	0.035	0.35
4	1,234.56	0.035	0.35
5	1,234.56	0.035	0.35
6	1,234.56	0.035	0.35
7	1,234.56	0.035	0.35
8	1,234.56	0.035	0.35
9	1,234.56	0.035	0.35
10	1,234.56	0.035	0.35
11	1,234.56	0.035	0.35
12	1,234.56	0.035	0.35
13	1,234.56	0.035	0.35
14	1,234.56	0.035	0.35
15	1,234.56	0.035	0.35
16	1,234.56	0.035	0.35
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45	1,234.56	0.035	0.35
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62	1,234.56	0.035	0.35
63	1,234.56	0.035	0.35
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98	1,234.56	0.035	0.35
99	1,234.56	0.035	0.35
100	1,234.56	0.035	0.35



ROW ADJUSTMENT SYNOPSIS
 1. Survey by total station between the dates of January 14 and 31, 2013.
 2. Horizontal closure is 1:500,000.
 3. Vertical datum is based on NAVD 83.
 4. Owner of record Concord Union School District - 38 Liberty Street Concord, NH 03301-400 5th, Block A, Lot 11, V. 193 P. 287.
 5. The underground utilities depicted herein have been located from utility records and field observations. The surveyor is not responsible for the accuracy of the utility records. The surveyor's exact location indicated although they are located as records may be located the underground portion of the utilities. All contractors should consult with the utility companies for any excavation work and call Dig-511 or 800-DIG-511.
 6. The street of this plat is to depict the existing conditions of #4 Church Street.

NOTES

1. Survey by total station between the dates of January 14 and 31, 2013.
 2. Horizontal closure is 1:500,000.
 3. Vertical datum is based on NAVD 83.
 4. Owner of record Concord Union School District - 38 Liberty Street Concord, NH 03301-400 5th, Block A, Lot 11, V. 193 P. 287.
 5. The underground utilities depicted herein have been located from utility records and field observations. The surveyor is not responsible for the accuracy of the utility records. The surveyor's exact location indicated although they are located as records may be located the underground portion of the utilities. All contractors should consult with the utility companies for any excavation work and call Dig-511 or 800-DIG-511.
 6. The street of this plat is to depict the existing conditions of #4 Church Street.

CONCORD UNION SCHOOL DISTRICT
38 LIBERTY STREET
CONCORD, NEW HAMPSHIRE 03301

I am writing as the duly authorized agent for the Concord Union School District (also known as the Concord School District) – the owner of the Walker School property located at 4 Church Street in Concord.

I understand that WBIN Media, Inc. is seeking permits and approvals for the redevelopment of the 4 Church Street property for a radio/television media facility. I authorize WBIN Media, Inc., and its attorneys, engineers, architects and other development team members to execute, submit and prosecute applications and any applicable materials to the City of Concord Planning Board, the City of Concord Heritage Commission, and the City of Concord Zoning Board of Adjustment, for the purpose of obtaining those municipal permits and approvals for the re-development it has proposed for this property.

CONCORD UNION SCHOOL DISTRICT
a/k/a CONCORD SCHOOL DISTRICT

By: Jack Dunn
Jack Dunn (print name)
Business Administrator (title)
Duly authorized

DATE: 3/7/13

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.

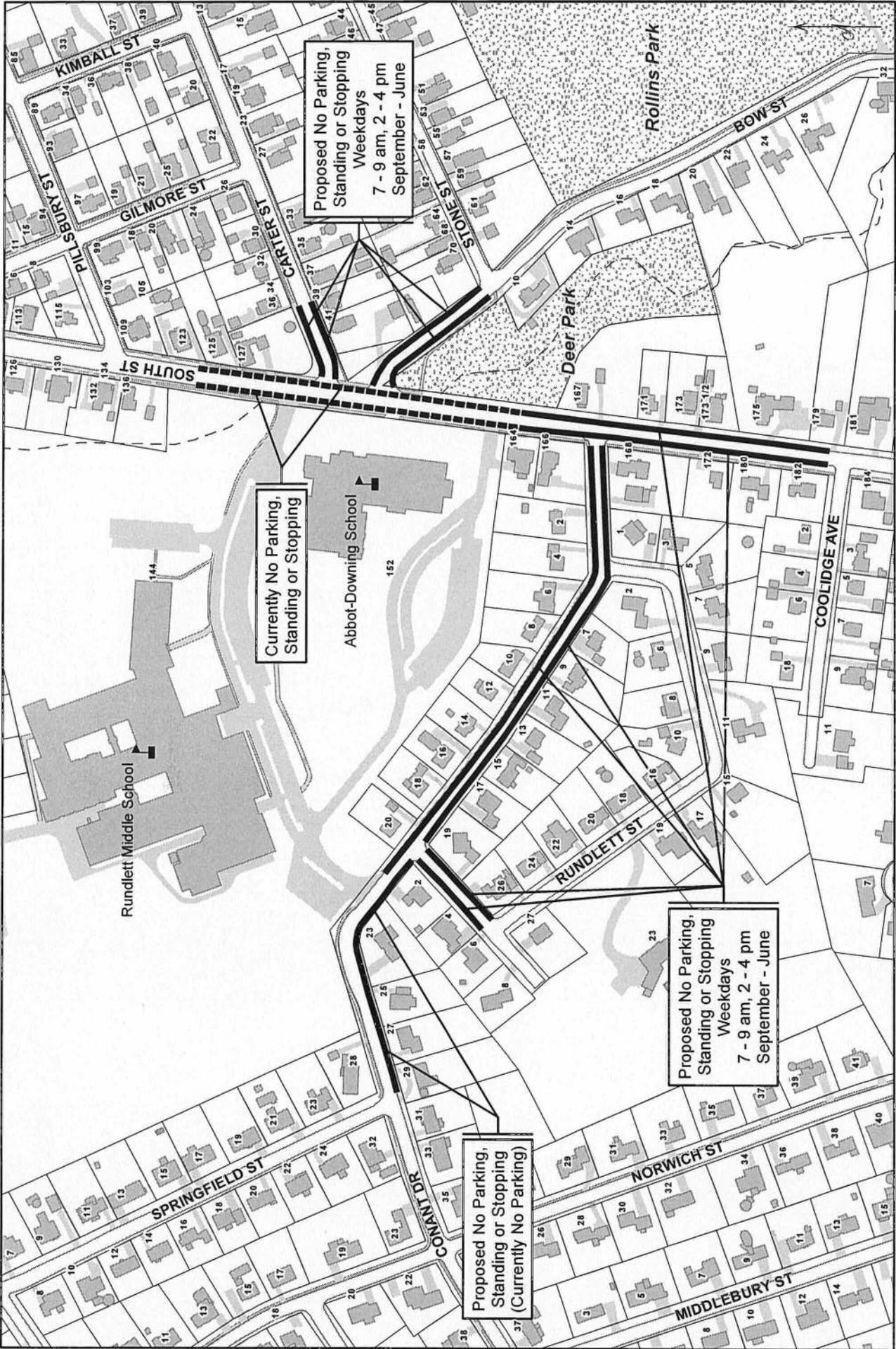
On February 25, 2013, the Parking Committee generally endorsed TOC's initial recommendation but felt that the extent of restriction might need to be increased, understanding that restricting parking in one location will act to divert on-street parkers to another area up the street. Neighborhood input 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



Legend

- ▬ Current Restriction
- ▬ Proposed Restriction
- ▭ Property Boundaries
- ▭ Buildings
- ▭ Driveways & Parking
- ▭ Sidewalk

Abbot-Downing School Area

Proposed Parking Restrictions
 City of Concord, New Hampshire
 April 29, 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 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.

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 Lock 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 Unutil 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 Unutil 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 Unutil 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

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

TAA

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 (NHCDFFA) 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
Total	\$500,000

- 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.

Brian
5/6/13
5-18

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 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.

Bvin
5/6/13

CITY OF CONCORD

5-19

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.

Brian
5/6/13

5-20

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 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

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, THEREFORE, 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.

12A

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

CITY OF CONCORD

Brian
5/6/13

5-22

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.

170

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.

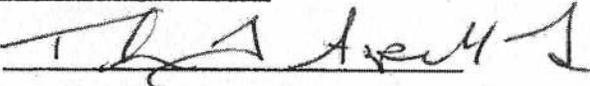
- i. The right to elect, as an alternative to the benefits in subparagraph 2. above, to received benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and
- j. The right of appeal to the director of CDFA where a claim for assistance under subparagraph 2. 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

5-23
Brian
4/25/13

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 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.

TA



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

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

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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.

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

TJO

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

Bm
5/6/13

5-28

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 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 <i>(CIP0004 3400-2011)</i>	\$ 154.68
b.	Fund 7810	Water Main Replacement – Loudon Road Phase <i>(CIP0085 7810-2011)</i>	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	<u>\$ 170,961.66</u>

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	<u>\$ 6,502,261.52</u>

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.

	<u>Fund</u>	<u>Fund Description</u>	<u>Amount</u>
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		\$1,596.99		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. _____

CIP Close out RES. PAGE #	CIP Close out Res. Section/ Item	ORIGINAL PURPOSE (From)				NEW PURPOSE (To)				
		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 3400-2012Construc1230	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 3400-2009SEndUWEndPen	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. _____

CIP Close out RES. PAGE #	CIP Close out Res. Section/Item	ORIGINAL PURPOSE (From)				NEW PURPOSE (To)				Funding Source
		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	
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. _____

CIP Close out RES. PAGE #	CIP Close out Res. Section/Item	ORIGINAL PURPOSE (From)				NEW PURPOSE (To)				
		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	PubImpEng	CIPPubImpEng3400-2012AmeradaHess	Public Improvements (Engineering Dept)-Amerada Hess Express 175 N. Main (Petroleum Eng)	28,394.38
2012	PubImpEng	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"

Attachment - Resolution No. _____

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



CITY OF CONCORD

5-32

TJA

REPORT TO MAYOR AND THE CITY COUNCIL

DATE: April 29, 2013
FROM: Thomas J. Aspell, Jr., City Manager
SUBJECT: Citizen Comments

Recommendation:

Recommend City Council accept this report.

Background:

Attached for your information are citizen comments received during the past month.

/ss

Attachments



FIRE DEPARTMENT CITY OF CONCORD

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

April 10, 2013

Battalion Chief Richard Whitney
Paramedic Lieutenant Keith Mulholland
Firefighter Paramedic Robert Ackerson
Firefighter Philip J. Tirrell, Jr.
Firefighter David Carrier
Firefighter Ryan Odom

Gentlemen:

Last Friday, I received a visit from a man who identified himself as a former Concord firefighter who left this department many years ago to work in another department from which he has since retired. He told me that he had to come and see me in person because he wanted to thank you for caring for his daughter.

His 18 year old daughter had been involved in a serious motor vehicle accident on Sheep Davis Road on February 21, 2013. Your neurologic assessment identified some areas of concern and she was transported to Concord Hospital. This gentleman told me that she was subsequently found to have major intracranial bleeding that required emergency surgery. She has done well since the accident. She is making a slow but steady recovery and is on track to graduate from high school this June.

I don't think I need to tell you how I felt on hearing this news. I know that the members of this Department make a positive difference every day in the lives of dozens and perhaps hundreds of people. Many of those interactions involve small courtesies or routine care. In cases like these, your presence and actions were lifesaving.

My words would be inadequate to express how much your work means to me. But I can share with you that you made all of the difference in the world to a young woman and her grateful family. I am proud and deeply moved.

With all sincerity and greatest respect,

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



FIRE DEPARTMENT CITY OF CONCORD

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

April 10, 2013

Paramedic Lieutenant Keith Mulholland
Concord Fire Department

Dear Keith:

I was pleased to receive the attached letter from Epping Fire Chief Donald DeAngelis commending you for providing assistance on a major motor vehicle accident while you were visiting that town. Chief DeAngelis also called me to describe the incident in greater detail and to tell me how much your assistance meant for providing patient care and for assisting at a very challenging scene. I add my thanks to his for a job well done.

You have brought great credit to the City of Concord and to the Fire Department by your actions. Thank you for an excellent example of our core values of dedication, integrity, courage, and compassion.

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

Dear Chief,

We just want to express our appreciation for a member of your department assisting us with a severe traffic accident in our town on April 4. Two were seriously injured, had to be extricated, and flown out to a major trauma center. We were short handed even with the help of three mutual aid towns. We are proud to have had Keith Mutholland work with us and grateful for what he did. What a credit to your organization. Our prayers go out to the patients and their families.

Andy Ford

Deputy Chief

Our sincere gratitude,
Chief of Police
C. Mutholland

Results based on total surveys received for March 2013

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

I received services related to (circle all that apply): (Total surveys completed: (6)

City Council	Elections	Vital Records	Dog Licensing
()	()	(6)	()

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

Were you greeted promptly and friendly?

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

Was your wait for service reasonable?

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

Was the staff person knowledgeable?

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

Was your transaction complete and accurate?

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

Comments and suggestion

“The staff in this office rocks. They are great and very helpful.”

“Service was wonderful & concise. Very pleased with service.”

“Great service & attitude!”

“No suggestions at this time. Visit on March 13, 2013 very pleasant.”

April 3, 2013

Kathryn H. Temchack
Director of Real Estate Assessments
City of Concord
41 Green Street
Concord, NH 03301

RECEIVED

APR - 5 2013

CITY OF CONCORD OFFICE
CONCORD, NH

Subject: Appreciation for Sally

Dear Director Temchack:

Thank you for having Sally on your team.

I had the opportunity to visit the Assessment office over the past couple of weeks. During each of my visits I found Sally to have a refreshing attitude toward customers making us feel comfortable while we asked questions.

Sally was courteous, friendly, kind, knowledgeable, patient, and respectful. Sally was a great help as she made my research easy. Sally would even offer suggestions in order to help in any way she could.

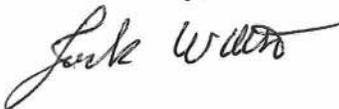
It was really fun to be around Sally.

Sally is a great asset to the City of Concord team.

I wish that I had an excuse to visit the Assessment office again in order to just be in her presence. Sally makes the day brighter.

Please thank Sally for her dedication to the City of Concord and the residents.

Respectfully,



Jack Watts
29 Ked Drive
Concord, NH 03301

225-2532

Cc: Thomas J. Aspell, Jr. City Manager

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

Results based on total comment cards received for April 2013

I received services related (circle all that apply): Total comment cards completed:

Motor Vehicle (3)	Property Taxes (0)	Utility Payments (0)	Misc. Billing (0)
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Other:

Our staff was:	courteous (3)	knowledgeable (2)	professional (2)
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Other: Pleasant and cheerful

Our service was:	courteous (3)	knowledgeable (2)	professional (2)
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Other:

Comments and suggestions:

1. Eva was very helpful and everyone here is so courteous.
2. I have a walking handicap but use a cane, not a wheelchair. Waiting in line was very painful for me. You might want to take one long bench and run it lengthwise outside of Collection office.
3. Donna is always helpful!! Never hurries me but is very efficient.

CITY COUNCIL MEETING CALENDAR

5-33

Revised 5/3/2013

12A

May 2013

Monday, May 13	7:00 PM	Regular City Council Meeting
Monday, May 20	7:00 PM	Reserved for Recessed Council Meeting, if necessary

June 2013

Monday, June 10	7:00 PM	Regular City Council Meeting
Monday, June 17	7:00 PM	Reserved for Recessed Council Meeting, if necessary
Thursday, June 20	7:00 PM	FY2014 Public Hearing/Budget Adoption Meeting

July 2013

Monday, July 8	7:00 PM	Regular City Council Meeting
Monday, July 15	7:00 PM	Reserved for Recessed Council Meeting, if necessary

August 2013

Monday, August 12	7:00 PM	Regular City Council Meeting
Monday, August 19	7:00 PM	Reserved for Recessed Council Meeting, if necessary

September 2013

Monday, September 9	7:00 PM	Regular City Council Meeting
Monday, September 16	7:00 PM	Reserved for Recessed Council Meeting, if necessary

October 2013

Tuesday, October 15	7:00 PM	Regular City Council Meeting
Monday, October 21	7:00 PM	Reserved for Recessed Council Meeting, if necessary

November 2013

Tuesday, November 5		Municipal Election Day
Tuesday, November 12	7:00 PM	Regular City Council Meeting
Monday, November 18	7:00 PM	Reserved for Recessed Council Meeting, if necessary

December 2013

Monday, December 9	7:00 PM	Regular City Council Meeting
Monday, December 16	7:00 PM	Reserved for Recessed Council Meeting, if necessary



City of Concord, New Hampshire
CONCORD PUBLIC LIBRARY
45 GREEN STREET • 03301-4257

5-34

TJA

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 **\$2,153.64** as
Provided for Under the Preauthorization Granted by City Council
DATE: May 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	\$615.50	Fees paid by patrons to replace lost and damaged library materials from 03/27/2013 through 04/26/2013
Concord Library Book Sale	\$1,263.14	Revenue from sale of used and donated books, audio materials and videos from 03/27/2013 through 04/26/2013
Concord Garden Club	\$100.00	Library books related to gardening
Concord Education Association	\$175.00	Passes for The Fells, Historic Estate & Gardens and Museum passes for the Canterbury Shaker Village
TOTAL	\$2,153.64	

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



CITY OF CONCORD

T/A

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: David Gill, Parks and Recreation Director

DATE: May 1, 2013

SUBJECT: New High School Basketball League at White Park

Recommendation

Review and accept this report.

Discussion

It is the recommendation of staff and the Recreation Parks Advisory Committee to support the new High School Basketball League to be held at White Park this summer. At their April meeting the Recreation and Parks Advisory Committee talked with the Frank Monahan Foundation representative, Luke Bonner. Mr. Bonner explained they are interested in running a High School Basketball League under the lights at White Park this summer. This league will be held one or two nights a week and be open to teams of players that will be entering grades 9 to 12. They would like to replace the old wooden backboards at the park and potentially in the future, expand the court to have two outside basketball courts.

Members of the Recreation Parks Advisory Committee voted to support the league's desire to replace the two backboards at White park as long as there is no cost to the city. The league will also need to follow all Park Rules and Regulations. The committee expressed interest in hearing more about the potential plans of adding another court. Chair Mary Miller, explained to Mr. Bonner there would need to be formal plans drawn up, public hearings, and the plans would need to be reviewed by several boards and committees. Mr. Bonner stated this is not their desire for this year however, if the league is successfully they would like to explore those opportunities in the future.

In addition, it is the staff's recommendation to waive the rental fee of \$30.00 / 2 hours for the league this summer in recognition of their support for new backboards at White Park. This work will have a value in excess of \$4,000.

The Frank Monahan Foundation High School Basketball Summer League at White Park

The Frank Monahan Foundation
7 Samuel Dr
Concord, NH 03301
frankmonahanfoundation@gmail.com
310-621-3417

Proposal

The Frank Monahan Foundation along with Matt and Luke Bonner, is proposing to the City of Concord Parks and Recreation Department to establish a High School Basketball Summer League at White Park in Concord, NH operating from June 2013 through August 2013 with 12-16 high schools participating. The Frank Monahan Foundation is proposing to extend the current basketball court at White Park approximately 20-25 feet to build an additional basketball court for a total of 2 basketball courts under the lights. Through The Foundation, it will raise money to pay for the courts, new basketball backboards, referees, uniforms, league promotion, etc. We would like the use of the basketball court for this summer and would like to work with the city and community to explore adding another basketball court to the park. The Foundation would like to partner with the Concord Parks and Rec Department to help raise money for the City of Concord, NH parks.

Goal for The Frank Monahan Foundation Summer League

Our goal for the High School Summer League is to provide the City of Concord, NH with a high level summertime basketball league. Local high schools will be invited to compete with one another and put on incredible performances for local fans. Bringing together a diverse group of high school basketball teams for fans to watch for free will create a positive and fun platform to help strengthen the community spirit while in the confines of White Park. The Frank Monahan Foundation believes that through hard work, amazing basketball, and community support, this league will become one of the most respected and well-attended high school summer leagues in the state of New Hampshire.

About The Frank Monahan Foundation

The Frank Monahan Foundation is a 501c3 Non-Profit Organization established in 2013 to support local schools and community programs to improve the lives of today's youth. The Foundation will provide an opportunity to have a direct and permanent impact on today's youth throughout New Hampshire. Its mission is dedicated to inspiring and motivating youth to take their education seriously, visualize their dreams and to make a difference in their community. To bring awareness that listening to your "Coach" or "Teacher" can help turn your dreams into a reality.

If you have any questions, please contact:

Marshall Crane – President/Founder of The Frank Monahan Foundation
310-621-3417
mcrane13@gmail.com

5-36
TJA



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Earle M. Chesley, P.E., General Services Director
DATE: April 29, 2013
SUBJECT: Pay As You Throw Quarterly Status Report

Recommendation

Accept this report relative to the Semi Annual (Fiscal Year 2013) of solid waste and recycling collection operations with Pay As You Throw.

Background

With the implementation of the Fiscal Year 2010 budget, the City adopted a user fee system, often called Pay As You Throw, to support the increasing costs of solid waste collection and disposal. Residents who receive curbside service (approximately seventy five percent of Concord's households) are required to place their solid waste in a City authorized trash bag. Multifamily properties manage their solid waste and recycling with large containers, and are invoiced monthly based upon the number and size of solid waste containers used at their property. Prior to the adoption of Pay As You Throw, multifamily properties did not receive recycling services from the City.

This report presents an overview of the six month period from October, 2012, through March 2013.

Discussion

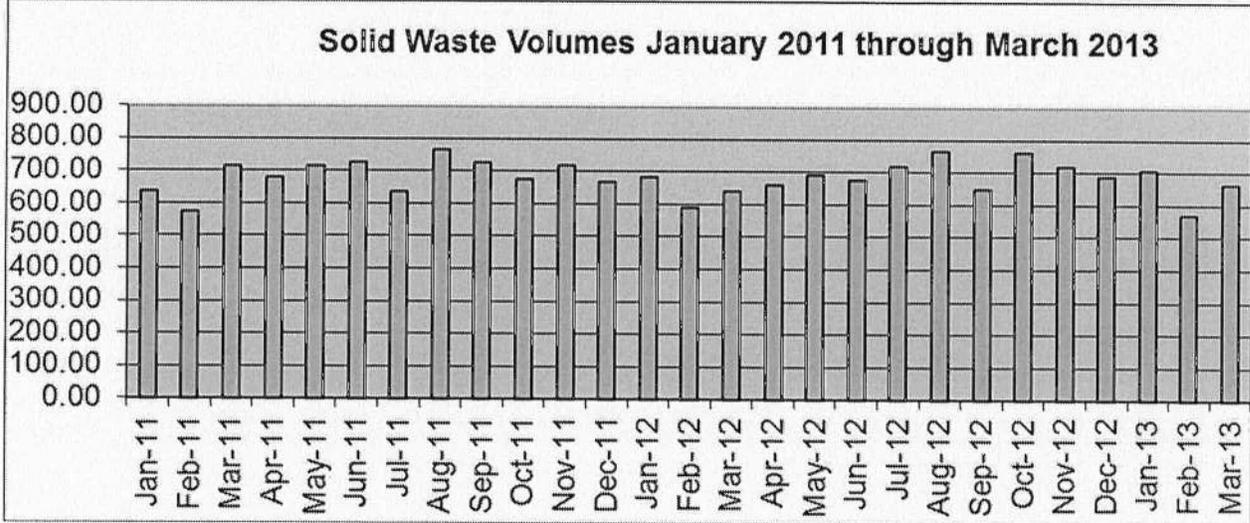
Participation

Participation is defined as the number of properties that complied with the requirements of the program.

Residents continue to fully participate in the program.

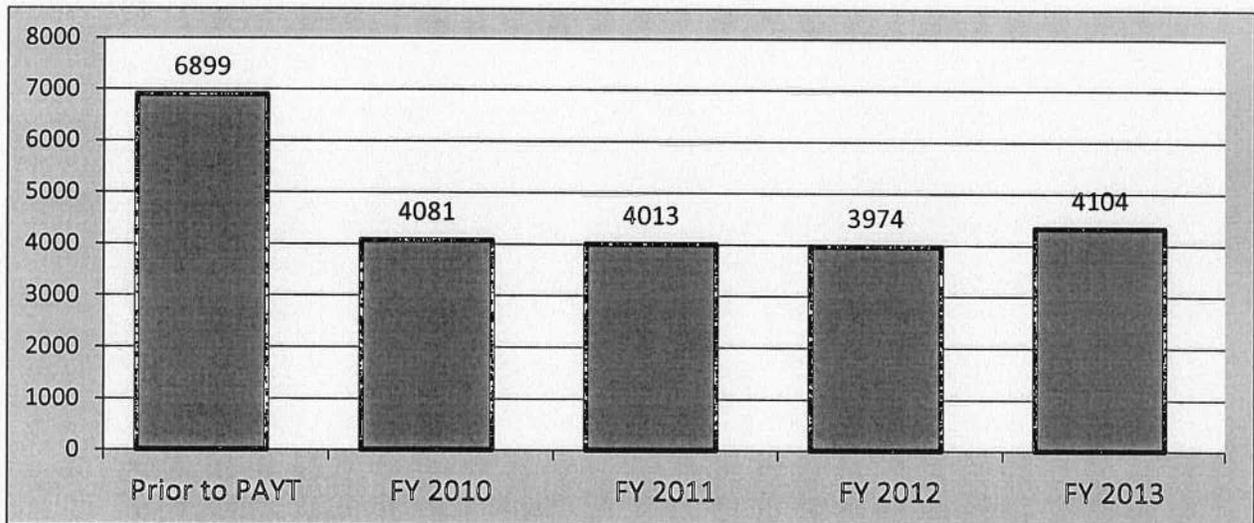
Solid Waste Volumes

The City has the solid waste collection vehicles weighed at the Penacook Waste to Energy Facility as part of its normal business practices and maintains records of monthly solid waste volumes. Solid waste volumes vary throughout the year based upon seasonal demands and long term solid waste disposal trends will mirror local economic conditions. Residential solid waste disposal volumes since January 2011 are shown below.



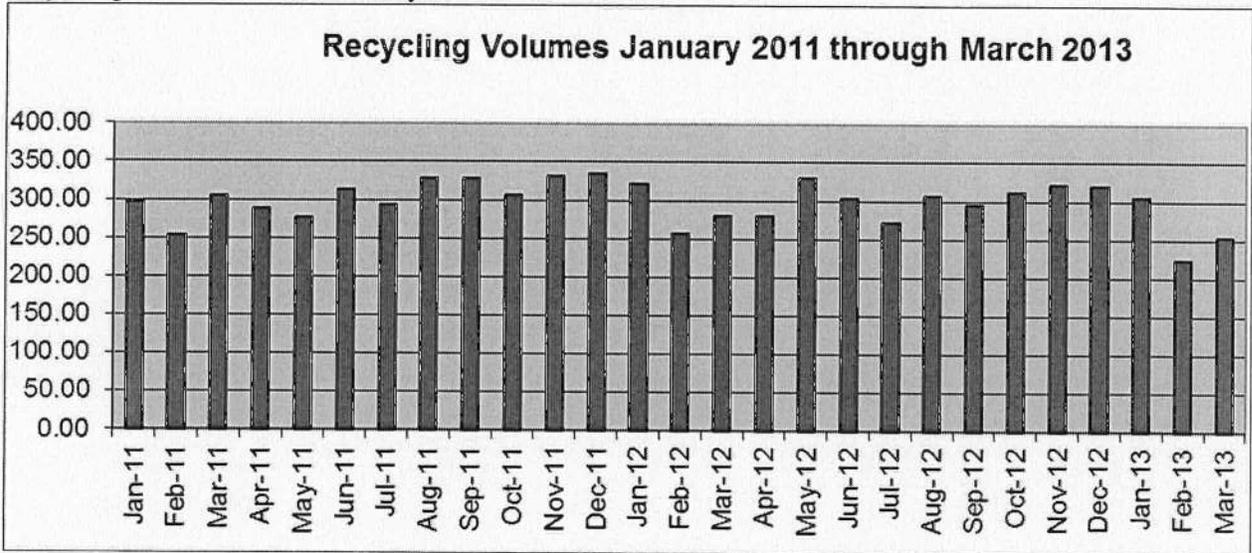
For the period of October through March 2009 prior to adopting Pay As You Throw in 2009 the City disposed 6899 tons of residential solid waste. For the period from October through March 2013 the City disposed 4104 tons of residential solid waste, a 41% reduction in solid waste collected during the same period prior to Pay As You Throw.

Solid Waste collected during the 2nd and 3rd Quarters



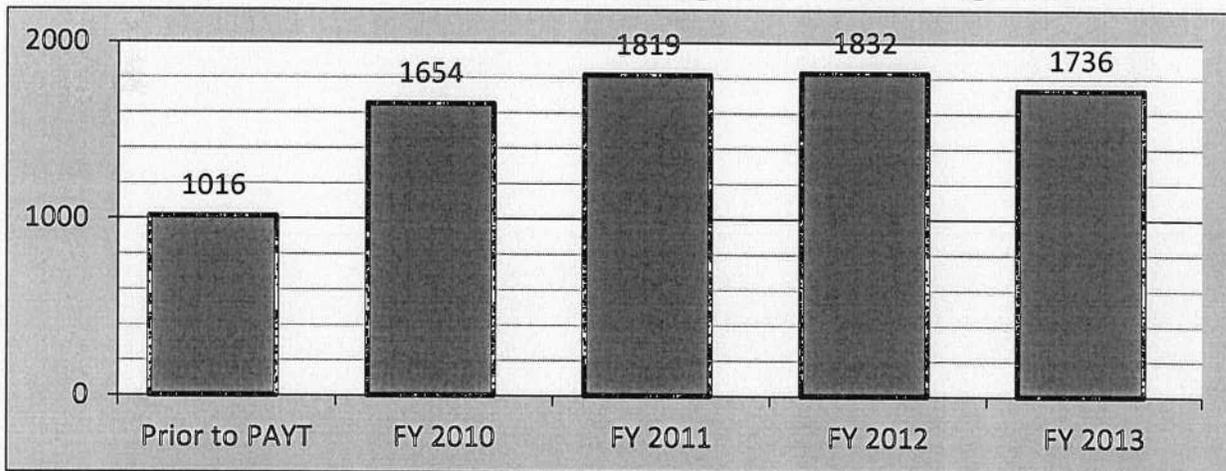
Recycling Volumes

The City also maintains monthly records of the amount recyclable material collected through its residential recycling collection program. Similar to solid waste volumes, recyclable material volumes may vary seasonally and will also mirror local economic conditions. Residential recycling volumes since January 2011 are shown below.



For the fiscal period October through March prior to adopting Pay As You Throw in 2009, the City recycled 1016 tons of material through programs it administered. For the FY13 period October through March the City recycled 1736 tons of material, an increase 70% in recycling materials.

Recycling Volumes collected during the 2nd and 3rd Quarters



Financial Performance

When Pay As You Throw was adopted by the Mayor and City Council in June, 2009, it was projected that the General Fund would need to increase its transfer of funds to the Solid Waste Fund to approximately \$ 2.9 million. Since that time, the General Fund has been able to reduce

its transfer to \$1,410,000. Pay As You Throw has significantly reduced the financial demand upon the general fund by almost \$1.5 million annually while providing recycling services to every Concord home.

That said, revenues collected through Pay As You Throw are currently less than the cost of residential solid waste and collection services provided by the City through its vendors. As demonstrated in the FY 2013 Solid Waste Pro Forma, projected revenues generated through solid waste collection and disposal services are approximately 90% of anticipated expenditures. The pro forma indicates this percentage will decline as currently projected solid waste collection and disposal costs increase in the future. General Service staff has reviewed this matter with the Solid Waste Advisory Committee and is assessing options to address this trend.

In order to evaluate continued reliance of the Penacook Waste to Energy Facility through its agreement with the Concord Solid Waste Resource Recovery Corporation (the Co-op) for the disposal of the community's solid waste, the City has issued a Request for Proposals for comprehensive solid waste and recycling services. The results of this procurement process along with the proposal from the Co-op will provide the best financial basis to evaluate options available to the City regarding appropriate rates for the service.

Cc Robert McManus, Director, Office of Budget and Management Analysis
Pat Winn, Solid Waste Programs Manager

TCA



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Brian G. LeBrun, Deputy City Manager - Finance

DATE: April 16, 2013

SUBJECT: Auditorium Agreement and Recommendation

Recommendation

To approve no increase in fees for the upcoming season, as requested by the Friends of the Audi, and approve an extension of the Auditorium Management Agreement to 2018.

Background

On Friday, 4/12/2013, Jeff Hoadley and Harry Dangora, representing the General Services Department, Public Properties Division; David Gill and Terri Stevenson, representing the Parks and Recreation Department; and I met with Friends of the Auditorium President Dale Harrington, Treasurer Merwyn Bagan, and Marketing Chair Carol Bagan.

The purpose of the meeting was the annual review of contract compliance on the part of the two parties, as well as a review of the fiscal operations of the Concord Auditorium, as recorded by the City. Section 5.A.3. of the contract provides for an annual meeting to be held in January to discuss contract items.

Financial Activity

Jeff Hoadley presented a series of graphs and tables to illustrate the revenue and expenses incurred by the Auditorium for the past year and projections for Fiscal 2013. These were presented on an operating and capital budget basis, along with the cash value of products and services provided by the Friends. A comprehensive review indicates that on a budgetary basis in 2013, the City Auditorium will provide a surplus of \$6,783. Additionally, the Friends have contributed a total of \$9,355 through in-kind labor, and donations, primarily related to their "pitch in" process, as documented in the attached report - which brings the projected net position to a positive \$25,807 for Fiscal Year 2013. General Services provided assistance to the Audi for a variety of projects throughout the year. Although there were no capital projects for Fiscal Year 2013 by either the Audi or the City, the Friends of the Audi contributed \$9,669 in materials and supplies including stage lighting equipment, new flooring for the stage, historical photograph project and new flooring for the men's room. This brings the Friends total contribution to \$19,025 for the year.

Future Projects – For FY 2014 the Friends of the Audi are planning to repair/reupholster all theatre seats for an estimated cost of more than \$75,000 and has been in the works for several years. This project is still in the exploration stage to be certain all materials used meet or exceed codes.

Marketing

The Promotion Committee of six volunteers continues to bring new promotional opportunities to the Audi, including the Act Now Vouchers, co-op booths at showcases and fairs and the "cigarette girl" distribution of flyers at shows.

Rate Increases

The Friends and the City discussed a rate increase for the FY 2013 season. Considering the capital project to repair the seats and the fact that many of the current renters are also the same groups that will be targeted for donations, it was the recommendation of the Friends to maintain the rates at the current 2013 level for the third season in a row. The City concurred with the recommendation.

Contract Extension

The group discussed the recommendation to extend the contract until 2018. This will continue to provide for a typical five-year contract, which allows the Friends of the Audi to be in a position to apply for a variety of Arts related grants. The term of the agreement under section 5.B., which provides for termination at any time by a mutual agreement of either party, with a 6 month notice, or 60 days for violation of any term of the agreement, will remain in effect. The City Administration feels there is no adverse condition being placed on either party in granting this request.

Thanks

Appreciation goes to the Friends for their efforts and those of Jeff Hoadley, Harry Dangora, David Gill and Terri Stevenson for successfully managing this relationship on behalf of the City.

CC: City Manager
City Clerk
General Services Director
Superintendent of Public Properties
Business Manager
Dale Harrington
Merwyn Bagan
Carol Bagan

ORIGINAL

AGREEMENT
Between the
CITY OF CONCORD and
THE FRIENDS OF THE CONCORD CITY AUDITORIUM

I. PARTIES AT INTEREST TO THIS AGREEMENT

The parties to this agreement are the **CITY OF CONCORD**, a municipal corporation with a place of business at 41 Green Street, Concord, New Hampshire 03301 ("City"), and **The FRIENDS OF THE CONCORD CITY AUDITORIUM**, a not-for-profit corporation, with a principal place of business at the Concord City Auditorium, Prince Street, Concord, New Hampshire 03301 ("Friends"). The expressed mission of the Friends is to restore and maintain the municipal theatre and to foster its affordable and accessible use by all people in the community. This mission is the basis for the parties cooperating in the use, maintenance, operation of, and improvements to the Concord City Auditorium ("Audi").

II. MUTUAL UNDERSTANDING AND AGREEMENT

The City and Friends ("Parties") mutually understand and agree:

A. City Ownership and Maintenance. The Audi and lobby, which comprises the western section of City Hall, is a public building owned and held in trust by the City for the good of the City and its citizens. The City hereby makes available to the Friends the Audi for stated purposes in a manner as provided under this agreement. In furtherance of this agreement, the parties will cooperate to:

1. Keep the facility and its immediate environs neat, clean, safe, and secure on a daily basis.
2. Maintain building systems in good operating order.
3. Preserve the facility and its unique character.

B. Audi Purpose. The Audi principally serves as a venue for:

1. Community-based entertainment;
2. Public gatherings; and
3. Municipal government business use.

C. Operations. The Audi should be operated and maintained in accordance with sound business practices designed to:

1. Maximize facility use consistent with its purpose as described above;
2. Make the facility and its use financially sound by maximizing its annual net operating revenue and cumulative net asset value; and
3. Otherwise operate it in a manner consistent with its principal purpose.

III. THE FRIENDS AGREE

A. Ownership and Maintenance. The Friends agree to:

1. Under the direction of the superintendent of public properties for the City and in accordance with applicable City volunteer requirements, provisions of this agreement, and Audi regulations, provide, manage, and supervise volunteers in maintaining and operating the Audi for its intended purpose:
 - a. Secure necessary volunteer waivers, which will be provided to the City upon receipt, in order to preserve municipal immunity under the applicable laws and statutes;
 - b. Keep a log of all volunteer assistance;
 - c. Further develop the volunteer force as a source of community outreach and networking; and
 - d. Provide the City Manager with an annual report on actual and planned activities in connection with the January meeting or more frequently if needed, as herein described.
2. Annually recommend in writing to the superintendent of public properties and the City Manager, any suggestions for improved and cost-efficient operations and management or capital improvement needs or plans, including long-term capital improvements and related funding costs and options. Related maintenance and life-cycle costs shall be identified for the recommended capital improvements.
3. Consider all capital improvements made to the facility through donations or efforts by the Friends as property of the City, except for those specifically excluded and identified in Appendix B of this agreement.

4. The Friends agree to indemnify, investigate, protect, defend, and save harmless the City, its officials, officers, agents, and employees from any and all claims and losses accruing or resulting to any person, firm or corporation that may be injured or damaged by the Friends in the performance of their duties arising under this agreement. In any case, the foregoing provisions concerning indemnification shall not be construed to indemnify 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. This indemnification shall survive the expiration or early termination of this contract.
- B. Audi Purpose.** The Friends shall take all reasonable steps to promote, ensure, and measure the maximum use of the facility in the furtherance of the above-stated purposes.
- C. Operations.** The Friends agree to:
1. Establish a permanent marketing committee of The Friends of the Concord City Auditorium to be chaired by a member of the Friends. This committee will develop, implement, and manage a marketing program to promote and measure the increased use of the Auditorium toward achieving the financial goals as identified in section II.C. of this agreement. The marketing committee will:
 - a. Promote the facility and its use through the use of brochures, banners, electronic information, and other appropriate means. The Friends will undertake and fund these efforts both in connection with the promotion of its activities and programs as well as separately.
 - b. Promote the facility through participation in community activities such as the Greater Concord Chamber of Commerce, Arts Presenters of Northern New England, Main Street Concord, Concord Community Television and other community, state, and national organizations that may be suited to the purpose.
 2. Provide the City with a copy of its annual financial reports.
 3. Conduct the annual Audi booking meetings.
 4. Establish a means for the receipt of and response to complaints associated with the operation and maintenance of the Audi and report thereon to the City Manager. Under section IV.C.7, the City Manager shall resolve all disputes arising out of this agreement or over use of the facility.

5. Conduct the activity of the Friends in an open and public manner, not bar any entity with an interest in the Audi to participate in all activities of the Friends insofar as such participation is consistent with the stated purposes of the Friends and this agreement, and to advise all those inquiring, or with the need to know, of the method of reporting complaints about the facility or any aspect of its operation to the City Manager.
6. Make their membership aware of all information provided to them by the City in connection with this agreement and its involvement with the Audi.
7. Assist in the training of house managers, stage electricians, and sound technicians and provide updated lists to the City.
8. Provide the City with copies of the Friends operating policies, procedures, and instructions to auditorium users in the event such are issued. All such policies, procedures or instructions to users shall be consistent with this agreement and the Audi Regulations and House Manager Manual.
9. Review auditorium rental rates and users fees and make written recommendations to the City Manager 30 days in advance of the January meeting.

IV. THE CITY AGREES

A. Ownership and Maintenance. The City agrees to:

1. Provide and maintain the internal and external physical structural systems including, heating, ventilating and air conditioning; access and egress, windows, flooring, stairs, stairwells, seating, main stage platform, stage fly; electrical services from the building entry through the stage disconnects, plumbing and lighting.
2. Subject to availability, provide and pay for electric, water, wastewater, and heating fuel necessary to the operation of the facility.
3. Provide emergency electrical generator back up when it does not interfere with the operation of the city government for routine public services.
4. Provide replacement janitorial supplies including daily cleaning and toilet and painting supplies for approved projects, which shall be stored in front lobby closet.
5. Promulgate (from time-to-time as the City shall deem appropriate) and enforce, reasonable City Auditorium Regulations guiding and directing the use of the facility and House Manager Manual of Instructions, both of which shall be issued at the sole discretion of the City.

6. Provide third party excess liability insurance coverage.
 7. Provide the Friends opportunity for input to the development and review of facility operating and capital budgets and plans in connection with the annual January meeting.
 8. In accordance with the Audi Regulations, conduct pre and post use inspections and oversee the condition of the facility.
 9. Approve and assist with the training of house managers and stage electricians. Create and maintain a list of approved house managers and stage electricians. Maintain a list of Sound Technicians provided by the Friends.
 10. Address maintenance, life safety, and ownership needs in a prompt and efficient manner within the limits of financial and staff resources.
 11. Retain ownership of the Mason and Hamlin Model BB Grand Piano s/n 41525 for so long as it is practical and to not dispose of said Piano without notice to the Friends.
- B. Audi Purpose.** The City agrees to cooperate with the Friends and other users of the Audi to promote the Audi Purpose as identified in section II.B. above. The City presently sees no existing or future need to curtail or otherwise restrict the use of the Concord Auditorium for the purpose as identified herein.
- C. Operations.** The City agrees to:
1. Participate in the annual Audi booking meetings.
 2. Be responsible for the financial operations and management of the Auditorium by setting and collecting the Auditorium Rental Rates and user fees to be paid by the users
 3. Calculate, bill and receive the Auditorium rental and use fee to be established annually by the City Manager. The Auditorium Rental and Use fees should be set to cover direct costs for City operations and maintenance of the facility. Administrative costs will be established at a maximum of 11% of budgeted direct costs and shall include service provided as by all City administrative entities include the City Manager, (administration), legal department, personnel department, finance department, City Clerk, City Council, recreation and general services administration department. The cumulative net asset value annually added by the Friends will be taken into consideration as aforementioned. The indirect administrative cost shall not be included in the calculation of the rental and use fee.

4. Investigate and coordinate with the Friends, the development and installation of an improved, event-scheduling process, including a computer program, which simplifies scheduling, provides improved access to schedules of events and Audi availability. This program should provide scheduling-related financial information upon which improved fee structures and financial analysis can be performed. It should also foster communication by and between the responsible City agencies and all Audi users and the public.
5. Cooperate with the Friends in their marketing program including promoting Audi events and availability through a link on the City's web site. Eventually participate in marketing the venue when financial goals have been reached as stated in section II C. and further defined to occur when revenues are adequate to cover expenditures, indirect costs, and marketing expenses after giving due consideration to the facility's net asset position.
6. Establish a method for the reporting of annual revenue and expenditure data for the Audi for the fiscal year ending June 30 coincident with the most recently completed and published Comprehensive Annual Financial Report (CAFR) of the City, and provide an estimate of Revenues and Expenditures for the fiscal year then in progress as well as a projection for the upcoming fiscal year.
7. Establish a means for the receipt of complaints associated with the operation and maintenance of the Audi to the City Manager who shall resolve all disputes arising out of this agreement or over use of the facility.
8. Pay all bills and financial obligations that come due, in a manner consistent with other municipal obligations.

V. FURTHER ITEMS OF MUTUAL AGREEMENT

- A. In recognition thereof the City and the Friends further agree:
1. The City reserves the right, with no liability, to close the facility without notice when it serves the public interest and safety.
 2. The term of this agreement shall be September 1, 2007, through August 31, 2012, and may be extended by mutual consent of the parties.
 3. To hold, at a mutually agreeable time and location, an annual meeting in January of each year including for the City, its City Manager or designee, finance director, public properties superintendent, and the person responsible for scheduling; and for the Audi, its president, two members of its Board of Directors and the director of its Marketing Committee.

a) The purpose of this meeting shall be:

- (1) For the City to present actual and estimated financial operating results of the facility including, revenues, expenditures (direct and indirect costs), and net asset position;
 - (2) For the City to present its estimates of Auditorium revenues and expenses for the upcoming year;
 - (3) For the Friends to provide the City with the actual and estimated results of its financial operations and representation of their financial soundness;
 - (4) For both parties to review facility use in relation to its purpose and any related objectives;
 - (5) For both parties to report on complaints and evaluate the effectiveness of the complaint resolution process;
 - (6) For both parties to review donations, in-kind and volunteer programs and services, and future volunteer plans;
 - (7) For both parties to review progress on scheduling improvement efforts;
 - (8) For both parties to present and discuss long-term capital and other plans giving due consideration to long-term, operational, and maintenance cost impacts on the City;
 - (9) For the Friends to present marketing results and future marketing plans; and
 - (10) Review and propose updates to this agreement including extension of the agreement for the upcoming show season.
4. The City and the Audi representatives each will prepare a written report(s) on the above and submit to the City Manager and the president of the Board of Directors at least twenty (20) days prior to the scheduled annual meeting.
 5. The parties individually are subject to all applicable federal, state, and local laws.
 7. As users of the Audi and Audi Lobby, the City and the Friends are exempt from paying fees and providing deposits, but are subject to all other sections of the agreement for the following:

- a) The Friends may hold annual and quarterly business meetings and other events performed in the direct execution of its responsibilities arising under this agreement.
- b) As determined by the City Manager the City may use the Audi Lobby and full City auditorium during the year for municipal business use, sponsored or co-sponsored purposes. Uses of the full facility are expected to be no more than six (6) per year.
- c) All such uses by both parties under this section shall be recorded by the scheduler in the official schedule and posted as per all other Audi uses.
- d) Fee paid uses shall take precedence over non-fee paid uses until such time as the specific event is booked. Thereafter, the parties may agree upon a rescheduling of the use. Best efforts will be made to reschedule the non-fee paying use by the City.

B. Termination of Agreement

1. This agreement may be terminated at any time by mutual agreement or by either party giving notice in writing to the other party, the same to be effective no less than six (6) months after giving notice thereof subject to the approval of the City Council.
2. This agreement may be terminated by either party upon sixty (60) days written notice, in writing, by one party to the other of violation of any term of this agreement subject to approval of the City Council.

VI. ATTACHMENTS

A. The following documents are considered part of this agreement:

1. Appendix A - City Auditorium Regulations (Audi Regulations).
2. Appendix B - Non City owned property.
3. Appendix C - Proposed Auditorium Rental and Use Fee schedule for the period July 1, 2007, through June 30, 2008.

VII. ALTERATIONS TO THIS AGREEMENT

The provisions herein may be modified or changed by vote of the City Council and the Friends of the Auditorium. City Council authority to enter into this agreement granted

March 12, 2007.

Executed on this 9th day of May, 2007

CITY OF CONCORD

By: Theresa Aquilino

Its City Manager
Duly authorized

**FRIENDS OF THE CONCORD
CITY AUDITORIUM**

By: Memoria Bagan

Its **TREASURER / CITY LIAISON**
Duly authorized

**Appendix B
Personal Property of the Friends**

Gulbransen Organ*
Bose sound system*
ETC Light system with intercom*
Spotlights*
Bulbs**
Lobby upright Piano
Astin-Wright Orchestra Pit Piano*
Mason Hamlin Grand Piano***

* Will remain on permanent loan to the City and returned to the Friends in the event the Audi is demolished or permanently closed. The upright piano, however, is subject to possible ownership by another party and may not be covered by this appendix.

** Bulbs become the property of the City upon effective date of this agreement.

*** Friends to be offered first right of refusal if City ever offered piano for sale.

Harvest Table located in Lobby built by the NH Furniture Masters

THE FRIENDS OF THE CONCORD CITY AUDITORIUM

2012-2013 Season Volunteer Report

July 1, 2012– to date: April 12, 2013

\$ 9,355.50 – volunteered maintenance and support labor

10,023.62 – donated equipment/supplies increasing net asset value

\$19,379.12 -- Friends of the Audi Contribution to the Theatre

Hands-on volunteer maintenance labor at the Auditorium, as recorded in sign-in book:

2012 Pitch In, Community Service Days, MLK Holiday Service:

79 volunteers worked 462 hours

Calculated at \$20.25 per hour

Per US Department of Labor valuation for New Hampshire volunteers =

\$9,355.50 total volunteered labor at City Auditorium in first nine months of season.

This report of in-house volunteer labor does not include:

- Electrical installation and training by the theatre's Stage Electrician crew
- House Manager training sessions (3) in cooperation with Concord Fire Department
- Hospitality Committee – 8 bakers and 4 servers recruited for 40 events, with all donation bowl proceeds dedicated to Audi upgrades (\$5,000 per year)
- Production work for Friends of Audi events to raise funds for Audi upgrades, including the season-opening GALA, Rhythm of the Night, and the Perennial Exchange.

And, per the MOU agreement that the Friends form an all-volunteer Marketing Committee to promote development of Auditorium use and audience participation:

- Marketing Committee Activities, organized weekly by 6 volunteers, including:
 - “What’s Happening at the Audi” show on ConcordTV
 - Box Office Answering Machine – purchase and management
 - Friends of the Audi website: www.theaudi.org and 24-7 email contact at info@concordcityauditorium.org
 - Press releases and ads for all Friends events, with maintenance of a 54- name media contact list.
 - Billboard displays of show posters at the Auditorium, and distribution of the posters in the community.
 - Auditorium event calendars listing all public events – information gathered, calendar created; run of 5,500 printed; bulk-mailed to 5,000 local households and distributed locally at libraries, hotels, churches, etc. (August and January).
 - Attendance and participation at meetings, conferences, showcases, etc., on the volunteers' own time and dime. Records kept of all participation and transactions.
 - Development of cooperative marketing efforts to increase usage and audience, including the ACT NOW Vouchers, co-op booths at showcases and fairs, “cigarette girl” distribution of flyers at shows, etc.
 - Records kept of all participation and transactions.
 - Organizing the Annual Booking Meeting of Audi Presenters in January
 - Co-sponsoring the Perennial Exchange with General Services in May..
 - Promotion of new rentals, helping new groups to book dates, staff shows, and advertise events.

Friends of The Audi 2012-2013 MOU Report – page 2

- **Upgrades to The Audi, increasing the net asset value, paid for with dollar contributions and fund-raising activities,.**

TOTAL: \$10,023.62

Specific upgrades since July 1, 2012, include:

\$ 1,915.48	Stage Lighting Equipment
1,778.60	New Flooring for the stage surface
1,500.00	Historical Photograph Project
1,254.51	Framing for historical theatre photographs
1,252.95	New Flooring for the men's room
404.88	Six meeting tables for the reception lobby
354.45	Three chair dollies
350.00	Stage Supplies – Cobblestone Design – Rhythm of Night
302.06	Pitch in Supplies
300.00	All-Brite Steam Cleaning Lobby Carpets
200.00	Two high leather stool/chairs
181.95	Flyspace Project Completion
97.50	Theatre rug cleaning and restoration
73.87	Stage Curtain panels – for GALA
42.38	Sound System equipment
14.99	Telephone Answering Machine

The current major work-in-progress is the Seat Restoration Project, which is considering two alternatives: 1) refurbishing the seat cushions, a process being reviewed for approval by the Underwriters Laboratory, or 2) replacing the 1929 seats. There are many factors being considered, including code requirements, costs, and historical preservation.

Note – The Friends of The Concord City Auditorium have raised and invested over \$1,000,000 (one million dollars) in the city-owned theatre since 1991.

The Friends of The Concord City Auditorium is a 100% volunteer 501(c)(3) corporation.

Mission: to preserve and maintain our historic municipal theatre and to foster its affordable and accessible use for the benefit of everyone in our community.

AUDI EXPENSES BY YEAR

YEAR	LABOR	HEAT	ELEC	WATER	WW	INS	SUPPLIES	ADMIN	TOTAL	REVENUES	NET	FRIENDS MOU	OFF SET NET	FRIENDS CIP	CITY CIP	FINAL POSITION
2002	\$ 12,460	\$ 10,331	\$ 4,651	\$ 2,026	\$ 1,372	\$ 752	\$ 1,794	\$ 6,637	\$ 42,083	\$ 25,025	\$ (17,058)	\$ 15,367	\$ (1,691)	\$ 67,800	\$ 1	\$ 49,744
2003	\$ 15,400	\$ 14,503	\$ 4,293	\$ 2,127	\$ 1,440	\$ 789	\$ 1,684	\$ 6,500	\$ 50,956	\$ 32,800	\$ (18,056)	\$ 8,764	\$ (4,108)	\$ 52,373	\$ 2	\$ 48,265
2004	\$ 18,900	\$ 13,700	\$ 4,749	\$ 2,350	\$ 1,572	\$ 829	\$ 1,978	\$ 8,683	\$ 55,505	\$ 42,632	\$ (12,873)	\$ 8,440	\$ (399)	\$ 4,881	\$ 4	\$ 4,482
2005	\$ 22,000	\$ 10,000	\$ 4,505	\$ 2,340	\$ 1,654	\$ 800	\$ 2,060	\$ 10,340	\$ 54,469	\$ 45,650	\$ (8,819)	\$ 9,210	\$ (4,864)	\$ 80,000	\$ 4	\$ 85,136
2006	\$ 18,600	\$ 11,888	\$ 5,148	\$ 2,118	\$ 1,721	\$ 933	\$ 2,300	\$ 11,011	\$ 55,228	\$ 40,025	\$ (14,074)	\$ 17,900	\$ (7,341)	\$ 81,842	\$ 5	\$ 57,501
2007	\$ 11,600	\$ 16,000	\$ 5,791	\$ 2,148	\$ 1,812	\$ 1,190	\$ 392	\$ 11,396	\$ 50,103	\$ 38,805	\$ (11,298)	\$ 29,824	\$ 12,740	\$ 45,950	\$ 7	\$ 32,882
2008	\$ 9,000	\$ 25,000	\$ 3,100	\$ 2,218	\$ 1,928	\$ 1,430	\$ 4,964	\$ 10,394	\$ 56,640	\$ 37,900	\$ (17,085)	\$ 12,272	\$ 13,240	\$ 11,692	\$ 7	\$ 12,891
2009	\$ 7,120	\$ 17,982	\$ 3,482	\$ 2,218	\$ 5,024	\$ 1,577	\$ 5,024	\$ 11,762	\$ 45,626	\$ 36,745	\$ (8,881)	\$ 16,689	\$ 8,642	\$ 206,700	\$ 8	\$ 118,426
2010	\$ 5,280	\$ 19,455	\$ 2,228	\$ 3,880	\$ 1,180	\$ 1,170	\$ 300	\$ 8,500	\$ 40,648	\$ 38,200	\$ (2,448)	\$ 8,642	\$ 6,183	\$ 96,282	\$ 4	\$ 6,183
2011	\$ 12,062	\$ 12,628	\$ 1,738	\$ 4,230	\$ 300	\$ 1,170	\$ 300	\$ 8,713	\$ 42,852	\$ 48,735	\$ (6,783)	\$ 19,379	\$ 26,182	\$ -	\$ -	\$ 26,182
2012	\$ 10,564	\$ 17,235	\$ 740	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

AUDI REVENUES BY YEAR

YEAR	LABOR	HEAT	ELEC	WATER	WW	INS	SUPPLIES	ADMIN	TOTAL	REVENUES	NET	FRIENDS MOU	OFF SET NET	FRIENDS CIP	CITY CIP	FINAL POSITION
2002	\$ 12,460	\$ 10,331	\$ 4,651	\$ 2,026	\$ 1,372	\$ 752	\$ 1,794	\$ 6,637	\$ 42,083	\$ 25,025	\$ (17,058)	\$ 15,367	\$ (1,691)	\$ 67,800	\$ 1	\$ 49,744
2003	\$ 15,400	\$ 14,503	\$ 4,293	\$ 2,127	\$ 1,440	\$ 789	\$ 1,684	\$ 6,500	\$ 50,956	\$ 32,800	\$ (18,056)	\$ 8,764	\$ (4,108)	\$ 52,373	\$ 2	\$ 48,265
2004	\$ 18,900	\$ 13,700	\$ 4,749	\$ 2,350	\$ 1,572	\$ 829	\$ 1,978	\$ 8,683	\$ 55,505	\$ 42,632	\$ (12,873)	\$ 8,440	\$ (399)	\$ 4,881	\$ 4	\$ 4,482
2005	\$ 22,000	\$ 10,000	\$ 4,505	\$ 2,340	\$ 1,654	\$ 800	\$ 2,060	\$ 10,340	\$ 54,469	\$ 45,650	\$ (8,819)	\$ 9,210	\$ (4,864)	\$ 80,000	\$ 4	\$ 85,136
2006	\$ 18,600	\$ 11,888	\$ 5,148	\$ 2,118	\$ 1,721	\$ 933	\$ 2,300	\$ 11,011	\$ 55,228	\$ 40,025	\$ (14,074)	\$ 17,900	\$ (7,341)	\$ 81,842	\$ 5	\$ 57,501
2007	\$ 11,600	\$ 16,000	\$ 5,791	\$ 2,148	\$ 1,812	\$ 1,190	\$ 392	\$ 11,396	\$ 50,103	\$ 38,805	\$ (11,298)	\$ 29,824	\$ 12,740	\$ 45,950	\$ 7	\$ 32,882
2008	\$ 9,000	\$ 25,000	\$ 3,100	\$ 2,218	\$ 1,928	\$ 1,430	\$ 4,964	\$ 10,394	\$ 56,640	\$ 37,900	\$ (17,085)	\$ 12,272	\$ 13,240	\$ 11,692	\$ 7	\$ 12,891
2009	\$ 7,120	\$ 17,982	\$ 3,482	\$ 2,218	\$ 5,024	\$ 1,577	\$ 5,024	\$ 11,762	\$ 45,626	\$ 36,745	\$ (8,881)	\$ 16,689	\$ 8,642	\$ 206,700	\$ 8	\$ 118,426
2010	\$ 5,280	\$ 19,455	\$ 2,228	\$ 3,880	\$ 1,180	\$ 1,170	\$ 300	\$ 8,500	\$ 40,648	\$ 38,200	\$ (2,448)	\$ 8,642	\$ 6,183	\$ 96,282	\$ 4	\$ 6,183
2011	\$ 12,062	\$ 12,628	\$ 1,738	\$ 4,230	\$ 300	\$ 1,170	\$ 300	\$ 8,713	\$ 42,852	\$ 48,735	\$ (6,783)	\$ 19,379	\$ 26,182	\$ -	\$ -	\$ 26,182
2012	\$ 10,564	\$ 17,235	\$ 740	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Gill, David
YTD = \$32,895
now to end of June = \$16,930
Total FY 13 Est \$49,735

Headley, Jeff:
Based on sq ft of Audi as a %
of CH time prop and liability ins.
10,500 / 71,866 X \$800 =
1170

Headley, Jeff:
These accounts have been
combined. WW budget for
PIC is \$900. Audi WC 11
(Admins, CH 12 (4% - Audit)

Headley, Jeff:
See Electrical Worksheet
6 month usage decreased by
59%
KWH price increase
KWH usage down

Headley, Jeff:
Price increase due to
increase usage and
precision of the meters.
Cost per kWh is down

Headley, Jeff:
150 Gen Maint
128 Project hours
278 total hours
Blended rate - \$24 +
benefits = \$38

- 1 Base Sound system \$65K - feedback \$2,800
- 2 ETC Light system \$47,000, Sign 5,343
- 3 Intercom system \$358 (source 4 lights (4) \$1300
- 4 stage rigging and lighting
- 5 ETC Source 4 stage lighting syst.
- 5 New door Price St. 1/2 payment
- 5 New overhead door loading dock
- 5 Purchased 2 brass chandeliers
- 5 Renovation projects
- 5 Upgrade Gullbrandsen theatre piano
- 5 Wood Frames
- 6 Fire Curtain \$ 39,250.00
- 6 Cleaning of the Resaculum \$ 5,000.00
- 6 Cleaning of the Mirrors \$ 45,550.00
- 7 Steel bracing w/ Tri-State work to be completed in FY10 paid for by Foa \$ 11,682
- 8 Update pin rail system - Playpace Project \$ 200,000
- (6) Light fixtures \$ 86,700

1 FRONT DOORS \$3500
ENTRY ROOF \$6500

2. Altium \$17,000

3 Painting above balcony

4 Replacement Windows

- 1. Stage lighting - \$1915.48
- 2. New Flooring for stage surface - \$1778.80
- 3. Historical Photograph Project - \$1500.00
- 4. Framing for photograph project - \$1254.51
- 5. New flooring for men's room - \$1252.95
- 6. Six meeting tables for reception lobby - \$404.88
- 7. Three chair dollies - \$354.45
- 8. Stage supplies - \$120.06
- 9. Pick up and delivery of Night - \$350.00
- 10. Steam cleaning lobby carpets - \$300.00
- 11. Two high leather stools/chairs - \$200.00
- 12. Flyspace project completion - \$181.95
- 13. Theatre rug cleaning and restoration - \$97.50
- 14. Stage curtain panels for GALA - \$73.87
- 15. Sound system equipment - \$42.38
- 16. Telephone answering machine - \$14.89
- 17. Volunteer and support labor - \$9355.50

Friends MOU
\$81,841.67

EXTENSION OF AUDITORIUM MANAGEMENT AGREEMENT

Between the

**CITY OF CONCORD and the
FRIENDS OF THE CONCORD CITY AUDITORIUM**

I. PARTIES AT INTEREST TO THIS AGREEMENT

The parties to this agreement are the **CITY OF CONCORD**, a municipal corporation with a place of business at 41 Green Street, Concord, New Hampshire 03301 (“City”), and the **FRIENDS OF THE CONCORD CITY AUDITORIUM**, a not-for-profit corporation, with a principal place of business at the Concord City Auditorium, Prince Street, Concord, New Hampshire 03301 (“Friends”). The expressed mission of the Friends is to work to restore and renovate the municipal theatre and to foster its affordable and accessible use by all people in the community. This mission is the basis for the parties cooperating in the use, maintenance, and operation of, and improvements to the Concord City Auditorium (“Audi”).

II. MUTUAL UNDERSTANDING AND AGREEMENT

The City and Friends (“Parties”) mutually consent and agree to the extension of the existing agreement dated May 9, 2007, under Section 5.A.2 to August 31, 2018.

All other terms of the Agreement remain in full force and effect.

City Council authority to extend this agreement was granted on _____.

Executed on this _____ day of _____, 2013.

CITY OF CONCORD

By: _____

Its City Manager
Duly authorized

**FRIENDS OF THE CONCORD
CITY AUDITORIUM**

By: _____

Its
Duly authorized



CITY OF CONCORD

REPORT TO CITY MANAGER, FINANCIAL STATEMENTS

FROM: Brian LeBrun – Deputy City Manager Finance
DATE: April 18, 2013
SUBJECT: March Fiscal Year-to-Date 2013 Financial Statements

The attached financial statements for the period ending March 31, 2013 represent 75% of the elapsed Fiscal Year 2013. The highlights of the City's financial status for this time period are represented by fund or groups of funds below. Comparisons are being made to the FY13 adopted budget or previous year FY12 same period results.

General Fund

Revenues:

- 1) With 75% of the fiscal year elapsed, most revenue and expense lines appear to be on track. Developing trends and notable items are listed below.
- 2) Finance
 - a. MV Registration and Title: Nine months into the year, this line is slightly ahead of target at 76% of budget and ahead of Fiscal Year 12 actual by \$121,200.
 - b. Interest cost and penalties are behind plan at 56% and lagging FY2012 by \$54,300.
 - c. Share of Debt Service: Note that budgeted State grant revenue and debt service expense related to one of the City's closed landfills was transferred from the Solid Waste Fund per recommendation of the City's outside auditors, Melanson Heath and Co.
 - d. Insurance Distributions and Credits: the City received \$315,100 from Primex as a premium holiday for workers compensation. While this amount was a reduction of the net bill submitted to the City of Concord, it was for premiums paid in previous years and recorded as revenue.
 - e. Advertising Revenue: This is a new line item for an advertising insert that is being mailed out with Motor Vehicle registrations. While budgeted at \$5,000, the Grappone Group secured the right to advertise for one year for \$25,080.

- 3) Fire
 - a. Ambulance Service Charges: As of March 31, this line is ahead of plan at 83% and ahead of Fiscal Year 2012 by \$146,110.
 - b. US Department of Homeland Security/FEMA –Year to date, FEMA reimbursements received are \$42,000.

- 4) Community Development
 - a. Building Permits: This revenue is 56% collected as of March 31. Year to date \$61,200 has been deferred to FY14 revenue. While there is a significant variance to FY12 actual year to date, it is in part due to a \$277,000 deferral into FY12. It is also anticipated that Building Permit revenue will be \$100,000 to \$125,000 under plan at the end of the fiscal year.

- 5) Recreation
 - a. Miscellaneous Services: this revenue line is slightly lagging plan at 66% collected year to date and \$100 less than 2012. This includes \$30,000 from the Interim Community Center projections that will not fully materialize as projected, however it is still very close considering the \$30,000 budgetary increase.
 - b. Building Lease Rental or Use: this revenue line is lagging plan at 57% collected year to date and \$29,051 ahead of 2012. Running short of projection is again in large part due to the inclusion of \$54,000 for the Interim Community Center projections that will not fully materialize.

Note for both a. and b. above: the budget assumed the city would take ownership during summer 2012 and begin operating the new facility around 9/1/2012. The City didn't take ownership of the building until Jan 1, 2013 and was not in the building until March 2013 with new programs beginning shortly thereafter.

- 6) Human Services
 - a. Reimbursements – this line items is 150% collected as of March 31 and \$15,200 ahead of 2012.

Expenses:

- 1) Most expense items are on track and within budget expectations. It is important to recognize when reading these financial statements that FY13 has 52 pay periods. February year to date results represent 38 of 52 payrolls elapsed or 73%. This is the ratio that is important to use to compare wage lines to budget.
- 2) Property and Auto insurances – please note that both property and auto insurances have been charged for the full year in July. This is a change in practice from previous years.
- 3) Police Overtime – this expense line is 98% expended; However, when all wage categories are combined, wage expense is 72,7% expended, on target for this time of year. Full and part time wages alone are 69.9% expended year to date.

- 4) Fire Overtime – this expense line is 88% spent and \$54,900 higher than FY2012 as of March 31. All wage expenses combined are 73.4% spent. When offset by FEMA, special duty revenues, and Central NH Hazmat reimbursement all wage lines are 72.2% spent, slightly under plan for this time of year. Overall budget is 73% spent, on target for this time of year.
- 5) General Services
 - a. Overtime – Department-wide this expense line is 124% spent as of March 31, and is mostly driven by Snow and Ice Control overtime which is 147% spent year to date. Snow and Ice Control overtime is also \$121,600 more than the same time period last year.
 - b. Other Supplies and Equipment – this expense line is 85% spent or encumbered year to date and \$98,700 more than the same time period last year. Snow and Ice Control supplies and equipment is 94% spent and \$118,400 more than FY12 expenditures.
- 6) Human Services Special Programs – this expense line is short of projections at 63% spent and lagging FY2012 expenses by \$14,500.
- 7) Note that March results include transactions related to the City's 1/29/13 Bond Sale and Refunding/Advanced Refunding.

Major Enterprise and Special Revenue Funds:

Engineering Inspections Fund

No significant issues to discuss at this time.

Parking Fund

- 1) Parking Rental line is reporting a \$124,700 increase from FY2012 YTD. A portion of this is a reflection of a \$100,000 timing change of posting July to September billings to the current fiscal year and the balance is new revenues. For the previous fiscal years, this early billing had been posted to the year/month (June) in which the bills were sent out.
- 2) Metered parking penalties are slightly short of projection at 69% and \$26,600 behind FY2012.
- 3) Wage and benefit expenses are behind projections at 64.2% year to date.

Airport Fund

No significant issues to discuss at this time.

Golf Course Fund

This fund will be very closely monitored as the fiscal year progresses. As of March 31, operating revenues are \$27,735 lower than the same time period last year. This is mainly due to an earlier/warmer spring in FY12 and seasonal passes collected earlier.

Also note September and December council budget actions summarized below:

FY2013 Budgeted revenues:

September 10, 2012 Council Action	(\$68,945)	reduced
December 10, 2012 Council Action	<u>67,451</u>	increased
Net decrease to revenue budget		(\$1,494)

FY2013 Budgeted expenses:

September 10, 2012 Council Action	(\$46,210)	reduced
December 10, 2012 Council Action	<u>55,616</u>	increased
Net increase to expense budget		9,406

The changes in September reflect anticipated reductions in revenue and expenses due to new FY2013 projections based on FY2012 year-end results. The December actions reflect the subsequent changes to the Pro shop and course operations.

Note that March results include transactions related to the City's 1/29/13 Bond Sale and Refunding/Advanced Refunding.

Arena Fund

- 1) As of March 31 revenues exceed expenses by \$38,800 compared to a loss in 2012 of \$8,100.

Solid Waste Fund

- 1) Pay as you through bag revenues are reported as 58% collected and \$198,500 behind 2012. This reduction in bag sales is partially reflective of \$109,600 of an annual deferred revenue reversal posted in September 2011 (FY12) instead of June 2012. This adjustment will be recorded in June in future years in order to present a more accurate comparison of year/year revenue results. Net of this adjustment, FY13 bag sales are \$88,900 behind 2012.

Note that budgeted State grant revenue and debt service expense related to one of the City's closed landfills was transferred to the General Fund per the recommendation of the City's outside auditors, Melanson Heath & Co.

Water Fund

Note that March results include transactions related to the City's 1/29/13 Bond Sale and Refunding/Advanced Refunding.

Sewer Fund

Note that March results include transactions related to the City's 1/29/13 Bond Sale and Refunding/Advanced Refunding.

All departments do a great job of monitoring their individual divisions and departments. These statements, which are provided in this format on a monthly basis, will help articulate how the City is doing overall as the fiscal year progresses. Please give me a call if there are any questions or if you simply want to discuss the statements in general.

General Fund Budget by Account Class Report

Through 03/31/13
Prior Fiscal Year Activity Included
Summary Listing

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 11 - Gen Fund									
REVENUE									
Property Taxes	32,691,833.00	8,511.00	32,700,344.00	.00	.00	32,720,628.41	(20,284.41)	100	31,765,151.80
Other Taxes	5,924,912.00	8,304.00	5,933,216.00	485,148.20	.00	4,606,931.80	1,326,284.20	78	4,446,654.36
Franchise Fee	730,000.00	.00	730,000.00	.00	.00	548,926.76	181,073.24	75	532,814.73
Intergovernmental-Federal	135,500.00	.00	135,500.00	33,731.17	.00	134,334.31	1,165.69	99	136,051.65
Intergovernmental-State	2,789,490.00	24,135.00	2,813,625.00	.00	.00	2,662,591.15	151,033.85	95	2,794,555.44
Intergovernmental-Local	617,210.00	.00	617,210.00	.00	.00	427,041.65	190,168.35	69	410,753.70
Programs, Services & Products	2,832,006.00	30,000.00	2,862,006.00	169,305.62	.00	2,120,979.17	741,026.83	74	2,285,013.52
Rents, Leases & Use	251,390.00	54,000.00	305,390.00	14,417.08	.00	210,397.75	94,992.25	69	209,458.97
Applications, Reviews & Recording Fees	77,500.00	.00	77,500.00	4,958.00	.00	68,066.90	9,433.10	88	64,274.61
Reports, Prints & Copies	37,600.00	.00	37,600.00	2,091.44	.00	25,150.85	12,449.15	67	23,424.99
Fines, Penalties & Costs	722,000.00	.00	722,000.00	60,456.77	.00	460,376.66	261,623.34	64	505,511.18
Licenses and Permits	1,008,482.00	.00	1,008,482.00	103,634.09	.00	661,118.00	347,364.00	66	880,971.71
Investment Income	60,000.00	.00	60,000.00	1,656.08	.00	38,756.22	21,243.78	65	33,678.89
Donations	5,700.00	.00	5,700.00	564.45	.00	5,169.25	530.75	91	8,999.05
Miscellaneous-Other	1,725,420.00	(84,000.00)	1,641,420.00	136,206.62	.00	1,625,658.19	15,761.81	99	1,793,228.86
Other Financing Sources	.00	.00	.00	.00	.00	.00	.00	+++	.00
Transfers-In Trust	604,550.00	.00	604,550.00	.00	.00	364,800.00	239,750.00	60	755,010.00
Transfers-In Other	1,453,590.00	33,904.02	1,487,494.02	123,839.15	.00	1,101,896.37	385,597.65	74	1,046,427.56
Capital Contributions	25,250.00	.00	25,250.00	1,728.00	.00	12,388.76	12,861.24	49	16,403.60
Use of Fund Balance/Retained Earnings	.00	894,000.00	894,000.00	.00	.00	.00	894,000.00	0	.00
REVENUE TOTALS	\$51,692,433.00	\$968,854.02	\$52,661,287.02	\$1,137,736.67	\$0.00	\$47,795,212.20	\$4,866,074.82	91%	\$47,708,384.62
EXPENSE									
Compensation	23,579,265.00	27,800.00	23,607,065.00	2,248,131.20	2,018.95	17,034,181.90	6,570,864.15	72	17,113,760.86
Fringe Benefits	14,650,082.00	2,600.00	14,652,682.00	1,495,206.41	434,230.55	10,922,837.67	3,295,613.78	78	10,542,178.23
Outside Services	1,979,619.00	35,704.02	2,015,323.02	181,750.40	147,278.40	1,365,850.89	502,193.73	75	1,249,925.93
Supplies	2,393,770.00	20,050.00	2,413,820.00	294,354.57	99,871.41	1,610,213.56	703,735.03	71	1,572,651.34
Utilities	1,176,045.00	75,450.00	1,251,495.00	147,506.00	.01	857,425.70	394,069.29	69	814,765.15
Insurance	462,892.00	9,800.00	472,692.00	28,670.66	.00	356,097.08	116,594.92	75	340,482.10
Capital Outlay	165,080.00	10,000.00	175,080.00	78,097.35	36,149.87	98,046.32	40,883.81	77	67,852.76
Debt Service	4,513,110.00	211,020.00	4,724,130.00	820,730.25	750.00	4,739,702.15	(16,322.15)	100	4,360,110.14
Miscellaneous	1,243,130.00	(147,500.00)	1,095,630.00	33,753.58	378.27	663,094.61	432,157.12	61	699,994.75
Allocated Costs	(605,080.00)	.00	(605,080.00)	(47,077.50)	.00	(449,184.00)	(155,896.00)	74	(461,174.50)
Transfers Out	2,134,520.00	723,930.00	2,858,450.00	128,890.00	.00	2,559,350.00	299,100.00	90	3,189,375.00
EXPENSE TOTALS	\$51,692,433.00	\$968,854.02	\$52,661,287.02	\$5,410,012.92	\$720,677.46	\$39,757,615.88	\$12,182,993.68	77%	\$39,489,921.76

General Fund Budget by Account Class Report

Through 03/31/13
Prior Fiscal Year Activity Included
Summary Listing

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Recd	Prior Year YTD
Fund 11 - Gen Fund Totals									
REVENUE TOTALS	51,692,433.00	968,854.02	52,661,287.02	1,137,736.67	.00	47,795,212.20	4,866,074.82	91	47,708,384.62
EXPENSE TOTALS	51,692,433.00	968,854.02	52,661,287.02	5,410,012.92	720,677.46	39,757,615.88	12,182,993.68	77	39,489,921.76
Fund 11 - Gen Fund Totals	\$0.00	\$0.00	\$0.00	(\$4,272,276.25)	(\$720,677.46)	\$8,037,596.32	(\$7,316,918.86)		\$8,218,462.86
Grand Totals									
REVENUE TOTALS	51,692,433.00	968,854.02	52,661,287.02	1,137,736.67	.00	47,795,212.20	4,866,074.82	91	47,708,384.62
EXPENSE TOTALS	51,692,433.00	968,854.02	52,661,287.02	5,410,012.92	720,677.46	39,757,615.88	12,182,993.68	77	39,489,921.76
Grand Totals	\$0.00	\$0.00	\$0.00	(\$4,272,276.25)	(\$720,677.46)	\$8,037,596.32	(\$7,316,918.86)		\$8,218,462.86

Engineering Inspections Fund Budget by Account Class Report

Through 03/31/13

Prior Fiscal Year Activity Included

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 2100 - Engineering Inspections Fund									
REVENUE									
Programs, Services & Products	175,000.00	.00	175,000.00	7,899.86	.00	87,469.48	87,530.52	50	78,713.40
Fines, Penalties & Costs	150.00	.00	150.00	.00	.00	126.12	23.88	84	306.99
Licenses and Permits	76,250.00	.00	76,250.00	865.00	.00	45,924.00	30,326.00	60	54,632.38
Investment Income	500.00	.00	500.00	36.00	.00	621.00	(121.00)	124	413.00
REVENUE TOTALS	\$251,900.00	\$0.00	\$251,900.00	\$8,800.86	\$0.00	\$134,140.60	\$117,759.40	53%	\$134,065.77
EXPENSE									
Compensation	157,990.00	.00	157,990.00	10,436.30	.00	89,572.11	68,417.89	57	89,707.61
Fringe Benefits	102,980.00	.00	102,980.00	6,899.58	.00	57,808.33	45,171.67	56	57,997.97
Outside Services	4,620.00	.00	4,620.00	474.81	.00	2,373.36	2,246.64	51	3,069.45
Supplies	3,250.00	.00	3,250.00	.00	.00	1,558.25	1,691.75	48	1,847.14
Insurance	1,740.00	.00	1,740.00	118.93	.00	1,021.00	719.00	59	1,085.36
Capital Outlay	28,500.00	.00	28,500.00	2,224.22	21,647.00	3,796.52	3,056.48	89	.00
Transfers Out	1,500.00	.00	1,500.00	.00	.00	.00	1,500.00	0	.00
EXPENSE TOTALS	\$300,580.00	\$0.00	\$300,580.00	\$20,153.84	\$21,647.00	\$156,129.57	\$122,803.43	59%	\$153,707.53

Fund 2100 - Engineering Inspections Fund Totals

REVENUE TOTALS	251,900.00	.00	251,900.00	8,800.86	.00	134,140.60	117,759.40	53	134,065.77
EXPENSE TOTALS	300,580.00	.00	300,580.00	20,153.84	21,647.00	156,129.57	122,803.43	59	153,707.53
Fund 2100 - Engineering Inspections Fund Totals	(\$48,680.00)	\$0.00	(\$48,680.00)	(\$11,352.98)	(\$21,647.00)	(\$21,988.97)	(\$5,044.03)		(\$19,641.76)

Grand Totals

REVENUE TOTALS	251,900.00	.00	251,900.00	8,800.86	.00	134,140.60	117,759.40	53	134,065.77
EXPENSE TOTALS	300,580.00	.00	300,580.00	20,153.84	21,647.00	156,129.57	122,803.43	59	153,707.53
Grand Totals	(\$48,680.00)	\$0.00	(\$48,680.00)	(\$11,352.98)	(\$21,647.00)	(\$21,988.97)	(\$5,044.03)		(\$19,641.76)

Parking Fund Budget by Account Class Report

Through 03/31/13
Prior Fiscal Year Activity Included
Summary Listing

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	Encumbrances	YTD Transactions	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 2200 - Parking Fund										
REVENUE										
Programs, Services & Products	835,180.00	.00	835,180.00	69,919.07	.00	583,863.62	251,316.38	70	593,161.39	
Rents, Leases & Use	463,332.00	.00	463,332.00	32,571.22	.00	472,054.70	(8,722.70)	102	347,328.45	
Fines, Penalties & Costs	390,000.00	.00	390,000.00	34,294.90	.00	271,236.53	118,763.47	70	297,692.04	
Investment Income	1,000.00	.00	1,000.00	50.00	.00	463.00	537.00	46	163.00	
Miscellaneous-Other	500.00	.00	500.00	.00	.00	.00	500.00	0	9,525.95	
Transfers-In Trust	2,744.00	.00	2,744.00	.00	.00	2,744.00	.00	100	2,744.00	
Transfers-In Other	.00	.00	.00	.00	.00	.00	.00	+++	.00	
Capital Contributions	10,500.00	.00	10,500.00	10,500.00	.00	10,500.00	.00	100	10,500.00	
REVENUE TOTALS	\$1,703,256.00	\$0.00	\$1,703,256.00	\$147,335.19	\$0.00	\$1,340,861.85	\$362,394.15	79%	\$1,261,114.83	
EXPENSE										
Compensation	387,430.00	.00	387,430.00	34,959.14	.00	257,427.46	130,002.54	66	276,965.27	
Fringe Benefits	211,910.00	.00	211,910.00	16,507.77	.00	127,353.04	84,556.96	60	137,909.69	
Outside Services	191,510.00	.00	191,510.00	25,538.74	24,099.51	141,051.43	26,359.06	86	135,050.92	
Supplies	42,780.00	.00	42,780.00	5,042.86	1,624.98	26,356.53	14,798.49	65	16,506.33	
Utilities	60,150.00	.00	60,150.00	5,027.64	.00	32,291.68	27,858.32	54	45,528.44	
Insurance	23,740.00	.00	23,740.00	398.57	.00	22,421.10	1,318.90	94	18,566.80	
Capital Outlay	.00	.00	.00	.00	.00	.00	.00	+++	7,900.00	
Debt Service	783,726.00	.00	783,726.00	91,587.50	.00	785,474.86	(1,748.86)	100	739,050.02	
Miscellaneous	79,563.00	.00	79,563.00	37,149.05	.00	56,077.51	23,485.49	70	34,000.95	
Allocated Costs	5,730.00	.00	5,730.00	477.50	.00	4,297.50	1,432.50	75	4,155.03	
Transfers Out	167,850.00	.00	167,850.00	19,652.50	.00	143,812.50	24,037.50	86	184,312.50	
(Gain) Loss on F/A Disposals	.00	.00	.00	.00	.00	.00	.00	+++	.00	
EXPENSE TOTALS	\$1,954,389.00	\$0.00	\$1,954,389.00	\$236,341.27	\$25,724.49	\$1,596,563.61	\$332,100.90	83%	\$1,599,945.95	
Fund 2200 - Parking Fund Totals										
REVENUE TOTALS	1,703,256.00	.00	1,703,256.00	147,335.19	.00	1,340,861.85	362,394.15	79	1,261,114.83	
EXPENSE TOTALS	1,954,389.00	.00	1,954,389.00	236,341.27	25,724.49	1,596,563.61	332,100.90	83	1,599,945.95	
Fund 2200 - Parking Fund Totals	(\$251,133.00)	\$0.00	(\$251,133.00)	(\$89,006.08)	(\$25,724.49)	(\$255,701.76)	\$30,293.25		(\$338,831.12)	
Grand Totals										
REVENUE TOTALS	1,703,256.00	.00	1,703,256.00	147,335.19	.00	1,340,861.85	362,394.15	79	1,261,114.83	
EXPENSE TOTALS	1,954,389.00	.00	1,954,389.00	236,341.27	25,724.49	1,596,563.61	332,100.90	83	1,599,945.95	
Grand Totals	(\$251,133.00)	\$0.00	(\$251,133.00)	(\$89,006.08)	(\$25,724.49)	(\$255,701.76)	\$30,293.25		(\$338,831.12)	

Airport Fund Budget by Account Class Report

Through 03/31/13
Prior Fiscal Year Activity Included
Summary Listing

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 2300 - Airport Fund									
REVENUE									
Intergovernmental-State Programs, Services & Products	1,150.00	.00	1,150.00	.00	.00	.00	1,150.00	0	.00
Rents, Leases & Use	12,913.00	.00	12,913.00	1,715.21	.00	9,155.86	3,757.14	71	9,510.34
Fines, Penalties & Costs	367,632.00	.00	367,632.00	64,193.93	.00	338,969.42	28,662.58	92	333,780.07
Investment Income	.00	.00	.00	.00	.00	.00	.00	+++	.00
Miscellaneous-Other	640.00	.00	640.00	64.00	.00	1,026.00	(386.00)	160	570.00
Transfers-In Other	.00	.00	.00	.00	.00	.00	.00	+++	.00
Use of Fund Balance/Retained Earnings	.00	.00	.00	.00	.00	.00	.00	+++	.00
REVENUE TOTALS	\$382,335.00	\$0.00	\$382,335.00	\$65,973.14	\$0.00	\$349,151.28	\$33,183.72	91%	\$343,860.41
EXPENSE									
Compensation	67,250.00	.00	67,250.00	8,297.25	.00	47,141.20	20,108.80	70	43,786.11
Fringe Benefits	47,680.00	.00	47,680.00	5,582.95	.00	32,668.89	15,011.11	69	29,898.00
Outside Services	67,590.00	.00	67,590.00	4,012.17	9,000.00	50,367.59	8,222.41	88	56,147.79
Supplies	45,930.00	.00	45,930.00	8,796.27	137.54	18,150.23	27,642.23	40	15,034.65
Utilities	23,320.00	.00	23,320.00	2,853.41	.00	14,400.52	8,919.48	62	18,834.49
Insurance	9,120.00	.00	9,120.00	94.55	.00	4,804.95	4,315.05	53	3,754.70
Debt Service	10,670.00	.00	10,670.00	5,387.50	.00	10,665.00	5.00	100	10,945.00
Miscellaneous	47,104.00	.00	47,104.00	8,129.33	.00	27,125.79	19,978.21	58	33,046.22
Allocated Costs	5,520.00	.00	5,520.00	460.00	.00	4,140.00	1,380.00	75	3,997.53
Transfers Out	55,954.00	.00	55,954.00	2,658.33	.00	47,978.97	7,975.03	86	115,337.03
EXPENSE TOTALS	\$380,138.00	\$0.00	\$380,138.00	\$46,271.76	\$9,137.54	\$257,443.14	\$113,557.32	70%	\$330,781.52
Fund 2300 - Airport Fund Totals									
REVENUE TOTALS	382,335.00	.00	382,335.00	65,973.14	.00	349,151.28	33,183.72	91	343,860.41
EXPENSE TOTALS	380,138.00	.00	380,138.00	46,271.76	9,137.54	257,443.14	113,557.32	70	330,781.52
Fund 2300 - Airport Fund Totals	\$2,197.00	\$0.00	\$2,197.00	\$19,701.38	(\$9,137.54)	\$91,708.14	(\$80,373.60)		\$13,078.89
Grand Totals									
REVENUE TOTALS	382,335.00	.00	382,335.00	65,973.14	.00	349,151.28	33,183.72	91	343,860.41
EXPENSE TOTALS	380,138.00	.00	380,138.00	46,271.76	9,137.54	257,443.14	113,557.32	70	330,781.52
Grand Totals	\$2,197.00	\$0.00	\$2,197.00	\$19,701.38	(\$9,137.54)	\$91,708.14	(\$80,373.60)		\$13,078.89

CD Conservation Fund Budget by Account Class Report

Through 03/31/13

Prior Fiscal Year Activity Included

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	Encumbrances	YTD Transactions	YTD Transactions	Budget - YTD Transactions	% used/ Recd	Prior Year YTD
Fund 2400 - CD Con Prop Mgmt Fund										
REVENUE										
Rents, Leases & Use	64,510.00	.00	64,510.00	4,056.41	.00	4,056.41	40,127.05	24,382.95	62	36,496.70
Miscellaneous-Other	.00	.00	.00	.00	.00	.00	.00	.00	+++	.00
Transfers-In Trust	6,990.00	.00	6,990.00	6,990.00	.00	6,990.00	6,990.00	.00	100	.00
Use of Fund Balance/Retained Earnings	.00	.00	.00	.00	.00	.00	.00	.00	+++	.00
REVENUE TOTALS	\$71,500.00	\$0.00	\$71,500.00	\$11,046.41	\$0.00	\$11,046.41	\$47,117.05	\$24,382.95	66%	\$36,496.70
EXPENSE										
Outside Services	48,500.00	.00	48,500.00	.00	2,356.45	.00	15,193.55	30,950.00	36	14,415.43
Supplies	23,000.00	.00	23,000.00	.00	.00	.00	1,872.50	21,127.50	8	1.99
Debt Service	.00	.00	.00	.00	.00	.00	.00	.00	+++	.00
Transfers Out	78,250.00	.00	78,250.00	6,520.83	.00	6,520.83	58,687.47	19,562.53	75	.00
EXPENSE TOTALS	\$149,750.00	\$0.00	\$149,750.00	\$6,520.83	\$2,356.45	\$75,753.52	\$71,640.03	\$71,640.03	52%	\$14,417.42
Fund 2400 - CD Con Prop Mgmt Fund Totals										
REVENUE TOTALS	71,500.00	.00	71,500.00	11,046.41	.00	11,046.41	47,117.05	24,382.95	66	36,496.70
EXPENSE TOTALS	149,750.00	.00	149,750.00	6,520.83	2,356.45	75,753.52	71,640.03	71,640.03	52	14,417.42
Grand Totals	(\$78,250.00)	\$0.00	(\$78,250.00)	\$4,525.58	(\$2,356.45)	(\$28,636.47)	(\$47,257.08)	(\$47,257.08)		\$22,079.28
Grand Totals										
REVENUE TOTALS	71,500.00	.00	71,500.00	11,046.41	.00	11,046.41	47,117.05	24,382.95	66	36,496.70
EXPENSE TOTALS	149,750.00	.00	149,750.00	6,520.83	2,356.45	75,753.52	71,640.03	71,640.03	52	14,417.42
Grand Totals	(\$78,250.00)	\$0.00	(\$78,250.00)	\$4,525.58	(\$2,356.45)	(\$28,636.47)	(\$47,257.08)	(\$47,257.08)		\$22,079.28

Housing Revolving Loan Fund Budget by Account Class Report

Through 03/31/13

Prior Fiscal Year Activity Included

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 2701 - Housing Revolv Loan Fd Cons-2008									
REVENUE									
Programs, Services & Products	.00	.00	.00	10,429.69	.00	107,993.71	(107,993.71)	+++	102,605.62
Investment Income	.00	.00	.00	37.00	.00	566.00	(566.00)	+++	544.00
Miscellaneous-Other	.00	.00	.00	.00	.00	.00	.00	+++	.00
Misc-Miscellaneous (Non-lapsing)	.00	35,739.00	35,739.00	.00	.00	35,739.62	(.62)	100	468.55
REVENUE TOTALS	\$0.00	\$35,739.00	\$35,739.00	\$10,466.69	\$0.00	\$144,299.33	(\$108,560.33)	404%	\$103,618.17
EXPENSE									
Compensation	.00	.00	.00	.00	.00	.00	.00	+++	.00
Fringe Benefits	.00	.00	.00	.00	.00	.00	.00	+++	.00
Outside Services	5,550.00	.00	5,550.00	58.37	40.60	267.77	5,241.63	6	.00
Supplies	500.00	.00	500.00	.00	.00	.00	500.00	0	.00
Insurance	.00	.00	.00	.00	.00	.00	.00	+++	.00
Miscellaneous (Non-lapsing)	.00	182,346.00	182,346.00	113.55	11,193.29	24,455.83	146,696.88	20	440,966.47
EXPENSE TOTALS	\$6,050.00	\$182,346.00	\$188,396.00	\$171.92	\$11,233.89	\$24,723.60	\$152,438.51	19%	\$440,966.47
Fund 2701 - Housing Revolv Loan Fd Cons-2008 Totals									
REVENUE TOTALS	.00	35,739.00	35,739.00	10,466.69	.00	144,299.33	(108,560.33)	404	103,618.17
EXPENSE TOTALS	6,050.00	182,346.00	188,396.00	171.92	11,233.89	24,723.60	152,438.51	19	440,966.47
Grand Totals	(\$6,050.00)	(\$146,607.00)	(\$152,657.00)	\$10,294.77	(\$11,233.89)	\$119,575.73	(\$260,998.84)		(\$337,348.30)
Grand Totals									
REVENUE TOTALS	.00	35,739.00	35,739.00	10,466.69	.00	144,299.33	(108,560.33)	404	103,618.17
EXPENSE TOTALS	6,050.00	182,346.00	188,396.00	171.92	11,233.89	24,723.60	152,438.51	19	440,966.47
Grand Totals	(\$6,050.00)	(\$146,607.00)	(\$152,657.00)	\$10,294.77	(\$11,233.89)	\$119,575.73	(\$260,998.84)		(\$337,348.30)

NEOCTIF District Fund Budget by Account Class Report

Through 03/31/13

Prior Fiscal Year Activity Included

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 4100 - NEOCTIF District Fund									
REVENUE									
Property Taxes	498,970.00	.00	498,970.00	.00	.00	687,519.13	(188,549.13)	138	462,101.00
Investment Income	1,000.00	.00	1,000.00	35.00	.00	699.00	301.00	70	770.00
Miscellaneous-Other	.00	.00	.00	.00	.00	.00	.00	+++	.00
Use of Fund Balance/Retained Earnings	.00	.00	.00	.00	.00	.00	.00	+++	.00
REVENUE TOTALS	\$499,970.00	\$0.00	\$499,970.00	\$35.00	\$0.00	\$688,218.13	(\$188,248.13)	138%	\$462,871.00
EXPENSE									
Outside Services	.00	.00	.00	.00	.00	.00	.00	+++	.00
Debt Service	394,070.00	.00	394,070.00	203,348.50	.00	383,139.50	10,930.50	97	395,679.50
Miscellaneous	.00	.00	.00	.00	.00	.00	.00	+++	.00
Transfers Out	89,840.00	.00	89,840.00	7,486.67	.00	67,380.03	22,459.97	75	295,414.97
EXPENSE TOTALS	\$483,910.00	\$0.00	\$483,910.00	\$210,835.17	\$0.00	\$450,519.53	\$33,390.47	93%	\$691,094.47
Fund 4100 - NEOCTIF District Fund Totals									
REVENUE TOTALS	499,970.00	.00	499,970.00	35.00	.00	688,218.13	(188,248.13)	138	462,871.00
EXPENSE TOTALS	483,910.00	.00	483,910.00	210,835.17	.00	450,519.53	33,390.47	93	691,094.47
Grand Totals	\$16,060.00	\$0.00	\$16,060.00	(\$210,800.17)	\$0.00	\$237,698.60	(\$221,638.60)		(\$228,223.47)
Grand Totals									
REVENUE TOTALS	499,970.00	.00	499,970.00	35.00	.00	688,218.13	(188,248.13)	138	462,871.00
EXPENSE TOTALS	483,910.00	.00	483,910.00	210,835.17	.00	450,519.53	33,390.47	93	691,094.47
Grand Totals	\$16,060.00	\$0.00	\$16,060.00	(\$210,800.17)	\$0.00	\$237,698.60	(\$221,638.60)		(\$228,223.47)

Sears Block TIF Fund Budget by Account Class Report

Through 03/31/13

Prior Fiscal Year Activity Included

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/	Prior Year YTD
Fund 4200 - Sears Block TIF District Fund									
REVENUE									
Property Taxes	379,300.00	.00	379,300.00	.00	.00	510,365.34	(131,065.34)	135	368,456.00
Investment Income	200.00	.00	200.00	2.00	.00	104.00	96.00	52	93.00
Use of Fund Balance/Retained Earnings	.00	.00	.00	.00	.00	.00	.00	+++	.00
REVENUE TOTALS	\$379,500.00	\$0.00	\$379,500.00	\$2.00	\$0.00	\$510,469.34	(\$130,969.34)	135%	\$368,549.00
EXPENSE									
Transfers Out Non-Lapsing	.00	.00	.00	.00	.00	.00	.00	+++	20,000.00
Outside Services	.00	.00	.00	.00	.00	.00	.00	+++	.00
Debt Service	258,655.00	.00	258,655.00	.00	.00	257,083.13	1,571.87	99	236,763.76
Transfers Out	.00	.00	.00	.00	.00	.00	.00	+++	.00
EXPENSE TOTALS	\$258,655.00	\$0.00	\$258,655.00	\$0.00	\$0.00	\$257,083.13	\$1,571.87	99%	\$256,763.76
Fund 4200 - Sears Block TIF District Fund Totals									
REVENUE TOTALS	379,500.00	.00	379,500.00	2.00	.00	510,469.34	(130,969.34)	135	368,549.00
EXPENSE TOTALS	258,655.00	.00	258,655.00	.00	.00	257,083.13	1,571.87	99	256,763.76
Grand Totals	\$120,845.00	\$0.00	\$120,845.00	\$2.00	\$0.00	\$253,386.21	(\$132,541.21)		\$111,785.24
Grand Totals									
REVENUE TOTALS	379,500.00	.00	379,500.00	2.00	.00	510,469.34	(130,969.34)	135	368,549.00
EXPENSE TOTALS	258,655.00	.00	258,655.00	.00	.00	257,083.13	1,571.87	99	256,763.76
Grand Totals	\$120,845.00	\$0.00	\$120,845.00	\$2.00	\$0.00	\$253,386.21	(\$132,541.21)		\$111,785.24

Penacook Village TIF Fund Budget by Account Class Report

Through 03/31/13

Prior Fiscal Year Activity Included

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 4300 - Penacook Village TIF									
REVENUE									
Property Taxes	44,060.00	.00	44,060.00	.00	.00	49,921.28	(5,861.28)	113	7,193.00
Investment Income	50.00	.00	50.00	2.00	.00	21.00	29.00	42	35.00
Miscellaneous-Other	.00	.00	.00	.00	.00	.00	.00	+++	.00
Transfers-In Trust	.00	.00	.00	.00	.00	.00	.00	+++	.00
Transfers-In Other	.00	.00	.00	.00	.00	.00	.00	+++	.00
REVENUE TOTALS	\$44,110.00	\$0.00	\$44,110.00	\$2.00	\$0.00	\$49,942.28	(\$5,832.28)	113%	\$7,228.00
EXPENSE									
Compensation	.00	.00	.00	.00	.00	.00	.00	+++	.00
Fringe Benefits	.00	.00	.00	.00	.00	.00	.00	+++	.00
Outside Services	5,000.00	.00	5,000.00	.00	.00	.00	5,000.00	0	100.00
Supplies	.00	.00	.00	.00	.00	.00	.00	+++	.00
Insurance	.00	.00	.00	.00	.00	.00	.00	+++	.00
Capital Outlay	.00	.00	.00	.00	.00	.00	.00	+++	.00
Debt Service	21,500.00	.00	21,500.00	.00	.00	21,497.99	2.01	100	.00
Transfers Out	.00	.00	.00	.00	.00	.00	.00	+++	.00
EXPENSE TOTALS	\$26,500.00	\$0.00	\$26,500.00	\$0.00	\$0.00	\$21,497.99	\$5,002.01	81%	\$100.00
Fund 4300 - Penacook Village TIF Totals									
REVENUE TOTALS	44,110.00	.00	44,110.00	2.00	.00	49,942.28	(5,832.28)	113	7,228.00
EXPENSE TOTALS	26,500.00	.00	26,500.00	.00	.00	21,497.99	5,002.01	81	100.00
Fund 4300 - Penacook Village TIF Totals	\$17,610.00	\$0.00	\$17,610.00	\$2.00	\$0.00	\$28,444.29	(\$10,834.29)		\$7,128.00
Grand Totals									
REVENUE TOTALS	44,110.00	.00	44,110.00	2.00	.00	49,942.28	(5,832.28)	113	7,228.00
EXPENSE TOTALS	26,500.00	.00	26,500.00	.00	.00	21,497.99	5,002.01	81	100.00
Grand Totals	\$17,610.00	\$0.00	\$17,610.00	\$2.00	\$0.00	\$28,444.29	(\$10,834.29)		\$7,128.00

Golf Course Fund Budget by Account Class Report

Through 03/31/13
Prior Fiscal Year Activity Included
Summary Listing

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 7300 - Golf Course Fund									
REVENUE									
Programs, Services & Products	808,970.00	(31,514.00)	777,456.00	32,811.00	.00	345,653.92	431,802.08	44	374,098.06
Rents, Leases & Use	.00	.00	.00	.00	.00	.00	.00	+++	.00
Fines, Penalties & Costs	.00	.00	.00	.00	.00	.00	.00	+++	.00
Investment Income	380.00	(380.00)	.00	18.00	.00	290.00	(290.00)	+++	109.00
Miscellaneous-Other	38,000.00	.00	38,000.00	.00	.00	23,528.00	14,472.00	62	23,000.00
Transfers-In Other	.00	30,400.00	30,400.00	25,562.50	.00	28,262.50	2,137.50	93	.00
REVENUE TOTALS	\$847,350.00	(\$1,494.00)	\$845,856.00	\$58,391.50	\$0.00	\$397,734.42	\$448,121.58	47%	\$397,207.06
EXPENSE									
Compensation	245,860.00	16,625.00	262,485.00	12,970.11	.00	144,884.63	117,600.37	55	178,193.90
Fringe Benefits	128,260.00	(5,500.00)	122,760.00	8,764.25	.00	72,519.68	50,240.32	59	89,067.93
Outside Services	165,325.00	(28,021.00)	137,304.00	527.77	29,268.55	95,615.27	12,420.18	91	102,403.00
Supplies	131,160.00	36,750.00	167,910.00	3,738.49	6,156.47	65,503.82	96,249.71	43	83,088.63
Utilities	35,410.00	(1,500.00)	33,910.00	2,052.92	.00	24,774.82	9,135.18	73	26,220.70
Insurance	5,570.00	(1,448.00)	4,122.00	147.87	.00	3,881.77	240.23	94	5,389.44
Debt Service	60,100.00	.00	60,100.00	25,562.50	.00	57,462.50	2,637.50	96	61,550.00
Allocated Costs	.00	.00	.00	.00	.00	.00	.00	+++	16,364.97
Transfers Out	85,450.00	(7,500.00)	77,950.00	6,245.83	.00	59,212.47	18,737.53	76	96,325.03
(Gain) Loss on Refunding	.00	.00	.00	.00	.00	(3,000.00)	3,000.00	+++	.00
EXPENSE TOTALS	\$857,135.00	\$9,406.00	\$866,541.00	\$60,009.74	\$35,425.02	\$520,854.96	\$310,261.02	64%	\$658,603.60
Fund 7300 - Golf Course Fund Totals									
REVENUE TOTALS	847,350.00	(1,494.00)	845,856.00	58,391.50	.00	397,734.42	448,121.58	47	397,207.06
EXPENSE TOTALS	857,135.00	9,406.00	866,541.00	60,009.74	35,425.02	520,854.96	310,261.02	64	658,603.60
Fund 7300 - Golf Course Fund Totals	(\$9,785.00)	(\$10,900.00)	(\$20,685.00)	(\$1,618.24)	(\$35,425.02)	(\$123,120.54)	\$137,860.56		(\$261,396.54)
Grand Totals									
REVENUE TOTALS	847,350.00	(1,494.00)	845,856.00	58,391.50	.00	397,734.42	448,121.58	47	397,207.06
EXPENSE TOTALS	857,135.00	9,406.00	866,541.00	60,009.74	35,425.02	520,854.96	310,261.02	64	658,603.60
Grand Totals	(\$9,785.00)	(\$10,900.00)	(\$20,685.00)	(\$1,618.24)	(\$35,425.02)	(\$123,120.54)	\$137,860.56		(\$261,396.54)

Arena Fund Budget by Account Class Report

Through 03/31/13
Prior Fiscal Year Activity Included
Summary Listing

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	Encumbrances	YTD Transactions	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 7400 - Arena Fund										
REVENUE										
Intergovernmental-Federal Programs, Services & Products	.00	.00	.00	.00	.00	.00	.00	.00	+++	.00
Rents, Leases & Use	15,000.00	.00	15,000.00	(1,350.00)	.00	3,450.00	11,550.00	23		17,675.00
Fines, Penalties & Costs	533,170.00	.00	533,170.00	105,438.57	.00	491,029.68	42,140.32	92		431,305.88
Investment Income	250.00	.00	250.00	44.02	.00	659.80	(409.80)	264		533.32
Miscellaneous-Other	220.00	.00	220.00	32.00	.00	424.00	(204.00)	193		60.00
Transfers-In Trust	.00	.00	.00	11.00	.00	421.90	(421.90)	+++		320.81
Transfers-In Other	.00	.00	.00	.00	.00	.00	.00	+++		.00
Capital Contributions	17,380.00	.00	17,380.00	.00	.00	.00	17,380.00	0		.00
	.00	.00	.00	.00	.00	.00	.00	+++		.00
REVENUE TOTALS	\$566,020.00	\$0.00	\$566,020.00	\$104,175.59	\$0.00	\$495,985.38	\$70,034.62	88%		\$449,895.01
EXPENSE										
Compensation	155,840.00	.00	155,840.00	19,351.37	.00	131,172.33	24,667.67	84		125,674.93
Fringe Benefits	90,660.00	.00	90,660.00	10,559.08	.00	74,000.50	16,659.50	82		68,506.47
Outside Services	28,675.00	.00	28,675.00	1,931.19	1,598.36	16,938.12	10,138.52	65		25,835.31
Supplies	18,860.00	.00	18,860.00	1,087.74	505.96	11,811.73	6,542.31	65		12,158.81
Utilities	72,930.00	.00	72,930.00	14,047.09	.00	65,048.86	7,881.14	89		65,870.23
Insurance	5,310.00	.00	5,310.00	220.61	.00	6,728.26	(1,418.26)	127		5,854.24
Capital Outlay	15,500.00	.00	15,500.00	.00	.00	14,944.00	556.00	96		.00
Capital Outlay (Non-lapsing)	.00	.00	.00	.00	.00	.00	.00	+++		.00
Debt Service	97,780.00	.00	97,780.00	16,162.50	.00	95,845.31	1,934.69	98		61,577.00
Allocated Costs	12,870.00	.00	12,870.00	1,072.50	.00	9,652.50	3,217.50	75		9,329.94
Transfers Out	41,000.00	.00	41,000.00	3,333.33	.00	30,999.97	10,000.03	76		83,175.03
	\$539,425.00	\$0.00	\$539,425.00	\$67,765.41	\$2,104.32	\$457,141.58	\$80,179.10	85%		\$457,981.96
EXPENSE TOTALS	\$539,425.00	\$0.00	\$539,425.00	\$67,765.41	\$2,104.32	\$457,141.58	\$80,179.10	85%		\$457,981.96
Fund 7400 - Arena Fund Totals										
REVENUE TOTALS	566,020.00	.00	566,020.00	104,175.59	.00	495,985.38	70,034.62	88		449,895.01
EXPENSE TOTALS	539,425.00	.00	539,425.00	67,765.41	2,104.32	457,141.58	80,179.10	85		457,981.96
Fund 7400 - Arena Fund Totals	\$26,595.00	\$0.00	\$26,595.00	\$36,410.18	(\$2,104.32)	\$38,843.80	(\$10,144.48)			(\$8,086.95)
Grand Totals										
REVENUE TOTALS	566,020.00	.00	566,020.00	104,175.59	.00	495,985.38	70,034.62	88		449,895.01
EXPENSE TOTALS	539,425.00	.00	539,425.00	67,765.41	2,104.32	457,141.58	80,179.10	85		457,981.96
Grand Totals	\$26,595.00	\$0.00	\$26,595.00	\$36,410.18	(\$2,104.32)	\$38,843.80	(\$10,144.48)			(\$8,086.95)

Solid Waste Fund Budget by Account Class Report

Through 03/31/13

Prior Fiscal Year Activity Included

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 7700 - Solid Waste Fund									
REVENUE									
Intergovernmental-State	40,950.00	(40,950.00)	.00	.00	.00	.00	.00	+++	43,151.52
Intergovernmental-Local	60,580.00	.00	60,580.00	5,048.33	.00	45,434.97	15,145.03	75	45,434.97
Programs, Services & Products	3,066,090.00	.00	3,066,090.00	206,047.14	.00	1,918,873.26	1,147,216.74	63	2,148,353.49
Fines, Penalties & Costs	400.00	.00	400.00	68.41	.00	1,069.57	(669.57)	267	341.82
Licenses and Permits	800.00	.00	800.00	200.00	.00	600.00	200.00	75	700.00
Miscellaneous-Other	.00	.00	.00	(200.00)	.00	.00	.00	+++	.00
Transfers-In Trust	13,800.00	.00	13,800.00	.00	.00	13,800.00	.00	100	10,200.00
Transfers-In Other	1,410,000.00	(170,070.00)	1,239,930.00	103,327.50	.00	929,947.50	309,982.50	75	1,057,500.00
REVENUE TOTALS	\$4,592,620.00	(\$211,020.00)	\$4,381,600.00	\$314,491.38	\$0.00	\$2,909,725.30	\$1,471,874.70	66%	\$3,305,681.80
EXPENSE									
Compensation	161,190.00	.00	161,190.00	5,154.62	.00	144,235.61	16,954.39	89	142,295.44
Fringe Benefits	116,380.00	.00	116,380.00	3,684.29	.00	101,409.10	14,970.90	87	88,147.47
Outside Services	4,170,600.00	.00	4,170,600.00	290,673.32	1,382,962.05	2,578,600.45	209,037.50	95	2,577,835.23
Supplies	.00	.00	.00	.00	.00	.00	.00	+++	.00
Utilities	5,660.00	.00	5,660.00	1,203.87	.00	5,287.83	372.17	93	2,848.93
Insurance	2,010.00	.00	2,010.00	58.78	.00	1,774.45	235.55	88	1,819.28
Capital Outlay	.00	.00	.00	.00	.00	.00	.00	+++	.00
Debt Service	237,365.00	(211,020.00)	26,345.00	.00	.00	20,645.01	5,699.99	78	210,614.43
Allocated Costs	1,800.00	.00	1,800.00	300.00	.00	2,700.00	(900.00)	150	2,332.44
Transfers Out	20,000.00	.00	20,000.00	.00	.00	20,000.00	.00	100	35,000.00
EXPENSE TOTALS	\$4,715,005.00	(\$211,020.00)	\$4,503,985.00	\$301,074.88	\$1,382,962.05	\$2,874,652.45	\$246,370.50	95%	\$3,060,893.22
Fund 7700 - Solid Waste Fund Totals									
REVENUE TOTALS	4,592,620.00	(211,020.00)	4,381,600.00	314,491.38	.00	2,909,725.30	1,471,874.70	66	3,305,681.80
EXPENSE TOTALS	4,715,005.00	(211,020.00)	4,503,985.00	301,074.88	1,382,962.05	2,874,652.45	246,370.50	95	3,060,893.22
Grand Totals	(\$122,385.00)	\$0.00	(\$122,385.00)	\$13,416.50	(\$1,382,962.05)	\$35,072.85	\$1,225,504.20		\$244,788.58
Grand Totals									
REVENUE TOTALS	4,592,620.00	(211,020.00)	4,381,600.00	314,491.38	.00	2,909,725.30	1,471,874.70	66	3,305,681.80
EXPENSE TOTALS	4,715,005.00	(211,020.00)	4,503,985.00	301,074.88	1,382,962.05	2,874,652.45	246,370.50	95	3,060,893.22
Grand Totals	(\$122,385.00)	\$0.00	(\$122,385.00)	\$13,416.50	(\$1,382,962.05)	\$35,072.85	\$1,225,504.20		\$244,788.58

Water Fund Budget by Account Class Report

Through 03/31/13
Prior Fiscal Year Activity Included
Summary Listing

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	Encumbrances	YTD Transactions	YTD Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 7800 - Water Fund									
REVENUE									
Intergovernmental-State	.00	.00	.00	.00	.00	.00	.00	+++	.00
Programs, Services & Products	5,399,700.00	.00	5,399,700.00	402,347.24	.00	4,114,254.56	1,285,445.44	76	4,011,267.71
Fines, Penalties & Costs	24,200.00	.00	24,200.00	1,766.21	.00	20,120.46	4,079.54	83	20,334.63
Investment Income	4,450.00	.00	4,450.00	605.00	.00	6,371.00	(1,921.00)	143	18,426.78
Miscellaneous-Other	60,010.00	.00	60,010.00	4,574.92	.00	43,552.14	16,457.86	73	80,959.54
Capital Contributions	50,000.00	.00	50,000.00	694.00	.00	12,718.19	37,281.81	25	.00
Use of Fund Balance/Retained Earnings	.00	.00	.00	.00	.00	.00	.00	+++	.00
REVENUE TOTALS	\$5,538,360.00	\$0.00	\$5,538,360.00	\$409,987.37	\$0.00	\$4,197,016.35	\$1,341,343.65	76%	\$4,130,988.66
EXPENSE									
Compensation	931,710.00	.00	931,710.00	88,727.61	.00	655,297.33	276,412.67	70	770,976.78
Fringe Benefits	783,130.00	.00	783,130.00	81,589.33	19,976.21	567,387.60	195,766.19	75	698,936.20
Outside Services	(30,670.00)	.00	(30,670.00)	7,600.99	31,444.79	66,132.59	(128,247.38)	-318	103,037.29
Supplies	621,760.00	.00	621,760.00	29,562.21	82,414.02	264,091.77	275,254.21	56	338,800.81
Utilities	273,530.00	.00	273,530.00	20,304.65	.00	212,689.36	60,840.64	78	140,200.84
Insurance	44,070.00	.00	44,070.00	1,011.50	.00	39,030.22	5,039.78	89	32,022.61
Capital Outlay	107,500.00	.00	107,500.00	.00	.00	21,930.91	85,569.09	20	45,167.19
Capital Outlay (Non-lapsing)	.00	.00	.00	.00	.00	.00	.00	+++	.00
Debt Service	2,010,390.00	.00	2,010,390.00	585,943.88	.00	1,961,577.34	48,812.66	98	1,929,418.29
Miscellaneous	75,860.00	.00	75,860.00	.00	.00	14,804.00	61,056.00	20	31,256.00
Allocated Costs	277,090.00	.00	277,090.00	23,090.83	.00	207,817.47	69,272.53	75	205,062.03
Transfers Out	759,500.00	.00	759,500.00	35,708.33	.00	602,374.97	157,125.03	79	783,202.97
(Gain) Loss on Refunding	.00	.00	.00	.00	.00	(77,750.00)	77,750.00	+++	.00
EXPENSE TOTALS	\$5,853,870.00	\$0.00	\$5,853,870.00	\$873,539.33	\$133,835.02	\$4,535,383.56	\$1,184,651.42	80%	\$5,078,081.01
Fund 7800 - Water Fund Totals									
REVENUE TOTALS	5,538,360.00	.00	5,538,360.00	409,987.37	.00	4,197,016.35	1,341,343.65	76	4,130,988.66
EXPENSE TOTALS	5,853,870.00	.00	5,853,870.00	873,539.33	133,835.02	4,535,383.56	1,184,651.42	80	5,078,081.01
Fund 7800 - Water Fund Totals	(\$315,510.00)	\$0.00	(\$315,510.00)	(\$463,551.96)	(\$133,835.02)	(\$338,367.21)	\$156,692.23		(\$947,092.35)
Grand Totals									
REVENUE TOTALS	5,538,360.00	.00	5,538,360.00	409,987.37	.00	4,197,016.35	1,341,343.65	76	4,130,988.66
EXPENSE TOTALS	5,853,870.00	.00	5,853,870.00	873,539.33	133,835.02	4,535,383.56	1,184,651.42	80	5,078,081.01
Grand Totals	(\$315,510.00)	\$0.00	(\$315,510.00)	(\$463,551.96)	(\$133,835.02)	(\$338,367.21)	\$156,692.23		(\$947,092.35)

Wastewater Fund Budget by Account Class Report

Through 03/31/13
Prior Fiscal Year Activity Included

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	Encumbrances	YTD Transactions	YTD Budget - YTD % used/	Prior Year YTD	
Fund 7900 - WW Fd									
REVENUE									
Intergovernmental-Federal	.00	.00	.00	.00	.00	.00	.00	.00	
Intergovernmental-State	199,230.00	.00	199,230.00	.00	.00	22,620.00	176,610.00	11	
Programs, Services & Products	6,673,670.00	.00	6,673,670.00	479,753.31	.00	5,074,188.95	1,599,481.05	76	
Fines, Penalties & Costs	24,200.00	.00	24,200.00	3,626.24	.00	22,485.74	1,714.26	93	
Licenses and Permits	1,100.00	.00	1,100.00	.00	.00	1,050.00	50.00	95	
Investment Income	2,260.00	.00	2,260.00	642.00	.00	5,980.00	(3,720.00)	265	
Miscellaneous-Other	61,510.00	.00	61,510.00	5,050.82	.00	48,832.77	12,677.23	79	
Transfers-In Trust	.00	.00	.00	.00	.00	.00	.00	.00	
Transfers-In Other	.00	.00	.00	.00	.00	.00	.00	.00	
Capital Contributions	50,000.00	.00	50,000.00	855.00	.00	37,099.67	12,900.33	74	
REVENUE TOTALS	\$7,011,970.00	\$0.00	\$7,011,970.00	\$489,927.37	\$0.00	\$5,212,257.13	\$1,799,712.87	74%	\$5,113,955.69
EXPENSE									
Compensation	1,144,320.00	.00	1,144,320.00	105,715.76	.00	780,687.67	363,632.33	68	
Fringe Benefits	945,020.00	.00	945,020.00	94,952.66	19,976.13	662,971.82	262,072.05	72	
Outside Services	459,135.00	.00	459,135.00	46,836.25	89,241.27	272,246.44	97,647.29	79	
Supplies	460,000.00	.00	460,000.00	32,152.93	89,693.50	295,483.10	74,823.40	84	
Utilities	568,640.00	.00	568,640.00	76,557.11	.00	356,507.25	212,132.75	63	
Insurance	57,010.00	.00	57,010.00	1,205.13	.00	51,822.83	5,187.17	91	
Capital Outlay	82,000.00	.00	82,000.00	970.00	3,791.88	40,980.51	37,227.61	55	
Capital Outlay (Non-lapsing)	.00	.00	.00	.00	.00	.00	.00	.00	
Debt Service	2,361,290.00	.00	2,361,290.00	810,791.61	.00	1,948,465.61	412,824.39	83	
Miscellaneous	19,930.00	.00	19,930.00	.00	.00	12,382.50	7,547.50	62	
Allocated Costs	237,268.00	.00	237,268.00	19,676.67	.00	177,090.03	60,177.97	75	
Transfers Out	702,800.00	.00	702,800.00	42,233.33	.00	526,099.97	176,700.03	75	
(Gain) Loss on Refunding	.00	.00	.00	.00	.00	(12,590.00)	12,590.00	+++	
EXPENSE TOTALS	\$7,037,413.00	\$0.00	\$7,037,413.00	\$1,231,091.45	\$202,702.78	\$5,112,147.73	\$1,722,562.49	76%	\$4,663,765.09
Fund 7900 - WW Fd Totals									
REVENUE TOTALS	7,011,970.00	.00	7,011,970.00	489,927.37	.00	5,212,257.13	1,799,712.87	74	5,113,955.69
EXPENSE TOTALS	7,037,413.00	.00	7,037,413.00	1,231,091.45	202,702.78	5,112,147.73	1,722,562.49	76	4,663,765.09
Fund 7900 - WW Fd Totals	(\$25,443.00)	\$0.00	(\$25,443.00)	(\$741,164.08)	(\$202,702.78)	\$100,109.40	\$77,150.38		\$450,190.60
Grand Totals									
REVENUE TOTALS	7,011,970.00	.00	7,011,970.00	489,927.37	.00	5,212,257.13	1,799,712.87	74	5,113,955.69
EXPENSE TOTALS	7,037,413.00	.00	7,037,413.00	1,231,091.45	202,702.78	5,112,147.73	1,722,562.49	76	4,663,765.09
Grand Totals	(\$25,443.00)	\$0.00	(\$25,443.00)	(\$741,164.08)	(\$202,702.78)	\$100,109.40	\$77,150.38		\$450,190.60

Trust Fund Budget by Account Class Report

Through 03/31/13
Prior Fiscal Year Activity Included
Summary Listing

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year YTD
Fund 9100 - Trust Fund									
REVENUE									
Investment Income	.00	.00	.00	57,877.21	.00	879,864.20	(879,864.20)	+++	804,850.73
Transfers-In Trust	.00	.00	.00	.00	.00	.00	.00	+++	.00
Transfers-In Other	.00	.00	.00	.00	.00	1,382,140.00	(1,382,140.00)	+++	1,756,075.00
REVENUE TOTALS	\$0.00	\$0.00	\$0.00	\$57,877.21	\$0.00	\$2,262,004.20	(\$2,262,004.20)	+++	\$2,560,925.73
EXPENSE									
Transfers Out Non-Lapsing	.00	.00	.00	6,990.00	.00	2,142,238.02	(2,142,238.02)	+++	1,415,454.00
Miscellaneous	.00	.00	.00	.00	.00	.00	.00	+++	306.04
Transfers Out	.00	.00	.00	.00	.00	.00	.00	+++	.00
EXPENSE TOTALS	\$0.00	\$0.00	\$0.00	\$6,990.00	\$0.00	\$2,142,238.02	(\$2,142,238.02)	+++	\$1,415,760.04
Fund 9100 - Trust Fund Totals									
REVENUE TOTALS	.00	.00	.00	57,877.21	.00	2,262,004.20	(2,262,004.20)	+++	2,560,925.73
EXPENSE TOTALS	.00	.00	.00	6,990.00	.00	2,142,238.02	(2,142,238.02)	+++	1,415,760.04
Fund 9100 - Trust Fund Totals	\$0.00	\$0.00	\$0.00	\$50,887.21	\$0.00	\$119,766.18	(\$119,766.18)	+++	\$1,145,165.69
Grand Totals									
REVENUE TOTALS	.00	.00	.00	57,877.21	.00	2,262,004.20	(2,262,004.20)	+++	2,560,925.73
EXPENSE TOTALS	.00	.00	.00	6,990.00	.00	2,142,238.02	(2,142,238.02)	+++	1,415,760.04
Grand Totals	\$0.00	\$0.00	\$0.00	\$50,887.21	\$0.00	\$119,766.18	(\$119,766.18)	+++	\$1,145,165.69



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

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

DATE: April 29, 2013

SUBJECT: Report from Engineering Services Division on the Pleasant/Warren/Fruit Intersection Traffic Operations Improvement Project (CIP 283).

Recommendation

Accept this report recommending that the full replacement of traffic signals at the Pleasant/Warren/Fruit intersection be deferred as a future project, and that additional and/or alternative intersection improvements also be considered at that time which meet the complete-street objectives of the City's *Comprehensive Transportation Policy*. The current CIP 283 traffic operations improvement project should be limited to minimal signal equipment upgrades needed to maintain current signal operation over the coming several years with objective that new equipment installed can be readily relocated at a potentially reconstructed intersection at later date or reused at another city intersection.

Background

The Pleasant/Warren/Fruit Intersection Improvement Project (CIP 283 FY2013) consists of traffic signal equipment upgrades and operational improvements. The current intersection has aging and outdated signal equipment, some of which is in critical need of replacement in order to maintain reliable signal operation. \$200,000 was budgeted in FY2013 for full traffic signal replacement including pedestrian crossings. Staff assessed the traffic control needs of the intersection based on intersection geometry, future traffic projections, and compliance with the complete streets aspects of the City's *Comprehensive Transportation Policy*. A significant finding is that the current intersection configuration cannot accommodate future needs without substantial road and curb reconstruction in excess of the current CIP 283 budgeted amount. Staff suggests that it would be prudent to defer the construction of permanent signal structures and foundations to coincide with implementation of future street and sidewalk locations.

Preliminary findings and recommendation were considered by the Traffic Operations Committee (TOC) on February 19, 2013 and the Transportation Policy Advisory Committee (TPAC) on February 28, 2013. Both committees strongly endorsed the recommendations outlined in this report.

Discussion

Engineering Services has compiled survey base plans of the intersection area and analyzed 2035 design-year traffic projections which include effects of the future Langley Parkway North (Phase 3) as well as area traffic growth at the regional medical campus to the west and the NH State Office Park South. In addition to necessary signal updates, staff assessed additional improvements needed to make the project comply with the 'complete streets' aspect of the City's Comprehensive Transportation Policy, including pedestrian and bicycle accommodation. The current intersection configuration does not accommodate bicycles as there are narrow multiple-lane approaches without shoulders. Sidewalks on the intersection corners also require upgrading for pedestrians.

Upgraded traffic signalization would generally provide new equipment, but existing lane use and signal operation would continue; additional intersection capacity cannot be achieved without substantial widening for additional approach lanes. The existing diagonal crosswalk would be retained as it is the primary crossing for walkers between the high school and the Memorial Field area. Additional improvements to provide a complete-street design are illustrated in Figure 1 and include: revised approach-lane markings along all intersection approaches with slightly-narrowed travel lanes and provision of five-foot shoulders for bicycles; and reconstructed sidewalks, curbs and ramps on intersection corners. All lane-marking changes can be accommodated on the existing paved width except the high-school side of Warren Street which would need to be widened about five feet between N. Fruit Street and the turn-around driveway at the school's main entrance. This widening would require some right-of-way from the school district and relocation of several significant utility poles. The overall project, with complete-street compliance, costs more than the current CIP 283 budget for the signalization upgrade.

Another complete-street option includes removal of the traffic signal control and reconstruction of the intersection into a single-lane roundabout as illustrated in Figure 2. A roundabout option would outperform the signalized option in terms of reducing vehicle and pedestrian delays and traffic queues as well as allowing for additional future traffic growth. Some right-of-way would be needed from both the school district and the State's office park, although all road widening would be limited to the intersection proper; additional lane widening along Warren Street to the east would not be necessary. It appears that adequate space can be made available to develop an appropriately-designed roundabout able to accommodate all travel users including large trucks. Slower travel speeds induced by a roundabout operation would also complement planned sidewalk bump-outs and crosswalk improvements along Warren Street easterly to the Warren/Westbourne intersection (CIP 380 FY 2014). The roundabout option also costs in excess of the currently-budgeted amount for CIP 283.

Each of the above complete-street improvements can address long-range needs of the corridor, particularly after completion of the Langley Parkway north extension. The new corridor will act to remove a substantial volume of traffic from the Pleasant-to-Warren travel direction, redefining the future needs of the intersection. In that regard, staff suggests reconsideration of the current CIP 283 FY2013 signal replacement project to minimize construction of substantial traffic signal structures when the long-range needs of the intersection suggest potentially altered intersection geometry. An option is to install minimal signal hardware improvements now to maintain the short-term viability of existing signal operation, and defer a more comprehensive complete-street improvement for several years, preferably following the Langley Parkway project (currently scheduled for

completion in FY2018. Interim short-term signal improvements include replacement of the controller cabinet and related electronics. This can be reinstalled on the existing cabinet foundation, and could be reused/relocated later at this intersection or relocated to another signalized intersection in need of a control cabinet replacement. Other interim improvements include: upgrading several dated signal-head displays; and either installing some temporary overhead wiring or alternative video detection in order to bypass several underground vehicle-detection cables that cannot be serviced due to conduit failure. These interim improvements are intended to provide for prompt future signal maintenance, avoiding what could otherwise be an extended signal-outage period at an intersection that really requires signal controls due to its unique configuration. The unused portion of the CIP 283 FY 2013 budget amount would be returned to General Impact Fee Funds.

Both TOC and TPAC concurred with the need and appropriateness of the larger complete-street improvement and recommended deferring the full intersection improvement project to follow the completion of the Langley Parkway North project, and in conjunction with consideration of the future Pleasant Street Corridor improvements. Of the two future intersection improvement options, both committees indicated strong preference for the roundabout option.

RJM/rjm

Attachments: Future intersection improvement options (Figures 1 and 2)

cc: Transportation Policy Advisory Committee
 Traffic Operations Committee
 Chip Chesley, General Services Director
 John Duval, Police Chief
 Dan Andrus, Fire Chief
 Matt Cashman, Concord School District



FIGURE 1

Future Lane Widening & Signalization Option

CIP 283:
 Traffic Operations Improvements
 Pleasant/Warren/Fruit Intersection
 City of Concord, New Hampshire
 Engineering Services Division
 April 2013



FIGURE 2

**Future Roundabout
Option**

CIP 283:
Traffic Operations Improvements
Pleasant/Warren/Fruit Intersection
City of Concord, New Hampshire
Engineering Services Division
April 2013

	Proposed Pavement/Overlay - Street
	Proposed Truck Apron
	Proposed Raised Median
	Proposed Sidewalk/Multi-use Path
	Existing Sidewalk
	Grass/Landscaping
	Existing Edge of Sidewalk/Pavement
	Existing Property Boundary

Feet
20 0 20 40 60 80 100



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Thomas J. Aspell, Jr., City Manager

DATE: April 15, 2013

SUBJECT: 2012 – 2013 City Council Priorities

Recommendation

Accept this report as to the current status of the City Council Priorities established on January 23, 2012.

Background

Members of the City Council met on January 23, 2012 to discuss and set priorities for the remainder of Calendar Year 2012, as well as Calendar Year 2013.

Discussion

Listed below, in ranked order, are the accepted priorities, projects and ongoing initiatives; and their respective statuses.

GOAL 1. BALANCED BUDGET ISSUES

a) Retirement Costs

Status: The City is part of the NH Retirement System (NHRS) and is mandated to follow the statutory employee and employer rate structures established by the NHRS Board of Trustees.

Currently, the actuarial assumed rate of return for the NHRS is 7.75%. Prior to July 1, 2011, it was 8.5%. While the pre-July 1, 2011 retirement board took action in May 2011 to increase employer rates for July 1, 2011, to reflect the new assumed rate of return, the subsequent new board voted to only increase employer rates as of July 1, 2013. The new retirement rates were made public by the Retirement System in September. The estimated impact to the City is nearly \$1.1 million, of which slightly more than \$1 million will be allocated to the General Fund.

By way of update to the legal challenges to the NHRS, on August 31, 2012, the New Hampshire Supreme Court denied a municipality, school district and county coalition challenging the State law, which increased mandatory employer contribution rates to the NHRS for police, fire and teachers. The Supreme Court held that the increased contribution rates do not violate Article 28-a of the New Hampshire Constitution.

There are four additional lawsuits pending at the Superior Court level challenging various legislative changes to certain definitions under the Retirement System statute, as well as the increase to the employee contribution rates for NHRS applicable wages. The Legal Department is tracking these cases. At this juncture, the overall effect of these cases to municipalities is uncertain.

b) Grant Writing

Status: Since January 2012, the City has secured the following grants:

- \$4.71 million for the Downtown Complete Streets Project;
- \$200,000 for cleanup of the Allied Leather / Amazon Realty sites;
- \$500,000 for construction of the new Friendly Kitchen facility;
- \$500,000 for renovation and expansion of the Concord Boys & Girls Club;
- \$10,000 for removal of petroleum-contaminated soils at 6-9 South Commercial Street (former Agway);
- \$365,000 from the Justice Assistance Grant (JAG) Program for Police personnel, cruisers, and equipment;
- \$12,000 for a needs assessment study of the Merrimack Valley Day Care Services facility on North Fruit Street;
- \$30,000 for development of a “village zoning district” in Penacook; and
- \$18,000 from the NH Charitable Foundation for miscellaneous improvements to the City’s neighborhoods.

In addition, the Police Department currently manages three grants through the COPS Program, which provides funding for four police officer positions. These awards fund each of these positions for a period of three years each. The Department is responsible for assuming funding of each of these positions for 12 months following the conclusion of the grant funding. The Police Department participates in the Ballistic Vest Partnership Program, which provides 50% of funding for the Department’s purchase of ballistic vests. The Department also receives funding through the NH Highway Safety Agency to conduct initiatives designed to keep the City’s roadways safer. These initiatives include enhanced enforcement patrols on Loudon Road, downtown pedestrian safety patrols, school bus safety patrols, DWI patrols, DWI checkpoints, and seatbelt enforcement patrols.

The City signed an agreement with eCivis for a grant writing system that will provide staff the ability to quickly access applicable grants and easily apply for them. This program is being shared amongst several City Departments and is expected to provide significant return on investment in the form of additional grant dollars.

c) Collective Bargaining / Contract Negotiations

Status: The City is currently in negotiations with both the Concord Fire Officers Association (CFOA 3195) and the Concord Police Supervisors Association (CPSA). The CFOA contract expired on June 30, 2012. The CPSA contract expired on December 31, 2012, as they last negotiated a two-year contract, agreeing to a 0% cost of living adjustment in the first year and a .5% cost of living adjustment in the second year. Negotiations with CPSA began in September and are ongoing at this time.

Below are the most recent cost of living increases provided for all City bargaining units.

Bargaining Unit	CY/FY08	CY/FY09	CY/FY10	CY/FY11	CY/FY12	CY/FY13	Contract Exp.
AFSCME (CY)	1.50%	2.00%	2.00%	0.00%	0.50%	0.50%	12/31/2013
CPPA (CY)	2.50%	2.50%	2.00%	0.00%	0.50%	0-1.5%	12/31/2013
CPSA (CY)	2.50%	2.50%	2.00%	0.00%	0.50%	TBD	12/31/2012
IAFF 1045 (FY)	*	*	2.43%	2.00%	0.00%	0.00%	6/30/2014
CFOA 3195 (FY)	3.43%	*	2.43%	2.00%	2.00%	TBD	6/30/2012
UAW (CY)	2.00%	2.00%	0.00%	0.50%	0.50%	0.50%	12/31/2013

* IAFF and CFOA moved to the City’s pay scale in July 2008 and January 2009, respectively.

d) Strategic Financial Planning

Status: The City has many of the tools in place to plan and project the City’s finances. There are fiscal goals (with a request from the City’s Fiscal Policy Advisory Committee [FPAC] to propose a substantial update and consolidation), multi-year Capital Improvement Program budgeting, proformas for all funds, and monthly/quarterly financial reporting for ongoing operations. A strong strategic financial plan will bring all of these issues together. FPAC received an initial draft version of a Strategic Financial Plan in September 2012. A more detailed Strategic Financial Plan was presented to FPAC in February 2013. FPAC is holding this plan in committee for continued future discussion.

GOAL 2. COMMUNITY-WIDE TAX BASE EXPANSION

Status:

- The City was recognized as the #1 micropolitan economy in the United States in 2012 per the Policom Research Corporation.
- The Planning Division has drafted a new waiver provision which will be before City Council for a public hearing in June.
- Plans are underway for a Mexican restaurant to occupy the former Outback Steakhouse space on Loudon Road.
- City Council approved a zoning amendment to allow Northeast Delta Dental to develop a conference center across from their corporate headquarters.

- City Council approved a zoning amendment on Integra Drive that will facilitate industrial development.
- Ocean State Job Lot occupied the former Linens N' Things retail space, ending over two years of vacancy.
- Men's Wearhouse, Great Clips and Sprint stores were built on D'Amante Drive.
- Planning Division staff has drafted and presented to the Planning Board a revision to the City's Cluster Development/Open Space ordinance with the goal to ease onerous development restrictions and streamline conservation efforts.
- Buffalo Wild Wings restaurant was completed at 8 Loudon Road. Construction on adjacent new commercial space is underway.
- The Concord Nissan dealership was renovated, and the Concord Kia dealership is proposed for renovation.
- The re-built Burger King and new CVS on Loudon Road have opened.
- A proposal for a 31,000 SF retail center with a 5,000 SF fast food/casual restaurant on City and State property near the Steeplegate Mall is being reviewed for possible Planning Board action in 2013.

GOAL 3. INFORMATION TECHNOLOGY

a) Website Development

Status: The new City website was launched on February 14, 2013, and continues to be adapted and modified as we match our business processes with the demand for online services from the citizens. Promotion marketing will continue throughout the spring and extensive in-house training will be provided to employees to maximize their capabilities.

b) Social Media

Status: Several City departments continue to pursue social media as productivity and promotional tools for their services. We now have Facebook pages for the main City site, Library, Parking, Parks and Recreation, Beaver Meadow Golf Course, and Police and Fire; as well as other media integrations, such as Twitter feeds and media posting to YouTube. The expansion of social media services is being designed to maximize the potential of the new website, along with promoting City services.

c) City Council Agenda

Status: The Fiscal Policy Advisory Committee has reviewed using surplus funds to pursue a dedicated electronic Agenda and Minutes software package. City Council approved the requested funding at the January 2013 Council Meeting. The City will be looking into a summer 2013 "go live" date for the new system.

GOAL 4. REDEVELOPMENT ASSISTANCE / HISTORIC PRESERVATION

Status: Staff drafted proposed amendments to RSA 79-E, designed to provide additional property tax relief incentives for historic preservation. The Mayor is working with City Administration to have the proposed changes reviewed by local property owners and developers, as well as the Heritage Commission, in anticipation of possibly submitting the amendments for consideration by the State.

GOAL 5. MAINTAIN CORE SERVICES / EMPLOYEE TRAINING INITIATIVES

Status:

Fire Department: The State of New Hampshire received an unprecedented grant in the amount of \$4.4 million to augment training and certification levels of the State's first responders. Fire Department staff is taking classes in several special rescue disciplines, including water rescue, rope rescue, confined space operations, and trench rescue, as well as hazardous materials and incident command and safety classes. Classes began in April 2012 and continue through early 2013. As of the end of October, Fire Department members have received almost 4,000 hours of training. Regular training for the first ten months of the year focused on basic firefighting skills in ladder raises and personal protective equipment, ice rescue equipment reviews, and emergency medical services recertification classes.

Training in the third quarter of the fiscal year focused on responder safety. Two of the Department's four shifts attended a cancer prevention class focused on risks in the fire service. The other two shifts should attend the class during the fourth quarter. The Department also made a commitment to train all of its members in the nationally recognized Fireground Survival Program. Department members completed an online course followed by a classroom presentation on responding to emergency scene risks. The fourth quarter training schedule will include several practical skill stations to complete the survival training.

The State of New Hampshire published new emergency care and treatment protocols in January 2013 and all members completed a protocol rollout training session and online examination.

Human Resources: The Department is planning to increase supervisory and leadership training to City staff. So far this year, the Department has undertaken the initiative to develop and provide a series of trainings in areas such as Family and Medical Leave Act (FMLA) administration, discipline and documentation, and policy compliance. The Department plans to continue with these types of training initiatives for FY 2013. The Department also plans to initiate the following specific initiatives in FY 2013:

- Training of supervisory staff regarding the American Disability Act Amendment Act (ADAAA) – a training program entitled, “The ADAAA – A Supervisor’s Overview” has been developed. This training program was offered to supervisors in December and January with approximately 16 supervisors attending. Additional programs will be scheduled upon request.

- Increasing the number of American Heart Association Heartsaver/First Aid classes for non-uniformed staff members – currently being conducted once per month by the Safety and Training Coordinator.
- Development of training to launch the new employee recruitment software. Staff is currently becoming familiar with the software. Training is currently being provided through an on-the-job training format as needed.
- Targeted safety training based on policy updates and revisions – ongoing throughout FY 2013.
- Development of civility training – a training program entitled, “Why Should You Care About Civility?” has been developed with training dates targeted to begin in April.
- Development of a training program to deal with potentially threatening situations in the workplace is currently in progress.
- Employee Assistance Program (EAP) Supervisory refresher training is targeted to begin in June.

Police Department: The Department recently had one employee complete the Polygraph Examiner Training course at Fort Indiantown Gap in Annville, PA. This 12-week intensive course provided training on the administration of polygraph exams. The Department utilizes polygraph exams for hiring purposes and criminal investigations. The Department currently has two examiners who are trained to administer exams and they conduct between 30 and 45 exams every year. This officer was the first officer to receive polygraph training since 2006. Grant funding was utilized to cover the costs of sending the officer to this training.

On September 29, 2012, the Concord Police Department, in conjunction with the Central NH Special Operations Unit, the Concord Fire Department, and other agencies, participated in an Active Shooter Full Scale Exercise. This exercise was conducted at the Merrimack Valley High School and involved an active shooter scenario at the school. The purpose of this exercise was to test several tiers of operability to include the Police Department's initial response to an active shooter, the Fire Department's response to a mass casualty incident, the Mutual Aid response both for law enforcement and EMS, and SWAT response to a hostage situation. In addition, the drill allowed for the evaluation of communications and interoperability, as well as the implementation of an incident command. Approximately 25 members of the Police Department participated in the exercise, which was fully funded through a grant from the U.S. Department of Homeland Security.

During the fall of 2012, five officers attended the NH Attorney General's Domestic Violence and Sexual Assault Conference. The Department also created a Domestic Violence Unit with the first officer being assigned to the unit in December 2012. This officer has been maintaining data on all domestic violence related calls for service and then follows up with victims to assist in the coordination of any services which 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 that address the problem of domestic violence in the community and that provide information about available resources to help those in domestic violence situations.

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, the New Hampshire Hospital, Community Bridges, and NAMI.

In January of 2013, the Department hosted a Crisis Intervention Team training course. This training occurred at Primex and was attended by officers from communities around New Hampshire, in addition to Concord Police Department personnel. The Department's Crisis Intervention Team currently consists of six officers and one sergeant. 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.

GOAL 6. CREATE / EXPAND PARTNERSHIPS (particularly in regard to Economic Development and Recreation)

Status:

Economic Development:

- 1) The City's Revolving Loan Fund partnered with the Capital Regional Development Council to make a \$325,000 loan to support the Bindery Redevelopment Project. The City's share of the loan was \$175,000.
- 2) The City, working with the NH Department of Employment Security, has issued a Request for Proposals seeking a buyer to purchase and redevelop the soon to be surplus property at 32 South Main Street. Proposals are due on April 16, 2013.
- 3) Staff is working with the State of New Hampshire to determine the future of State-owned property at 247-249 Pleasant Street.
- 4) The City Council has tentatively selected a development partner for the remaining portion of the former Allied Leather Tannery site.
- 5) Working with the Greater Concord Chamber of Commerce, the City plans to apply for up to \$1.5 million in tax credits from the NH Community Development Finance Authority to support the Downtown Complete Streets Project.

Recreation:

- 1) The City continues in its multiyear agreement with the Black Ice Pond Hockey Committee, with the goal of this partnership being to expand and enhance outdoor skating in Concord.
- 2) H.L. Turner Group is working on the design for the new multipurpose building at White Park. They are doing this pro bono with a value of \$40,000. The plan was presented to the City Council at their January 2013 meeting and unanimously accepted.
- 3) The Parks and Recreation Department continues its relationship with the Concord Crush Lacrosse League, handling all registrations for the league. The Department will also be handling registration for Concord Babe Ruth Baseball for the 2013 season.

PROJECT 1. OPPORTUNITY CORRIDOR ECONOMIC DEVELOPMENT

a) South Main Street

Status: The Bindery Project has secured all required financing and development approvals. A groundbreaking ceremony was held on June 28, 2012. The project is currently under construction and is slated for completion in July 2013.

b) Penacook Village

Status: The design for the US Route 3 Corridor (North) Improvement Project – Phase 5 (FY 2013) project is underway. A ground survey was completed in early 2012 prior to a Penacook Village design charette. Staff expects to hold a public meeting in early December to review design and gather input prior to bringing the design before City Council in December. The project is scheduled for 2013 construction, including improvements from the Boscawen town line to Stark Street.

c) Downtown 2nd / 3rd Floor Development

Status: In spring 2012, the City Council approved two RSA 79-E tax abatements for renovation of the Endicott Hotel by CATCH Neighborhood Housing. The project involves renovation of the fire damaged building into 25 market rate residential units, as well as commercial retail space on the ground floors. The residential portion of the building received a nine-year RSA 79-E abatement, while commercial portions received an abatement for seven years. Construction is currently underway.

d) North Central Corridor / Storrs Street Connection

Status: On June 8, 2012, the City acquired property at 6-9 South Commercial Street, known as the former Agway property. Demolition of the buildings was completed in late November. To date, the City's total investment in the property is approximately \$560,000. Staff is presently negotiating with the owners of the remaining parcel in the corridor to acquire this land to move the project forward.

PROJECT 2. CITYWIDE MULTI-GENERATIONAL COMMUNITY CENTER

Status: The City took ownership of the old Dame School in January 2013, and the Parks and Recreation Department moved their offices from White Park to the new Heights Community Center in March. The Department renovated several bathrooms and classrooms for community use and began running programs at the facility in April. Many of their summer camps will be located in the new space as well.

ON-GOING INITIATIVE 1. NORTH STATE ST./FISHERVILLE RD./VILLAGE ST. IMPROVEMENTS

Status: Construction of the Phase 4a/4b improvements (Palm Street to Penacook Street) was expected to be completed in December. Adjustments to project elements, the application of the final wearing course and the installation of the traffic signal at McGuire Street will be done in spring/summer 2013.

Council approved the relocation and burying of overhead utilities and bridge repair work for downtown Penacook. This work will be done in 2013. As a result, Phase 5 of the project – from the Boscawen town line to Stark Street – will be postponed until the 2014 construction season.

ON-GOING INITIATIVE 2. LANGLEY PARKWAY – NEXT PHASE

Status: As part of an ongoing public/private partnership, the Langley Parkway – Phase 3 Traffic and Environmental Feasibility Study is underway. The study is focusing on traffic impacts along the corridor and through existing intersections including Auburn Street, Penacook Street, Rumford Street, and North State Street. Additionally, environmental and cultural impacts are being assessed to determine permitting requirements for the future project. A presentation to City Council is expected in 2013.

ON-GOING INITIATIVE 3. PENACOOK VILLAGE REDEVELOPMENT

Status: On April 26, 2012, the City acquired property at 5-11 Canal Street. This 0.38 acre site has approximately 250 linear footage of frontage on the Contoocook River and will become a new riverfront park once redevelopment of the remaining portion of the Allied Leather Tannery site moves forward.

On June 11, 2012, the City Council accepted a \$200,000 Brownfields Cleanup Sub-Grant from the Capital Regional Development Council, and appropriated the required 20% match. With this additional grant, the total cleanup budget for the remaining portion of the Allied Leather Complex, as well as the Amazon Realty parcels, is \$960,000. Cleanup will begin in spring 2013.

On October 5, 2012, the City received development proposals for the site. On November 13, 2012, the City Council designated Weston Solutions as the “preferred developer” for the site and authorized the City Administration to enter into a six-month due diligence and negotiating period with Weston. During the due diligence period, the City will undertake preliminary design for a new riverfront park, rehabilitation and expansion of the Canal Street Municipal Parking Lot, as well as reconstruction of a portion of Canal Street (between Village Street and Community Drive). In addition, the City will complete due diligence and preliminary designs for potential renovation of the former waterproofing building at the property into a new Branch Library. Consulting proposals for the design of the Library, as well as the associated river front park, were received in early March 2013. It is anticipated that due diligence and preliminary design will be completed in late FY 2013.

On December 12, 2012, the Allied Leather site was enrolled in the NH Department of Environmental Services ODD Program. This will allow the City to access up to \$1.5 million for cleanup of residual petroleum contamination at the property. In addition, the City Administration submitted an application seeking reimbursement for \$172,000 spent on petroleum issues at the property since 2002, as these costs should have been paid by the NHDES ODD Fund Program.

With respect to the US Route 3 Corridor Project (CIP #35), Engineering staff has completed the survey of the Penacook Village project area and final design is underway. A design charette was sponsored by City staff in March and April 2012, where the well-attended public voiced concerns, thoughts and ideas of what the Village should represent in the future. A final public meeting on the design was held in December. The design was presented to City Council at its January meeting and was unanimously accepted. The project is scheduled for 2013 construction, including improvements from the Boscawen town line to Stark Street.

City Administration has provided extensive assistance to the Merrimack Valley School District relative to divestment of the Summer Street School. City assistance has included crafting a redevelopment plan, assistance with valuing the property (including updating the property's assessment), and aid with preparing a Request for Proposals package for the site. The RFP was issued last fall and no proposals were received. Presently, the Merrimack Valley School District plans to place the property on the open market with an asking price in the low \$200s.

ON-GOING INITIATIVE 4. CITY HALL CAMPUS/PUBLIC BUILDING IMPROVEMENTS

Status: On October 15, 2011, the City acquired property at 10 Prince Street. Subsequently, on June 11, 2012, the City Council approved a series of agreements with the Concord Housing Development Corporation (CHDC) whereby the CHDC shall lease 10 Prince Street for up to ten years, as well as secure ownership of 16 and 18 Prince Street (pending negotiations with current owners). The City will then have the right to acquire 16 and 18 Prince Street in the future if so required for expansion of the City Hall campus. CHDC acquired 18 Prince Street on June 14, 2012.

On August 15, 2012, the City entered into a 10-year lease for 6,145 square feet of office space located at 28 Commercial Street to house the Human Services Department and the Prosecutor's Office. The space was renovated to suit the City's unique needs. Renovation costs were approximately \$128,000. The City took occupancy of the space on October 22, 2012. A total projected lease cost for the next 10 years is approximately \$1,230,000, excluding certain utility and maintenance expenses.

ON-GOING INITIATIVE 5. SEWALLS FALLS BRIDGE

Status: Final design of the bridge project is underway. The initial phases of the design include a detailed bridge structural evaluation by the design consultant. The evaluation has been completed and reports have been reviewed with both FHWA and NHDOT.

Staff presented findings to City Council in August 2012 and recommended that, in light of the report findings indicating extensive work required, limited remaining fatigue life, and concerns with fracture critical members, previous alternatives considered should be re-evaluated. Engineering staff continued its evaluation of alternatives with the design consultant and has been attending the NHDOT cultural and natural resource review meetings, presenting the findings to the Concord Heritage Commission. Final alternative review was presented at a public meeting in January 2013, and City Council accepted a staff recommendation to replace the bridge at its February 2013 meeting. Engineering staff continues to complete the environmental and cultural permitting in advance of proceeding to final design.

ON-GOING INITIATIVE 6. EXPAND STREET REHABILITATION PROGRAM

Status: To maintain our local roadway network of 220 miles of streets, the General Services Department has established programmatic level estimates for three paving cycles:

- 20-Year Paving Cycle: \$3.2 million
- 25-Year Paving Cycle: \$2.6 million
- 30-Year Paving Cycle: \$2.2 million

ON-GOING INITIATIVE 7. HALL ST. WASTEWATER TREATMENT PLANT ODOR CONTROL PROGRAM

Status: Construction bids were received and publicly opened on July 26, 2012, for the next phase of the odor control program. The planned improvements include installing a cover over the active bio-tower and influent pumping area and constructing an in-ground bio-filter control unit to mitigate odors. The City awarded the contract on September 28, 2012 to T. Buck Construction of Auburn, Maine. Construction is anticipated to begin in the spring with an anticipated substantial completion date of October 16, 2013. The subsequent phase of odor control is scheduled to be designed in FY 2015 and to be constructed in FY 2016. This next project includes full surface covers of the primary clarifiers and expansion of the in-ground bio-filter to accommodate additional airflow. The General Services Department has implemented a pilot odor monitoring program where it installs a remote device at various locations to monitor hydrogen sulfide.

ON-GOING INITIATIVE 8. ADVANCE CREATIVE ECONOMY WORK

Status: City staff is working with the Greater Concord Chamber of Commerce and Creative Concord to explore the feasibility of a community-led effort to include Abbott-Downing coaches as exhibits on Main Street.

City Council has implemented policy allowing for the limited serving of alcohol on City rights of way and properties that are envisioned to increase participation at a number of cultural/artistic/sporting/recreational events in the community.

ON-GOING INITIATIVE 9. LOUDON ROAD IMPROVEMENTS

Status: Following notice in April 2012 by NHDOT and FHWA that the Loudon Road Corridor Project was determined to be eligible for Highway Safety Improvement Program (HSIP) funding (90% Federal/10% Local), staff has been working closely with the City Manager's Office to reach out to Loudon Road business leaders to inform them of the pending project. A detailed public review program is being developed and it is expected that the project will be presented to the public in 2013, in advance of Council review of the FY 2014 CIP program. Construction is not expected to begin until the completion of the Loudon Road water main reconstruction (CIP #85), which is programmed for the 2013 construction season.

Engineering staff received notice of award for Highway Safety Improvement Program grant funds for the first phase of the project. The HSIP (90% Federal, 10% Local) project includes a roadway conversion from four lanes to three lanes along Loudon Road, from Hazen Drive to D'Amante Drive. The first phase of the project is valued at \$1.525 million and is programmed in both the City's and the State's FY 2014 Capital Improvement Programs. Final design, including a public review process, is expected in 2013. Actual construction isn't expected until the 2014 construction season.

ON-GOING INITIATIVE 10. LIBRARY OPPORTUNITIES

Status: On November 13, 2012, the City Council, as part of the selection of a developer for the former Allied Leather Tannery site, authorized the City Administration to undertake due diligence and preliminary design concerning potential renovation of the "former waterproofing" building at the site into a new Branch Library for Penacook Village. A Request for Proposals for design services was issued in early February 2013. Proposals were received on March 5, 2013. Staff plans to engage a consultant on or about April 1, 2013.

Due diligence and preliminary design will be completed in late FY 2013. Staff plans to work with the public, as well as stakeholders (including the Library Foundation, Library Trustees, Friends of the Penacook Library, Penacook Village Association, and others) to create a space program for the facility. Staff anticipates presenting the findings of this effort to the City Council in late FY 2013 or early FY 2014.

On November 13, 2012, the City Council also instructed the City Administration to draft the forthcoming Developer Request for Proposals (RFP) package to include the possibility of a public/private partnership to facilitate the construction of a new Main Library at the NH Employment Security property located at 32-34 South Main Street. The Developer RFP was issued in January 2013. Proposals are due on April 16, 2013.

CITY OF CONCORD

Brian
5/11/13
5-41

In the year of our Lord two thousand and thirteen

RESOLUTION TRANSFERRING THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000) FROM THE COMPENSATION ADJUSTMENT ACCOUNT

Page 1 of 1

The City of Concord resolves as follows:

WHEREAS, the FY 2013 Adopted Budget did not include within department compensation and related fringe benefit accounts, adequate appropriations for cost-of-living increases for union contracts which expired during the year, union contracts which were unsettled as of the beginning of the year, non-contractual wage increases, extra merit payment or severance payouts; and

WHEREAS, funds for these purposes were provided in the Compensation Adjustment Account in the Miscellaneous Section of the budget.

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

- 1. Compensation Adjustment in the sum of.....\$20,000
be and is hereby transferred as follows:

General Fund
Fire Department\$20,000

- 2. This resolution shall take effect upon its passage.



CITY OF CONCORD

TJA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Brian G. LeBrun, Deputy City Manager Finance
DATE: May 1, 2013
SUBJECT: 2013 Transfer of Appropriation – Compensation Adjustment/Fringe Benefits

Recommendation

Accept this report and adopt the transfer resolution.

Background

It has been the consistent past practice near year-end, in association with the review of department budget and accounts, to transfer funds when circumstances dictate.

This transfer is for department compensation adjustments provided within the adopted budget. Only departments requiring compensation adjustment amounts to insure their budget expenditures remain within the departmental bottom line receive this transfer. In these instances, transfers are also limited to the amounts required for Council to approved cost-of-living increases and related fringe benefits provided either by labor agreement or approved in the adopted budget for non-contractual employees and retirement severances. Departments' not receiving transfers had other savings within their budget that will cover wage adjustments.

Discussion

Overall, the sum of \$200,000 was budgeted in the Compensation Adjustment account for cost of living salary adjustments and retirement severances in FY2013.

Only the following department requires a compensation adjustment transfer totaling \$20,000 as indicated in the attached resolution:

<u>Department</u>	<u>Transfer</u>	<u>Reason for Transfer</u>
Fire	\$20,000	Severance

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.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

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 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

The City of Concord resolves as follows:

- WHEREAS,** the City of Concord and the Friends of the Concord City Auditorium (Friends of the Audi) have a written agreement also known as the "Agreement between the City of Concord and The Friends of the Concord City Auditorium" originally executed on May 9, 2007; and
- WHEREAS,** the City and the Friends of the Audi have mutually extended this agreement each year so that the agreement remains in full force for a period of five years from the date of extension, subject to the limitations within the agreement itself; and
- WHEREAS,** the Friends of the Audi have the opportunity to apply for this Arts Conservation Grant; and
- WHEREAS,** the Friends of the Audi wish to have work completed in the City Auditorium to repair plaster that has been damaged; and
- WHEREAS,** the Friends of the Audi will only contract separately for the needed work and pay for the contracted plaster repairs from the funds received as part of the award from the Arts conservation Grant or other funds derived directly from the Friends of the Audi; and
- WHEREAS,** the City of Concord is not providing any direct funding match for this project; and
- WHEREAS,** this work will be done on a City owned building, the City Manager or his designee(s) will have final approval of the contractor and scope of work before any work commences on this project;
- WHEREAS,** the City Manager or his designee will also have final signoff release before the project can be deemed complete;

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

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

TJA



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Brian LeBrun - Deputy City Manager Finance

DATE: April 22, 2013

SUBJECT: Friends of the Audi Grant Application

Recommendation

Accept this report and authorize the City Manager or his designee to provide this memo and the attached resolution to the Friends of the Audi in their pursuit of securing an Arts Conservation Grant for plaster and mural repairs within the City Auditorium.

Background

The City has a long and positive history with the Friends of the Audi. The Friends of the Audi was created in 1991 as a public-private partnership and the first "Agreement between the City of Concord and the Friends of the Concord City Auditorium" was created in 2003. In May 2007, the agreement became five year terms and each year since, this agreement has been mutually extended by one year to maintain an ongoing five year status.

As detailed in the ongoing annual report to council, since 2002, the Friends of the Audi have provided more than \$153,000 in support to the Friends of the Audi program through donations and volunteer services. They have also provided more than \$550,000 in capital repairs and replacements within the auditorium and regularly seek additional funds to undertake additional needed projects. The Friends also report that since 1991, the friends have contributed through repairs and replacements, in excess of \$1,000,000 to the City Auditorium and are proud of the fact that they have been at this for 22 years, so far.

The City, under the guidance of General Services Public Properties and Recreation Departments also makes annual outlays to the City Auditorium for labor, utilities and supplies that have

totaled more than \$594,000 since 2002. Additionally the City has received revenue for the rental of the facility of more than \$467,000 for the same time period.

Discussion

The Friends of the Audi have identified, and the City recognizes that there are plaster repairs that need to be made within the interior of the City Auditorium. This request to provide a letter of support for the Audi in their application for the Arts Conservation Grant will help repair the water damaged 1904 original plaster moldings in the entrance lobby and staircase, and repairs will also be made to the 1927 murals on the theater's walls as well.

As part of the grant application, the City's Public Properties Superintendent (the City Manager's Designee) will have oversight of the project as it pertains to a City owned building. While the City will also have final approval over the contract, contractor, scope of work and ultimately signoff of final completion of work, the Friends of the Audi will also be very involved with the day to day execution of the project, under the general direction of the Public Properties Superintendent. The selected contractor will also be required to comply with City requirements including but not limited to certificates of insurance naming the City and the Friends of the Audi as additional insured, completing and signing the City's standard Indemnification Agreement, providing payment and performance bonds if required and any other safeguards that the City may deem appropriate. As always, the City retains all rights related to work being conducted within City facilities.

Cooperation between the Friends of the Audi and the City on this project is another example of how these two parties continue to work well together for the overall benefit of the City of Concord.

Concord Veterans Council
c/o Paul Lloyd
158 Liberty Street
Concord, New Hampshire 03301



MEMORANDUM: Mayor Bouley and members of the City Council

SUBJECT: Street Closures

The Concord Veterans Council request that the following streets be closed for the Memorial Day Parade on May 27, 2013.

See attached list of closures.

Paul Lloyd
President
Concord Veterans Council

STREETS CONTROLLED BY BARRICADES, SIGNS, AND CONES

The following locations will have barricades, signs, and cones as indicated.

- 1. Warren Street at Durgin Lane (Eastbound). Barricade with left turn arrow.**
- 2. Capitol Street closed at North State Street (Eastbound). Barricade with double arrow.**
- 3. Center Street closed at North State Street (Eastbound). Barricade with a double arrow.**
- 4. Court Street closed at Main Street (Westbound) and North State Street (Eastbound). Barricade with double arrow.**
- 5. Chapel Street closed at Main Street (Westbound) and North State Street (Eastbound). Barricade with double arrow.**
- 6. Washington Street closed at North State Street (Eastbound). Barricade with double arrow.**
- 7. Franklin Street closed at Main Street (Westbound) and North State Street (Eastbound). Barricade with double arrow.**
- 8. Church Street closed at Boutin Street (Westbound) and North State Street (Eastbound). Barricade with a double arrow.**
- 9. Pearl Street closed at Main Street (Westbound) and North State Street (Eastbound), Barricade with a double arrow.**
- 10. Park Street closed at Main Street (Westbound). Barricade with double arrow.**

City of Concord (GSD) will ensure these barricades, signs, and cones are in place by 8:30 a.m.

The following parking spaces should have traffic cones set out by 0600 hours the day of the parade to prevent parking until ceremonies have been completed at the State House Plaza as follows:

All spaces between Capitol and Park Streets on the West Side of Main Street.

All spaces on Park Street, both sides between main Street and North State Street.

The first three (3) spaces nearest Main Street on Capitol Street to allow the parade to proceed onto the State House Plaza. These cones should be removed by a Policeman from Concord Police Department prior to the parade entering Capitol Street.

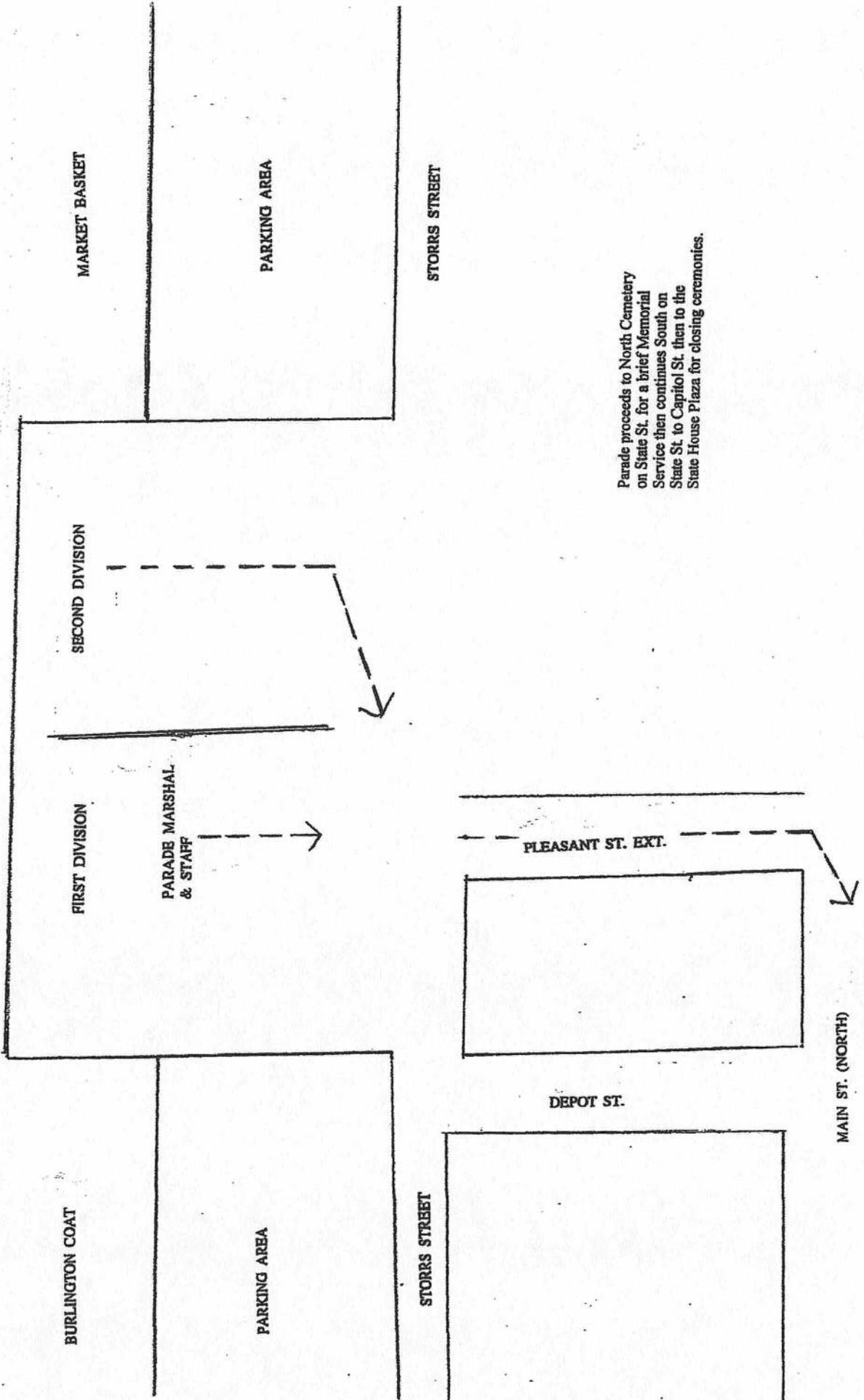
The Concord Police Department and the 0001-0800 hours Supervisor should ensure that all cones are in place by 0600 hours.

During the services on the State House Plaza, all Northbound traffic on North Main Street should be detoured onto School Street and all Southbound traffic detoured either Easterly onto Bridge Street or Westerly onto Center Street by the Concord Police Department.

Enclosure: See parade route diagram

CAPITAL SHOPPING CENTER

ASSEMBLY AREA:
ASSEMBLY TIME:



BURLINGTON COAT

PARKING AREA

STORRS STREET

FIRST DIVISION

PARADE MARSHAL
& STAFF

SECOND DIVISION

MARKET BASKET

PARKING AREA

STORRS STREET

PLEASANT ST. EXT.

DEPOT ST.

MAIN ST. (NORTH)

Parade proceeds to North Cemetery on State St. for a brief Memorial Service then continues South on State St. to Capitol St. then to the State House Plaza for closing ceremonies.

PERMIT NO: _____
License Fee \$ N/C (C)

Return to: Code Administration
Health Services Division
37 Green Street
Concord NH 03301

-Police Department Use Only-
Restrictions: _____

APPROVED: _____
Concord Police Dept.

This application must be submitted THIRTY (30) days prior to proposed event to allow for the processing of the permit.

APPLICATION FOR PARADE PERMIT

Organization Name CONCORD VETERANS COUNCIL Phone 228-6788

Address 6 KOZY TRAIL CONCORD, NH, 03301

Person in charge of Parade PAUL LLOYD Phone 496-1918

Address 158 LIBERTY ST CONCORD, NH, 03301

Theme and type of parade MEMORIAL DAY PARADE

Indicate number of persons expected to participate _____

Indicate number of units expected 12-14

Proposed Dates: From 5/27/13 To 5/27/13

Proposed Hours: From 8:30 AM To 11:00 AM

RECEIVED

APR 03 2013

Location/Route where parade is to be held: STARRS ST. - MAIN ST. - STATE ST.
SEE MAP + PACKET

Do you need street closure? Yes No

A MAP DETAILING THE EXACT ROUTE MUST ACCOMPANY THIS APPLICATION

If the event is on the City Plaza - front of "Arch", will you need electricity? Yes No

If "Yes", please indicate times needed for electricity: 8:30 am/pm 11:00 am/pm

Additional information, use of live bands, guest speakers, musicians, food, or other types of vendors.

GUEST SPEAKERS - CEREMONY (WREATHS)

Request for street closure: Yes No

Letter for street closure attached Yes No

Permission for street closure must be received from City Council before permit can be issued. (Letter must be submitted to the City Clerk's Office & the Code Administration Office)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

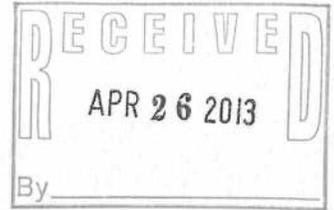
Signed N E Brook Date 4/3/13
APPROVED _____ Date _____
Licensing Officer

THIS LICENSE/PERMIT MAY BE REVOKED FOR JUST CAUSE ACCORDING TO THE CITY OF CONCORD MUNICIPAL CODE OF ORDINANCES, CHAPTER 15 ARTICLE 10, SECTION 15-10-3.

Filed State House
4-3-13

-MAILED
DAN S. BARKER
4-3-13

Midsummer Night Magic



Office of the City Clerk
41 Green Street
Concord, NH 03301

TO: Mayor Bouley and City Council:

RE: Request for use of City Plaza and for closure of Capitol Street for Midsummer Night Magic.

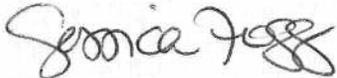
City Location requested for event: City Plaza in front of State House and Capitol Street

Date and Time: Friday June 21, 2013 from 3pm until 10pm (event hours 5pm -9pm)

Please consider this request, on behalf of the Greater Concord Chamber of Commerce's Creative Concord Committee, for the use of City Plaza and Capitol Street in support of Midsummer Night Magic. Midsummer Night Magic will also feature a parade, musical and artistic performances and a movie presented by Red River Theatres.

Please find attached a copy of the City Permit which has been applied for.

Thank you for your kind consideration,



Jessica Fogg

Chairperson, Midsummer Night Magic

Creative Concord Committee Member

RECEIVED

APR 26 2013

CODE ADMINISTRATION

LSS Services for New Americans

 A Program of Lutheran Social Services

5-46

Office of the City Clerk
41 Green St.
Concord, NH 03301

TA

To Mayor Bouley and City Council:

RE: Request for use of City Plaza, for barricade of parking spaces, and for closure of Capitol Street for the World Refugee Day and Multicultural Celebration for Concord, NH.

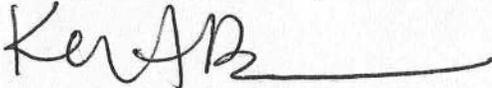
City location requested for festival: Sidewalk area in front of State House Lawn, on West side of North Main St., between Park Street and Capitol Street; and Capital Street.

Date/Time: Thursday, June 20; 2pm to 8pm.

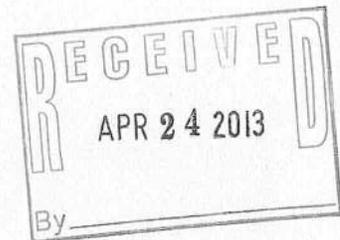
Please consider this request, on behalf of LSS Services for New Americans, for use of the City Plaza and Capitol Street, and for parking barricades in support of the World Refugee Day and Multicultural Celebration. The Celebration will also make use of the State House Lawn for music, speakers and family activities, and the City Plaza (sidewalk area in front of the Lawn) for vendors and exhibits. Capitol Street will be used for art exhibits. In order to ensure the safety of celebration visitors, we wish to barricade the parking spaces adjacent to the City Plaza so as to create a barrier between festival visitors and Main Street traffic.

Attached please find a copy of the City Permit applied for, which includes a description of the event.

Thank you very much for your consideration,



Kerstin Ahlgren Breidenthal
Organizer, World Refugee Day Celebration
Lutheran Social Services, Services for New Americans



RECEIVED

APR 24 2013

CODE ADMINISTRATION

5-47

TA



City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

JIM BOULEY
MAYOR

TO: Members of City Council

FROM: Mayor Bouley *JB*

DATE: March 19, 2013

RE: Transportation Policy Advisory Committee

I propose the reappointment of the following individuals to the Transportation Policy Advisory Committee for three year terms to expire on April 30, 2016. If approved by Council, they will continue to serve as at-large representatives on this committee.

- Thomas Irwin, 40 Thayer Pond Rd, Concord.
- Dick Lemieux, 7 Washington St, Concord.
- Ursula Maldonado, 67 Snow Pond Rd, Concord.
- Brent Todd, 73 Weir Rd, Penacook.

Two vacancies currently exist on this committee; a representative familiar with vehicular traffic safety operations and an at-large representative.

In accordance with Section 15 of the City Council Rules, these proposed appointments are being distributed to City Council as information in advance of formal action at the May 13, 2013 City Council meeting.

TAO



City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

JIM BOULEY
MAYOR

TO: Members of City Council

FROM: Mayor Bouley *JB*

DATE: March 21, 2013

RE: Community Development Advisory Committee (CDAC) Appointments

I propose the reappointment of the following individuals to the Community Development Advisory Committee, each continuing to serve as members representing the general public for additional three year terms that will expire March 31, 2016.

- Michael Gfroerer, 12 Tahanto Street, Concord.
- Nadine Salley, 76 Ashuelot Drive, Tilton.

In accordance with Section 15 of the City Council Rules, these proposed appointments are being distributed to City Council as information in advance of formal action at the May 13, 2013 City Council meeting.

5-49

1/29



City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

JIM BOULEY
MAYOR

TO: Members of City Council
FROM: Mayor Bouley
DATE: May 1, 2013
RE: Personnel Appeals Board

I propose the appointment of the following individual to the Personnel Appeals Board for a three year term expiring April 30, 2016.

- Steven Winer, Orr & Reno, 1 Eagle Square, PO Box 3550, Concord.

Accordingly, I ask for suspension of Section 15 within Council Rules so that this nomination may be affirmed at the May 10, 2013 City Council meeting.

Steve Winer

Steve Winer is a shareholder and director of the Orr & Reno law firm in Concord, New Hampshire. For more than 25 years he has represented a wide range of clients, from individuals to large organizations, in business matters, with a particular focus on employment and human relations law. Steve graduated from Dartmouth College and the University of Wisconsin School of Law, and prior to entering private practice he was an assistant attorney general for the New Hampshire Department of Justice.



CITY OF CONCORD

TJA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Thomas J. Aspell, Jr., City Manager 

DATE: March 12, 2013

SUBJECT: Reappointment to the Concord Housing Authority

Recommendation:

I recommend that the following appointments be reviewed at the April City Council Meeting for approval in May.

Background:

I would like to propose the reappointment of **James Fowler** and **Ari Pollack** to serve additional five-year terms on the Concord Housing & Redevelopment Authority. Their new terms will expire on April 30, 2018. Mr. Fowler was originally appointed in 2003, and Mr. Pollack was originally appointed in 2008.

Discussion:

In accordance with Section 15 of the City Council Rules, this proposed appointment is being distributed for your information in advance of final action in May.

cc: John Hoyt, Executive Director, Concord Housing & Redevelopment Authority

4-7
5-51
5-53

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 17, Vehicles and Traffic; Article 17-7, Rights and Duties of Pedestrians.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 17, Vehicles and Traffic; Article 17-7, Rights and Duties of Pedestrians, by creating a new Section 17-7-3, The Passing of Items To or From the Occupant of A Motor Vehicle On A Roadway, as follows:

17-7-3 - The Passing of Items To or From the Occupant of A Motor Vehicle On A Roadway

(1) *Intent of Ordinance.* This Ordinance is intended to provide for the free flow of motor vehicle traffic on roadways in the City. The City Council finds that persons who distribute any item to, receive any item from or exchange any item with the occupant of a motor vehicle upon a Roadway present a threat to the free and safe flow of motor vehicle traffic. By this Ordinance, the City Council intends to promote the health, safety and welfare of the citizens traveling by vehicle in the City.

(2) *Definitions.* For purposes of this Section, the following definitions apply:

(a) *Pass/Passing.* Distributing any item to, receiving any item from, or exchanging any item with the occupant of a motor vehicle that is located in the Roadway.

(b) *Roadway:* All public roads open to motorized vehicles within the City. This definition excludes private roads and private property. This definition also excludes areas in which parking is permitted in the City.

(c) *Item:* Any physical object.

(3) *Prohibition on Roadways.* It shall be unlawful to violate any of the prohibitions set forth below in the City.

(a) No person shall knowingly distribute any item to, receive any item from, or exchange any item with the occupant of any motor vehicle when the vehicle is located in the Roadway.

(b) This Ordinance shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle on private property or in a permitted parking area.

(c) This Ordinance shall not apply to any law enforcement officer acting in the scope of his/her official duty.

(d) This Ordinance shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle located in the Roadway in order to assist the occupant after a motor vehicle accident, with a disabled motor vehicle or where the occupant is experiencing a medical emergency.

(4) *Sunset.* This Section shall automatically repeal on April 9, 2015, unless otherwise ratified by the City Council.

(5) *Penalty.* A person found in violation of this Section shall be guilty of a violation and may be fined not more than \$500.00.

(6) *Severability.* If any provision of this section is declared invalid or unconstitutional by any Court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.

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



City of Concord

City Solicitor's Office
41 Green Street

Concord, New Hampshire 03301

James W. Kennedy
City Solicitor

Telephone (603) 225-8505
FAX (603) 225-8558

Danielle L. Pacik
Deputy City Solicitor

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: James Kennedy, City Solicitor
DATE: April 29, 2013
SUBJECT: Panhandling Ordinance

Recommendation

Accept this report.

Background and Discussion

On January 14, 2013, the City Council held a public hearing on a panhandling ordinance. Several individuals and persons representing various interest groups offered testimony in response to the ordinance. Following the public hearing, the City Council voted to send the ordinance to the Legal Department for further review.

The Legal Department has completed its review of the panhandling ordinance. Taking into consideration the public testimony, the applicable case law and ordinances passed by other municipalities throughout the United States, the Legal Department has drafted the attached ordinance for your review.

The proposed ordinance is designed to address the traffic safety issue associated with the panhandling activity occurring at various roadway intersections throughout the City. The attached ordinance prohibits the conduct of distributing any item to, receiving any item from, or exchanging any item with the occupant of a motor vehicle that is located in the roadway.

Roadway is defined as all public roads open to motorized vehicles within the City. This definition excludes private roads and private property. This definition also excludes areas in which parking is permitted in the City.

This ordinance does not regulate speech, *i.e.*, the conduct of holding a sign for the purposes of receiving a monetary handout or any other handout, exchange or distribution. Rather, the ordinance prohibits persons from distributing and/or exchanging items in the roadway because such conduct is dangerous and interferes with the free flow of motor vehicle traffic on roadways in the City.

The ordinance provides law enforcement and emergency personnel exceptions to the application of the prohibitions in the ordinance. The ordinance does not apply to any law enforcement officer acting in the scope of his/her official duty. Additionally, the ordinance does not apply to assisting the occupant after a motor vehicle accident, with a disabled motor vehicle or where the occupant is experiencing a medical emergency.

April 2, 2013

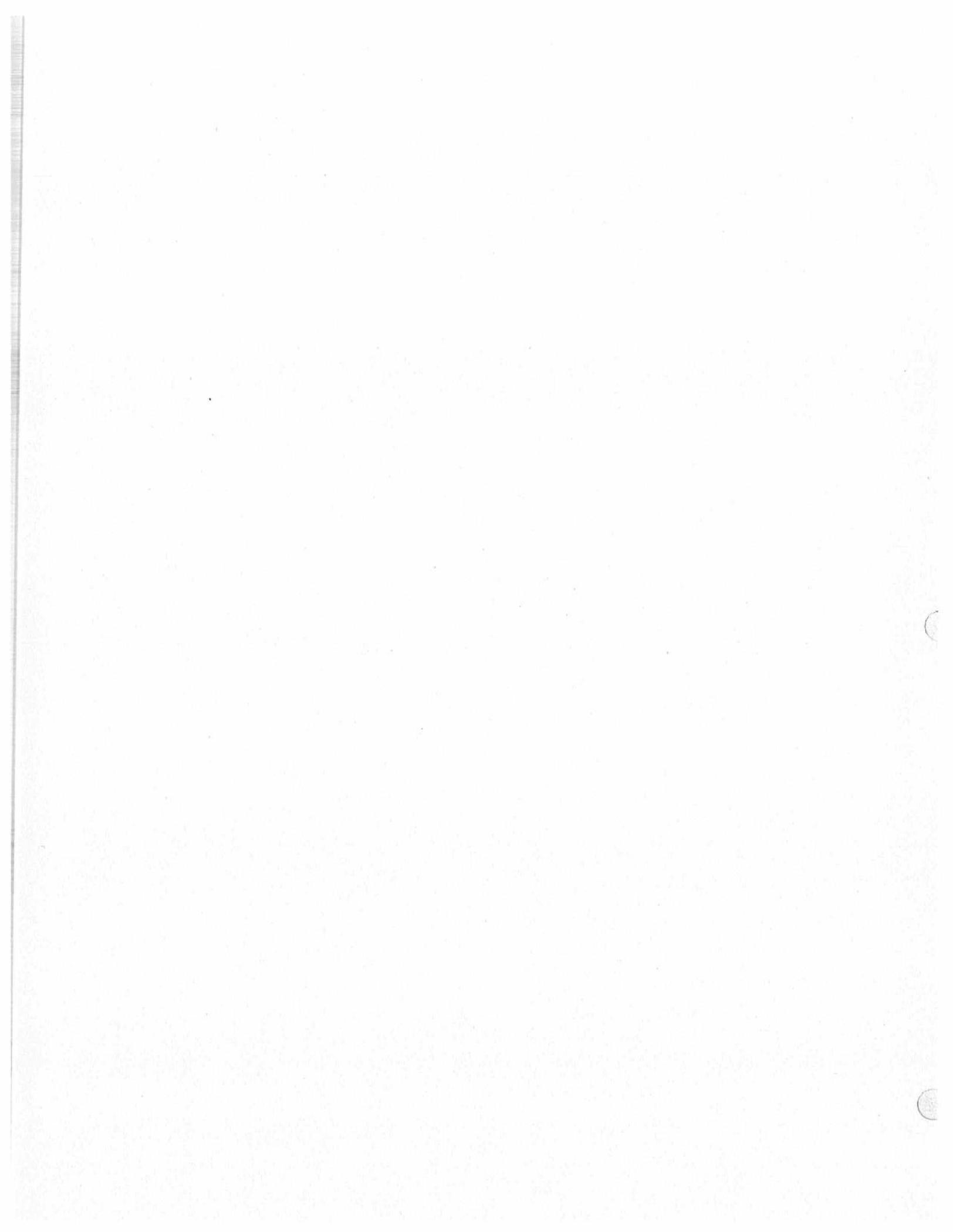
To whom it may concern,

This letter is in support of a more defined and stricter enforcement of panhandling laws in the City of Concord. The Eagle Square area in the past several years has experienced a significant uptick in loitering and panhandling activities. As a result, the downtown retail customer base has voiced their disappointment in the overall shopping environment. Our customers are reluctant to come downtown with their families for fear of being harassed for money as well as a concern for their own personal safety. This has had an adverse affect on retail sales up and down the Main Street district.

Office space holders, merchants and supporters of Main Street have had to put up with foul language, drug peddling, vandalism, and egress issues around their establishments. All parties concerned are looking for our city officials to adopt a more consistent approach to deter illegal activity in the downtown business district. Let us work together to make it a safe, friendly working and shopping experience for both local people and those that are visiting our great city of Concord.

Respectfully yours,

The Downtown Merchants



CITY OF CONCORD

Boyer
5/25/15
4-8
5-51(B)
5-54

In the year of our Lord two thousand and thirteen

RESOLUTION ACCEPTING AND APPROPRIATING THIRTY THOUSAND DOLLARS (\$30,000) FROM THE NEW HAMPSHIRE HOUSING FINANCE AUTHORITY COMMUNITY PLANNING GRANT PROGRAM FOR THE DEVELOPMENT OF A NEW PENACOOK VILLAGE CENTER ZONING DISTRICT.

Page 1 of 2

The City of Concord resolves as follows:

WHEREAS, on February 11, 2013, the City Council passed a resolution authorizing the City Manager to apply for funds from the New Hampshire Housing Finance Authority Community Planning Grant Program for funds for the development of a new Penacook Village zoning district; and

WHEREAS, the City has been notified that its application to receive grant funding for the development of a new Penacook Village zoning district has been approved; and

WHEREAS, the City is required to provide a matching contribution equal to 25% of the grant amount, including \$1,875.00 cash match and the remaining \$5,625 as an in kind services match for this Community Planning Grant; and

WHEREAS, CIP #35 includes improvements to Penacook Village district and this grant is part of the overall Penacook redevelopment and \$1,875 in matching funds will be allocated by Engineering from CIP #35; and

WHEREAS, this appropriation is for a purpose not included in the FY 2013 adopted budget, therefore, Section 37 of the City Charter requires two-thirds roll call vote of the City Council.

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

1. The sum of \$30,000
be and is hereby appropriated as follows:

Miscellaneous Special Revenue Fund

Planning Department

Development of Penacook Village Center Zoning District \$30,000

2. Revenue for this project is available as follows:

Miscellaneous Special Revenue Fund

New Hampshire Housing Finance Authority Community Planning Grant \$30,000

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION

ACCEPTING AND APPROPRIATING THIRTY THOUSAND DOLLARS (\$30,000) FROM THE NEW HAMPSHIRE HOUSING FINANCE AUTHORITY COMMUNITY PLANNING GRANT PROGRAM FOR THE DEVELOPMENT OF A NEW PENACOOK VILLAGE CENTER ZONING DISTRICT.

Page 2 of 2

3. The City Manager is authorized to execute agreements with the New Hampshire Housing Finance Authority to execute the program.
4. This resolution takes effect upon its passage.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Gloria McPherson, City Planner

DATE: March 21, 2013

SUBJECT: Resolution authorizing the City Manager to accept and appropriate funds totaling \$30,000.00 from the New Hampshire Housing Finance Authority Community Planning Grant Program for the development of a new Penacook Village Center zoning district.

Recommendation

Adopt the proposed Resolution authorizing the City Manager to accept and appropriate funds totaling \$30,000.00 from the New Hampshire Housing Finance Authority Community Planning Grant Program for the development of a new Penacook Village Center zoning district.

Background

At the February 11, 2013 City Council meeting, the City Council granted approval to apply for a grant in the amount of \$30,000 from the Community Planning Grant Program to evaluate the current zoning of Penacook Village and develop new zoning regulations that establish a mixed use village zoning district for downtown Penacook.

The formal award of the grant from the New Hampshire Housing Finance Authority was received on March 1.

Discussion

The Planning Division is very excited about the grant and is looking forward to working with a consultant to develop new mixed use village zoning regulations that are specifically tailored to Penacook and its existing and desired future land uses.

The City is required to match 25% of the grant funds, and a minimum of one-quarter of the 25% match must be in the form of cash expenditures. This amounts to \$1,875 for the \$30,000 grant. CIP #35 is for improvements to Penacook Village, and Engineering will allocate \$1,875 from CIP #35 to supply the matching funds, as this grant is part of the overall Penacook redevelopment. The remaining \$5,625 match will be in the form of in-kind services, such as staff expenses and volunteer time, including participation by board members.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION Authorizing Annual Appraisal of Real Estate at Market Value per RSA 75:8-b

The City of Concord resolves as follows:

WHEREAS, the legislature has in RSA 75:8-b authorized any municipality with a population over 10,000 to annually appraise real estate at market value; and

WHEREAS, the legislature has established in RSA 75:8-b that the governing body shall hold two public hearings regarding the annual appraisal process at least 15 days, but not more than 60 days, prior to the governing body's authorization vote; and

WHEREAS, the City Council recognizes that assessments are constantly changing by neighborhood, type of property, and economic forces in varying amounts and that without annual adjustments to real estate assessments these changes may result in inequitable and unfair property taxation based upon the under or over assessment of properties when compared to market value; and

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

1. The annual appraisal of real estate at market value pursuant to the provisions of RSA 75:8-b is hereby authorized.
2. This resolution takes effect April 1, 2013.



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

From: Kathryn H. Temchack, Director of Real Estate Assessments

Date: January 16, 2013

Subject: Authorization of Annual Appraisal at Market Value

Recommendation

Accept this report and set for public hearings in March and April the proposed resolution authorizing the Assessing Department to proceed with valuing all real estate at market value as of April 1, 2013.

Background

RSA 75:8-b requires municipalities with populations of over 10,000 who desire to appraise the municipality's real estate at market value, to receive authorization by a majority vote from the governing body. Prior to the governing body's vote, 2 public hearings must be held. The statute also requires the municipality to provide notification of changes to the assessed value prior to the issuance of the final tax bill. The notification may be an individual notice to the property owners, by public notice in a newspaper of general circulation, or by any other means deemed appropriate by the governing body. The City Council has voted to authorize the annual valuation of assessments since 2005.

Discussion

Since 2004, the Assessing Office has been assessing properties annually at market value.

Valuing properties at market value ensures good equity and fairness to all taxpayers so that all are paying only their fair share. Most property owners understand the yearly valuation system and recognize that the assessments shown on the January and March tax payment stubs represent the market value as of April 1st of the preceding year.

Since market values are constantly changing, and do not rise or fall at the same level for each city neighborhood (the Heights vs. Penacook vs. the South End), or type of property (residential vs. commercial vs. condominiums), making the appropriate adjustments each year to the property assessments is the right thing to do.



Friends of the Merrimack River Greenway Trail

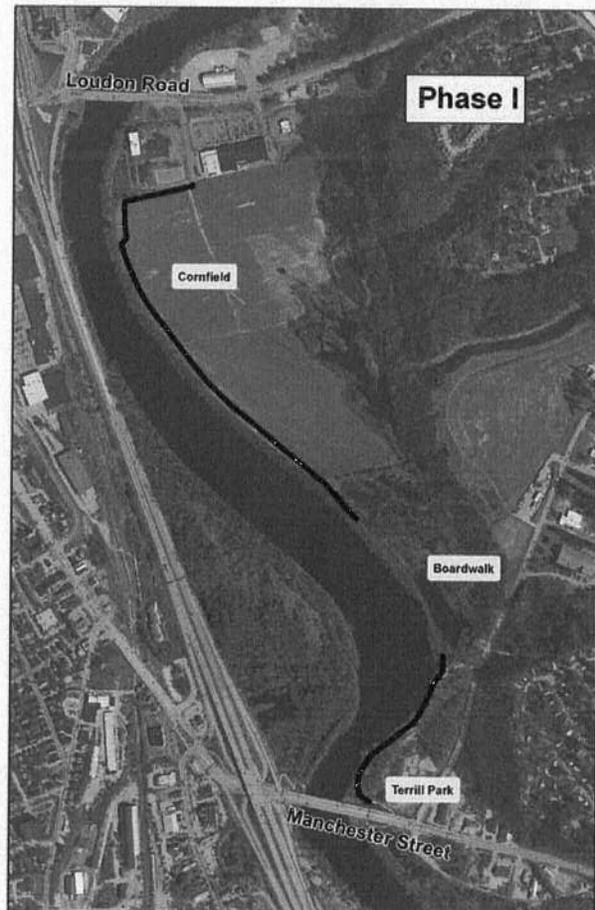
**Friends of the Merrimack River Greenway Trail: Report to Council
April 16, 2013**

Dear Mayor Bouley and Concord City Councilors:

Much has happened since March 14, 2011, when the Council accepted the Feasibility Study for the Merrimack River Greenway Trail and authorized the TPAC Bicycling Committee to work with staff to raise funds to proceed with building it.

In July, 2011, more than 40 volunteers, with the help of City staff and equipment, removed 30 cubic yards of debris from the area south of the Christian Mutual building between the corn fields and the river. In the fall of 2011, volunteers and staff created a 1/2 mile walking path through the forested river margin.

In October 2011, "Friends of the Merrimack River Greenway Trail, Inc." became a registered nonprofit corporation under New Hampshire law. In April 2012, FMRGT received 501(c)(3) tax exempt designation from the IRS. The designation permits the group to receive tax-deductible donations from individuals, grant funders and businesses. We now have a website and a popular Facebook page which boasts 400 followers.



To date, FMRGT has received over \$80,000 in donations, most of which we are using as a "challenge grant" to raise the funds needed for the design and environmental permitting of a section of the trail that will connect Manchester Street, at Terrill Park, to Loudon Road, near the Post Office.

This "Phase 1" section is approximately 1.3 mile long and will include a 1/4-mile long boardwalk over a wetland and an unnamed stream.

We estimate the cost of preliminary and final design, including all necessary environmental permitting, at \$150,000. Thus, money in hand will take us half way to our funding goal for design of Phase 1.

With Council's concurrence, our plan is to begin permitting and preliminary design of Phase 1 immediately. While that work is underway, FMRGT will continue raising the remaining \$70,000-\$75,000 that will take us to final design.

Based on input from City staff, we (FMRGT) plan to take the lead through the design and permitting phase. We will, of course, continue to coordinate closely with staff throughout the design process. While preliminary design is underway, we will raise the funds for final design and construction, then donate the funds and the plans to the City for bidding, awarding, contracting and construction inspection to complete the construction.

Before we begin to expend any of the graciously donated funds on the preliminary design we are asking for Council's confirmation that the City remains a full partner in the project and that Council will accept the design, and ultimately construct the trail with future funds raised by FMRGT, with continuous guidance and involvement of the Engineering and Planning Divisions.

FMRGT will plan to deliver annual reports to Council unless circumstances warrant more frequent updates. Councilors are also invited to follow our progress at MRGT.org.

We thank you for your continued support in this important community project!

Sincerely,

Dick Lemieux, President, Trustee, FMRGT

	Sub-Phase	Estimated Cost	Funded By	Implemented By	Comments
Phase 1: Manchester Street to Loudon Road	Environmental Permitting & Preliminary Design	\$75,000	FMRGT	FMRGT	Money is in hand. FMRGT is ready to proceed with hiring a consultant. City engineering and planning staff are involved.
	Final Design	\$75,000	FMRGT	FMRGT	Funding is being raised via grants and private contributions. FMRGT plans to donate the completed design to the City. <i>FMRGT is asking for confirmation from the Council that the City continues to be a full partner in the MRGT and assurance that Council will accept the plans that are developed, at significant cost, in good faith, and under the guidance of staff.</i>
	Construction	\$2,000,000	FMRGT	City of Concord	Fundraising, via grants and private contributions, will begin following completion of fundraising for design and while design is underway. FMRGT plans to donate funds to the City for advertising, awarding, construction inspection and management. The City would own and operate the completed trail.

FMRGT is actively pursuing options and opportunities for subsequent phases. Which section will emerge as "Phase 2" is still being determined. Fundraising for the development of the entire MRGT will be ongoing and continuous until the entire trail is completed. FMRGT plans to follow the same funding and implementation model for subsequent phases as described for Phase 1.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

TAO

FROM: Edward L. Roberge, PE, City Engineer *ELR*

DATE: May 1, 2013

SUBJECT: Downtown Complete Streets Improvement Project (CIP #460)

Recommendation

Accept this report outlining the final design of the Downtown Complete Streets Improvement Project (CIP #460) and schedule a public hearing for final approval of the project.

Background

At the November 26, 2012 meeting, City Council accepted the final report and recommendations from the Downtown Complete Streets Project Advisory Committee (PAC). Since that time, Engineering staff has coordinated the efforts of a cross-functional staff project team including members of Administration, Engineering, Planning, Code Administration, General Services, Police, and Fire, as well as the efforts of the multi-disciplinary design team that includes McFarland-Johnson, Inc., Carol R. Johnson Associates, Inc., Elizabeth Hengen Historic Preservationist, Independent Archeology Consultants, and GZA Environmental.

At the February 11, 2013 meeting, City Council accepted the staff report recommending a preliminary street layout design (so called balanced sidewalk approach) which features two 15-foot wide (one in each direction) shared use lanes, a 6-foot wide textured, traversable median, angled parking on the east side, parallel parking on the west side, and widened sidewalks varying in width from 13-feet (in the southern limits) to better than 18-feet wide (in the downtown core area) along the project limits. Additionally, City Council accepted the staff recommendation to close Phenix Avenue to vehicular traffic and understood that staff and the project design team were developing alternatives for a pocket park based on PAC and public comment for further consideration.

Discussion

Staff has advanced the Main Street project to final design within the context of the specific recommendations outlined in the Project Advisory Committee (PAC) report¹ as well as with guidance by the February 2013 Council action and public comment. To date, staff has

¹ *Final Report and Recommendations, Downtown Complete Streets Project Advisory Committee, November 16, 2012*

hosted four (4) public design review meetings (December, January, March, and April), a 2nd NH Listens Session (February), and presented the preliminary design plans to City Council at its February 11, 2013 meeting. In addition to public comment heard through this open design process, staff and the project design team has engaged a number interested parties and agencies throughout the community including the Downtown Merchants Roundtable, InTown Concord, Disability Rights Center, Governor's Commission on Disabilities, Transportation Policy Advisory Committee, Traffic Operations Committee, Parking Committee, Concord Steam, Concord Arts Market, Creative Concord, Concord Chamber of Commerce, Central NH Regional Planning Commission, Central NH Bike Coalition, the Federal Highway Administration, NH Division of Historic Resources, NH Department of Transportation, and the NH Department of Administration in the design development process.

A project website (www.concordmainstreetproject.com) was developed and launched in January 2013. Since its creation, some 1,730 visits have been made to the site from 10 states, including almost 5,500 page views. The complete street project has certainly garnered broad interest.

Below summarizes the major elements of the final design for the Main Street improvements.

Typical Street Cross Section

The project design team developed two typical street layouts based upon the PAC recommendation and presented both to the PAC and public at the January 15, 2013 meeting. Based on feedback from committee members in attendance as well as comment by the public, it was clear to staff that the alternative that balanced the width of sidewalks along both sides of the street (so-called balanced sidewalk approach) was preferred.

The street cross section presented is consistent with the PAC recommendation and includes two 15-foot wide (one in each direction), shared use lanes, a 6-foot wide textured, traversable median, angled parking on the east side, parallel parking on the west side, and widened sidewalks varying in width from 13-feet (in the southern limits) to better than 18-foot wide (in the downtown core area) within the project limits.

The typical street cross section was recommended by the PAC and has been generally supported by the public since its initial presentation. Recent public comment regarding street layout and parking is summarized in the Public Comment section below.

Sidewalks

The project design team presented their initial concepts of the sidewalk/streetscape design at the public review meeting on January 15, 2013. The design, based upon the typical cross section outlined above, created sidewalk zones within the space. The proposed sidewalk generally includes a 7-foot wide furniture/curb zone, an 8-foot wide pedestrian zone, and a 4-foot wide building zone. The furniture/curb zone is immediately adjacent to the curb and includes elements such as street lights, planter boxes with trees and plantings, benches, seating areas, bike racks, mail boxes, paper boxes, etc. The pedestrian zone is intended to be an open, unimpeded walking space for pedestrians. Finally the building zone is

immediately adjacent to the building fronts and would general include limited sandwich board signage and café/restaurant tables. The sidewalk zones vary in width as Main Street varies in width from north to south.

Surface materials for Main Street were carefully considered throughout the design process. The historic context of Main Street was reviewed by Elizabeth Hengen (Historic Preservationist) at the March 2013 public meeting and received strong supportive comment by the public. Surface materials for the furniture zone include brick pavers, the pedestrian sidewalk zone features a concrete sidewalk, and the building zone areas will be banded with a granite paver material. This is consistent with the historic use of materials along Main Street and has been generally supported by the community.

The final design also includes bump outs at intersections and crosswalks where gathering spaces have been identified and where landscaping elements, seating, and potential for public art displays have been shown.

Pedestrian Safety

The final design includes a number of elements that enhance pedestrian safety on Main Street. Each of the proposed crosswalks will be wider, include larger bump outs with pedestrian scale lighting, feature special paving, and will be crossing only two lanes of traffic rather than four. Sidewalks are designed with a wide (8-foot) pedestrian zone that will be unobstructed. The proposed lighting will make the corridor much safer for walking in the evening.

Traffic signals will operate on concurrent phasing (walk with the green) with a leading pedestrian interval – meaning the walk cycle will begin prior to a green signal change. This will offer pedestrian movement priority at the signalized intersections and reduce long delay in waiting for pedestrian signal phasing. Traffic signals will also include audible indication of when crossing is permitted.

Bike Lanes

The street layout includes wide, shared use lanes (generally areas with angled parking) and dedicated bike lanes (generally areas with parallel parking) to accommodate bicyclists on Main Street. The streetscape design includes bike racks throughout the corridor.

The design layout is consistent with the recommendations of the PAC report and has been generally supported by the public. Recent public comment expressed concerns with bike safety related to head-in angled parking along Main Street and is summarized in the Public Comment section below.

Public Transit

There are 7 bus stops along Main Street and Pleasant Street within the project area. Careful consideration has been made with final siting of bus stops in the proposed design. The project design team worked closely with the Concord Area Transit (CAT) and the Public Transit Committee to relocate some bus stop locations.

The final design maintains 7 bus stops along Main Street and Pleasant Street. The Main Street northbound bus stop nearest the Pleasant Street Extension intersection has been moved 1 block north to Depot Street. The Main Street northbound bus stop at Eagle Square has also been relocated to the north – just north of the crosswalk bumpout at Park Street. This location corresponds with the southbound Main Street bus stop nearest Park Street. The southbound bus stop at Pleasant Street (nearest Pitchfork Records) has been relocated to a location adjacent to the Concord Food Co-op parking lot driveways. This is a much better location than the previous with better road setback, sight distance, and less interference with the major intersection. The remaining southbound bus stops at the Thompson Street (Kennedy Apartments) and Thorndike Street (Christ the King Church) have not been changed. The existing bus stop on Pleasant Street (west of Main Street) remains unchanged.

Based on PAC, Public Transit Committee, and public comment, it is preferred that the downtown bus stop locations feature shelters. Staff is reviewing final location and type for further consideration with CAT.

Streetscape Design Features

As outlined above in the Sidewalks section, the project design team presented their initial concepts for sidewalk/streetscape design at the public project review meeting in January. In addition to the furniture, pedestrian, and building zone elements mentioned earlier, several new features were proposed in response to public comment including the relocation of the clock tower, the creation of a water feature at the State House plaza, the closure of Phenix Avenue to vehicle traffic for the creation of a downtown pocket park, and the addition of downtown gateway and public art treatments throughout the project area.

Based on public comment, the project design team proposed to relocation of the clock tower from its current location at the entrance to Eagle Square to what could be a new downtown park at Phenix Avenue. The clock tower is privately owned and maintained so staff met with the owners and those that maintain it to discuss the possibility of its relocation. While the idea is not favored by the owners, the idea seems to have strong support from the public. Staff is exploring costs to relocate the clock tower and will factor that into final consideration at the upcoming public hearings.

The concept of introducing a water feature in the open areas of the State House Plaza was also well received by the public at a number of the public meetings; therefore, the final design incorporates water features in the plaza area. The feature will be flat to the ground to maintain the open space of the plaza and can be controlled by staff to allow for the permitted gatherings that occur today.

Staff introduced the concept of closing Phenix Avenue to vehicular traffic during the PAC review process and the concept still receives strong support from the public. Council accepted the February report outlining the closure of Phenix Avenue to vehicular traffic so the final design progressed with the development of design alternatives for the space left open. The project design team introduced 5 concepts ranging from leaving the street as is (do nothing), to a pocket park concept with no pedestrian access to Low Avenue, and then variations of the small park with pedestrian access. While supportive, public comment was

consistent that pedestrian access was important at that location. Costs for each design alternative have been provided in the attached cost matrix.

On several occasions, the public stressed the need for some sort of gateway treatments indicating arrival in the downtown. The final design includes 2 gateway banner installations, one along Loudon Road at Main Street indicating arrival from the east, west, and north and one on Main Street nearest Thompson Street indicating arrival from the south. Overhead banner deployment should be limited to special events such as Downtown Market Days, Halloween Howl, etc.

With respect to landscaping, the project features raised planters for street trees and other plantings, pedestrian scale lighting, and a host of other amenities including solar powered trash and recycling receptacles, seating benches, etc. At the March public meeting, public comments suggested that folks thought the frequency of plantings along Main Street was too dense and requested the design team reduce the number of planters. The design team amended the layouts and presented a plan at the April public meeting that was generally endorsed. The project design team continues to develop final details on the streetscape layouts including final location of trees, benches, boxes, seating areas, etc.

Parking

The final street layout features a mix of angle and parallel parking throughout the project area. There was considerable discussion on parking during the PAC review effort as well as throughout the design development process. The total number of existing parking spaces within the project area (Centre Street to Storrs Street – south) is 300, which includes 134 spaces from Centre Street to Pleasant Street (including 4 parallel spaces on Capital Street), and 166 spaces from Pleasant Street to Storrs Street. Staff was careful to point out that there were a number of spaces throughout the corridor that did not meet required setbacks from crosswalks and intersections. In that, design review concluded that some 16 spaces within the downtown core area would be lost to compliance.

In its final report, the PAC established a project goal that no more than 5 spaces in addition to those lost due to compliance would be acceptable. This goal was based on the preferred street layout alternative that featured both angled and parallel parking spaces and widened sidewalks. The proposed design provides 289 parking spaces within the project area, including 117 spaces from Centre Street to Pleasant Street (including 6 angled spaces on Capital Street), and 172 spaces from Pleasant Street to Storrs Street. This is a net overall reduction of 11 spaces throughout the entire project area, including a net loss of 17 spaces within the downtown core area.

The design meets the PAC project goal of allowable parking count based on their review. Throughout the design development process, staff heard from the public in both support for the design layout and concern for the loss of parking. Recently, public comment from a PAC member and merchant reiterated discussions from the PAC process to consider a design alternative which would restore angled parking throughout the downtown core area and reduce sidewalk widths. A summary is provided in the Public Comment section below. It is also important to note that through the PAC review process, staff indicated that parking along the southern limits of Storrs Street that were removed several years ago could be sectored and considered long-term parking. This would introduce about 56 spaces

to the parking inventory in downtown. Both the PAC and comments by the public support this action.

As outlined in the February Council report, the design team also evaluated head-in angled parking versus back-in angled parking. While the PAC recognized the theoretical benefits of back-in angled parking, there was apprehension to consider such an installation on Main Street. The PAC recommended maintaining head-in angle parking, although suggested that a demonstration of back-in angle parking in the southern section of the project might be considered. Staff has reviewed opportunities to test back-in angle parking and will suggest a demonstration area that would be appropriate at the May Council presentation.

Accessibility

The final design features a number of accessibility improvements including the elimination of the double step curb along east side of Main Street, fully accessible sidewalks and crosswalks, and an appropriate number of disabled parking spaces. Disabled parking spaces are proposed throughout the corridor on both east and west sides with most located near crosswalks so that the ramps on the bump outs can be used to access the sidewalk. All crosswalks will have ADA compliant ramps.

Part of the PAC review included discussion on enhancing access to businesses along Main Street that currently have barriers. Staff and the project design team met with representatives of the Disability Rights Center and the Governor's Commission on Disabilities early in the design development process to review project constraints and challenges. Staff has met with all of the property owners along Main Street that have access barriers to business entrances in an effort to coordinate potential solutions. Discussions have been generally positive and individual design development and review is underway. A more thorough review will be provided at the May Council presentation.

Sidewalk/Street Snow Melt System

Staff and the project design team have met with Concord Steam several times to review design options and alternatives. While Concord Steam has determined that their proposed plant will have more than enough energy to heat the entire width of Main Street, final planning for their facility remains unknown at this time. Final design continues and preliminary schematic designs by a consultant to Concord Steam have been developed and cost information for several snow melt system alternatives have been provided in the Cost Section.

The public has consistently supported a snow melt system in downtown throughout the design development process. Although final determination of this alternative remains unknown at this time, staff recommends minimally that a sidewalk snow melt system be constructed within the downtown core area if possible. Project costs outlined below include this recommendation.

Underground Utilities

Staff and the design team sponsored three utility coordination meetings with both public and private utilities within the project area. While final design for utility improvements

continues, staff understands there may be a desire to remove overhead utilities than run along a portion of the South Main Street section of the project. Anticipating new development at the NH Employment Security Building block in the near future, staff and the project design team requested cost estimates to relocate aerial utilities along Main Street from about the NH Food Co-op (generally last overhead utility pole location) south to Thompson Street. Costs are estimated at \$2,500,000. Costs to relocate the overhead utilities are not eligible for TIGER grant funding and therefore would need to be funded separately.

Although a discussion of relocated overhead utilities has been limited during the public meetings, the public has identified a downtown district extending as far south as Theatre Street. In that, staff supports the relocation of overhead utilities within the downtown district.

Wayfinding Signage

The signage and wayfinding for Main Street is in design development and will include 10 directional/information sign centers throughout the project area as well as parking garage and destination wayfinding signage. Directional and wayfinding signage has been a central point made by the public through comments throughout the design phase. Dramatic change is expected by the public and staff is working closely with the design team to deliver this expectation. A more thorough review will be provided at the May Council presentation.

Parking Management

The PAC recommended that Council consider offering free or reduced rate parking during construction to keep Main Street shopping viable during the disruptive construction process. Staff has been reviewing construction sequencing with the project design team and although a detailed prosecution of work has yet to be developed, staff agrees that coordinating temporary location of kiosks and meters would be very difficult. Staff recommends that timed parking be introduced during construction to avoid the confusion of moving kiosks and meters.

Staff and the project design team will continue to meet with the Parking Committee to discuss elements such as communication, signage and wayfinding, and parking capacity within the garages.

Communication and Promotion

The project website, www.concordmainstreetproject.com, was launched on January 16, 2013 following the 2nd public meeting. The site features project information from the start of the design project as well as meeting schedules, contact information, project news, and the latest graphics. Since the website launched, some 1,730 visits have been made to the site including 5,491 page views (inquiries on pages of the website). Visitors come from all of the New England states along with New York, California, the District of Columbia, Pennsylvania, and Virginia.

In addition, there are 156 people registered for information at the project's Facebook page. Following public meeting dates, there are well over 200 viewers that visit the site. For

example, 483 visits were made during the week of March 18th, 237 folks viewed the site during the week starting April 15th. The project website and Facebook page has proven to be an effective way to provide the latest project information to the public.

City Administration issued a Request for Qualifications (RFQ) in March for public relations (PR) firms to provide services to represent the community and merchants through the upcoming construction project. Candidate interviews are underway and selections are expected in mid- to late-May. The PR firm is intended to compliment the project team in communicating project schedules and process. In addition, the firm will focus on marketing strategies to get and keep people to the downtown during construction.

Project Costs (Capital and Maintenance)

The total construction project budget as presented in the TIGER grant application is \$7,135,000, which includes \$6,885,000 for construction and \$250,000 for project administration and construction engineering.

A detailed project cost estimate is provided for Council's review. As shown, the estimated cost of the project, including streetscape amenities, landscaping, a sidewalk snowmelt system within the downtown core, and contingencies, is \$6,940,000. The project cost estimate worksheet also includes alternative contract items for Council comparison. Those items include alternative sidewalk and streetscape surface materials, trees types, sidewalk and street snowmelt system alternatives, and the Phenix Park alternatives. Estimated costs for major streetscape elements such the relocation of the clock tower, the water feature at State House Plaza, and benches and planters are provided for review. The project estimate also includes a contingency and as the final design details continue to be developed, we expect that contingency amount will decrease.

With respect to ongoing maintenance of the downtown improvement project, the PAC as well as staff and the general public was quite explicit in the need to be able to maintain the infrastructure built. Staff has reviewed the costs of services provided today and the costs required to maintain the infrastructure proposed. Maintenance costs considered include plaza and pocket park maintenance, snow removal, trash and recycling removal, landscaping maintenance, placement of banners, street and sidewalk sweeping, pavement maintenance and markings, sign replacement, repairs to streetscape elements and amenities, etc. Annual costs to maintain the improvements in the project's opening year (FY2015) are estimated at \$350,000. This compares to an estimated \$75,000 to \$85,000 spent annually for limited resources to maintain the downtown.

Understanding that project capital and maintenance costs are a significant part of Council's actions, staff recommends that a detailed project cost review session be planned to outline specific maintenance elements completed today and what new services will be required when the project is complete.

Public Comment

Although staff has received a number of public comments throughout the design process, either directly or through media, recent major communications regarding street layout,

streetscape amenities, landscaping, parking, and bike safety were notable and are attached for City Council review.

In a detailed summary provided by Mark Ciborowski, he requests, that given impact to parking and concerns with the cost of maintaining sidewalk amenities and landscaped areas, that angled parking be restored within the downtown core area and planter boxes and landscaping be reduced. Mr. Ciborowski's communication was followed by a statement prepared by Gerry Marks, a downtown merchant in support of the communication and further suggesting the critical importance of downtown merchant representation in the overall marketing and communication strategy moving forward.

In addition, staff received a communication forwarded by Robert T. Baker expressing concern with bike safety, specifically focused on the conflict between bikes and vehicles backing out from head-in angled parking. Mr. Baker notes that he does not believe the project can truly be considered a complete street if maintaining head-in angled parking.

Staff and the project design team carefully considered these well thought comments. First, with respect to a street layout that would support angled parking on both sides of Main Street in the downtown core area, sidewalk widths would be substantially reduced to nearly what is provided for width today. Staff noted in response to earlier comments regarding all angled parking that it was likely that only 8 spaces could be gained by such a change. With angled parking comes a need to provide a wide enough lane to support access and egress. In that, the 15-foot wide travel lane and 6-foot wide traversable median allows for those movements, therefore reduction in lane or median widths are not appropriate. Additionally, staff advised the PAC and public on a number of occasions that the depth of parking stalls are important and should not be reduced. Staff feels strongly that while the parking depth has been increased from what it is today, this too is important to provide a comfortable setting between parked vehicles, bikes, and travelling vehicles and adjustments are not appropriate. Therefore, staff believes the typical street cross section presented in the final design is the optimal balance of need and the goals set by the PAC early in this design process.

As noted earlier in the Streetscape Design Features section, the overall number of street trees and planters were questioned at the March public meeting so reductions were made to the plans presented at the April public meeting. The public appeared to support the changes although several folks attending the meeting suggested more trees and landscaped areas should be incorporated into the final plans. Staff believes the compromise to the landscaping plans presented in the final design reflects the optimal balance of need and the goals set by the PAC and the public for this project.

With respect to bike safety, there had been considerable discussion throughout the PAC process of bike lane configuration, either dedicated bike lanes (as shown along parallel parking areas), shared use lanes (as shown along angled parking areas), and even cycle tracks. Staff also presented an alternative to explore back-in angled parking to improve bike safety. These discussions continued through the design development to what is presented today and although staff believes that the final design is a compromise in terms of parking and bike safety, staff also believes that the project represents a complete street solution. The project clearly offers more transportation choice where choice was limited prior to this project.

In response to these comments, staff and the project design team evaluated alternatives to address the major concerns expressed above – mainly parking count and bike safety. One alternative that could address both concerns would be to consider back-in angled parking throughout the project area. Because most design guidelines allow for an angle change (from a 45° angle to a 60° angle) in back-in angle parking, a significant amount of parking can be gained - perhaps as many as 13 spaces within the downtown core area alone. This alternative would address both parking count concerns as well as bike safety concerns. Staff and the project design team can present this alternative in better detail at the May Council presentation if so desired.

Recommendation

Therefore, it is recommended that City Council accept this report and the final design plans and schedule a public hearing for final approval of the project.

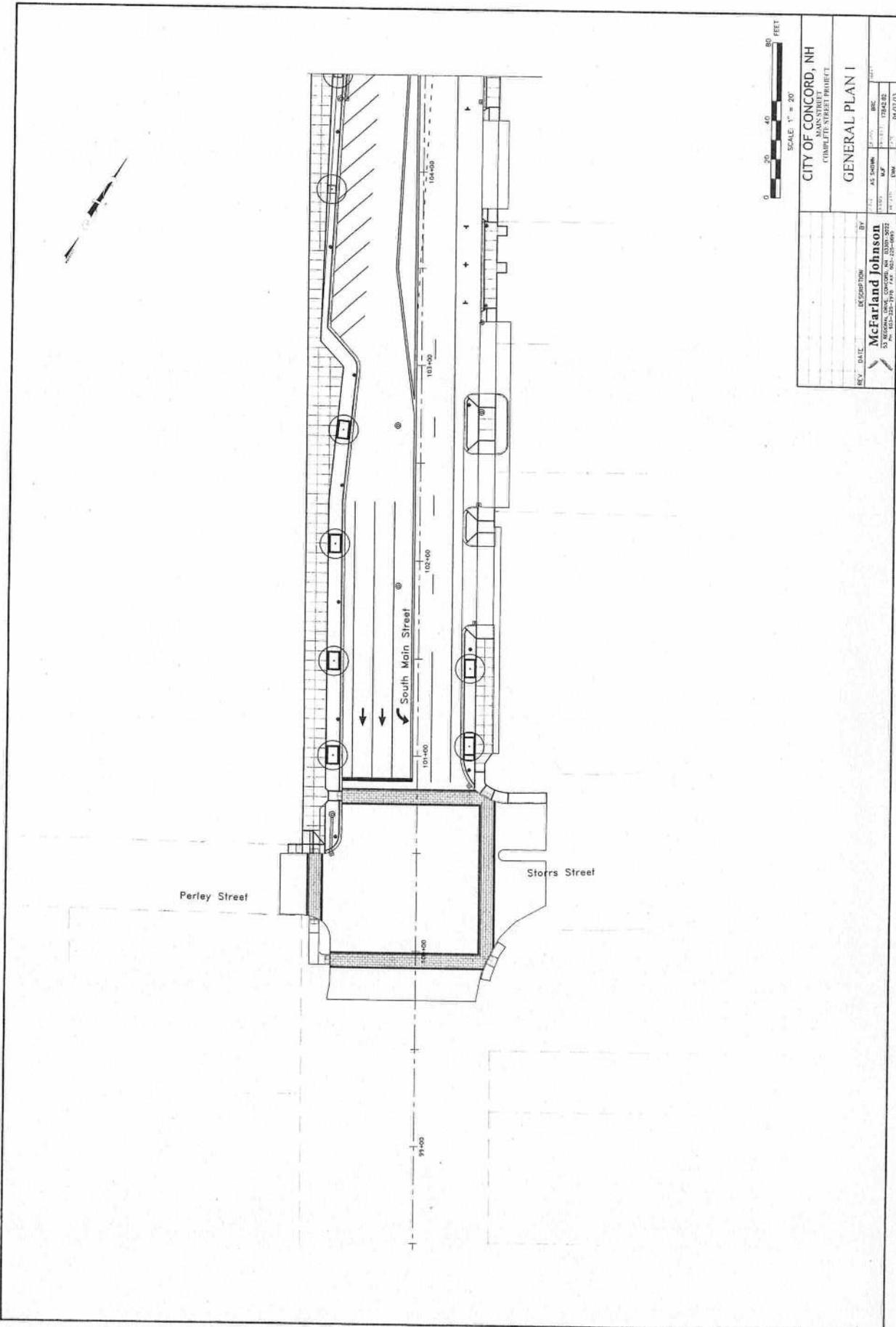
/elr

attachments

cc: Matt Walsh, Assistant for Special Project
Gloria McPherson, City Planner
Chip Chesley, General Services Director
Denise Taschereau, Fiscal Supervisor
Gene McCarthy, Project Manager, McFarland-Johnson

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
EARTHWORK & BASE COURSE ITEMS					
	COMMON EXCAVATION	CY	14,400	\$12	\$172,800
	CRUSHED GRAVEL	CY	1,200	\$27	\$32,400
	RECLAIMED STABILIZED BASE	CY	28,500	\$10	\$285,000
	STRUCTURAL SOIL	CY	800	\$80	\$64,000
	COLD-PLANNING SURFACES	SY	4,500	\$5	\$22,500
ROADWAY SURFACE TREATMENT					
	HOT BITUMINOUS PAVEMENT	T	9,600	\$75	\$720,000
	COBBLED MEDIUM	SY	1,300	\$120	\$156,000
	VEHICLE CROSSWALKS	SY	1,100	\$100	\$110,000
	FLUSH GRANITE CURB	LF	10,000	\$20	\$200,000
	FLUSH GRANITE CURB	LF	8,200	\$18	\$147,600
SEWERMALK SURFACE TREATMENT					
	8" REINFORCED CONCRETE SEWERMALK	SY	7,000	\$50	\$350,000
	BRICK PAVERS	SY	2,200	\$90	\$198,000
	GRANITE PAVERS	SY	1,400	\$120	\$168,000
	GRANITE EDDING	SY	1,400	\$150	\$210,000
	STORM DRAINAGE	EA	12	\$2,200	\$26,400
	CATCH BASINS	EA	12	\$2,200	\$26,400
	CB CONVEYORS	EA	12	\$2,200	\$26,400
	ORANGE PIPE	LF	1,400	\$40	\$56,000
SEWERMALK SYSTEM					
	SEWERMALK SNOWMELT SYSTEM (CORE AREA ONLY)	SY	7,500	\$90	\$675,000
	HOLIDAY SNOWMELT SYSTEM	SY	0	\$90	\$0
INTERSECTION CONTROLS					
	SOUTH MAIN AT STORES TRAFFIC SIGNAL MODIFICATIONS	LS	1	\$50,000	\$50,000
	NEW PLEASANT STREET TRAFFIC SIGNAL	LS	1	\$150,000	\$150,000
	NORTH MAIN AT CENTRE TRAFFIC SIGNAL MODIFICATIONS	LS	1	\$50,000	\$50,000
STREET LIGHTING					
	3" CONDUIT	LF	7,800	\$10	\$78,000
	PULL BOXES	EA	12	\$40	\$480
	SMART LED STREET LIGHT	EA	25	\$7,200	\$180,000
	LED STREET LIGHT	EA	100	\$3,000	\$300,000
MAJOR ITEM SUB-TOTAL COST \$4,527,900					
Costs Estimated by Contract Percentage**					
TRAFFIC CONTROL					
Contract % Estimate \$277,292					
1.00%					
Contract % Estimate \$444,527					
13.00%					
CONTRACT TOTAL \$4,972,392					
Costs Estimated by Contract Percentage**					
OTHER ITEMS AND CONTINGENCIES					
Contract % Estimate \$444,527					
13.00%					
STREET LIGHTING & LANDSCAPING					
	BIG BELLY TRASH RECEPTACLES	EA	12	\$4,200	\$50,400
	PLANTER AT CITY PLAZA	EA	4	\$5,000	\$20,000
	PLANTER AT CITY PLAZA - SEAT	EA	15	\$2,200	\$33,000
	PLANTER WITH ALL PLANTINGS	EA	41	\$1,100	\$45,100
	FENCING AROUND PLANTERS	LF	1,200	\$50	\$60,000
	GRANITE SEATING BENCH	EA	5	\$2,200	\$11,000
	GRANITE SEATING BENCH	EA	17	\$1,200	\$20,400
	BENCHES	EA	20	\$450	\$9,000
	PARKING SIGNS	EA	8	\$3,000	\$24,000
	TREE GRATES	EA	8	\$27,000	\$216,000
	DIODEOUS TREE	EA	88	\$1,500	\$132,000
	ORNAMENTAL TREE	EA	30	\$1,200	\$36,000
	WATER FEATURE AT STATE HOUSE (PT. E - 15AMP)	SC	5,000	\$7	\$35,000
	PARKING SIGN	EA	1	\$115,000	\$115,000
	RELOCATION OF CLOCK TOWER	LS	1	\$119,000	\$119,000
	RELOCATION OF CLOCK TOWER	LS	1	\$40,000	\$40,000
STREET LIGHTING & LANDSCAPING ITEM SUB-TOTAL COST \$979,400					
CONTINGENCY SUB-TOTAL COST \$8,729,722					
MOBILIZATION \$201,882					
3.00%					
PROJECT TOTAL COST \$6,940,000					

ALTERNATIVE DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
ALTERNATIVE CONTRACT ITEMS				
STARTUP BITUMINOUS MEDIUM	SY	1,300	\$45.00	\$58,500.00
SMART CROSSWALKS	SY	700	\$45.00	\$31,500.00
STARTUP BITUMINOUS CROSSWALKS	SY	700	\$45.00	\$31,500.00
CONCRETE UNIT PAVERS (FURNITURE ZONE)				
CONCRETE UNIT PAVERS (BUILDOUTS)	SY	2,300	\$90.00	\$207,000.00
CONCRETE UNIT PAVERS (BUILDOUTS)	SY	4,000	\$90.00	\$360,000.00
8" REINFORCED CONCRETE SEWERMALK (BUILDING EDDING)	SY	1,700	\$80.00	\$136,000.00
8" REINFORCED CONCRETE SEWERMALK (BUILDING EDDING)	SY	1,700	\$50.00	\$85,000.00
SEWERMALK SNOWMELT SYSTEM (PLEASANT-HILLS)				
SEWERMALK SNOWMELT SYSTEM (HILLS THEATRE)	SY	1,900	\$90.00	\$171,000.00
SEWERMALK SNOWMELT SYSTEM (HILLS THEATRE)	SY	2,650	\$90.00	\$238,500.00
SEWERMALK SNOWMELT SYSTEM (HILLS THEATRE)	SY	3,000	\$90.00	\$270,000.00
SEWERMALK SNOWMELT SYSTEM (HILLS THEATRE)	SY	12,000	\$90.00	\$1,080,000.00
SEWERMALK SNOWMELT SYSTEM (HILLS THEATRE)	SY	12,000	\$90.00	\$1,080,000.00
SEWERMALK SNOWMELT SYSTEM (HILLS THEATRE)	SY	5,400	\$90.00	\$486,000.00
SEWERMALK SNOWMELT SYSTEM (HILLS THEATRE)	SY	11,000	\$90.00	\$990,000.00
UNDERGROUND UTILITIES TO THOMPSON STREET				
UNDERGROUND UTILITIES TO THOMPSON STREET	LS	1	\$2,500,000.00	\$2,500,000.00
UNDERGROUND UTILITIES TO THOMPSON STREET	LS	1	\$5,500,000.00	\$5,500,000.00
8" COLUPPER ORNAMENTAL TREE				
8" COLUPPER ORNAMENTAL TREE	EA	135	\$2,000.00	\$270,000.00
8" COLUPPER ORNAMENTAL TREE	EA	30	\$1,200.00	\$36,000.00
PARKING AVENUE POCKET PARK (OPT. B - NO PED. ACCESS)				
PARKING AVENUE POCKET PARK (OPT. B - NO PED. ACCESS)	LS	1	\$83,000.00	\$83,000.00
PARKING AVENUE POCKET PARK (OPT. C - EXISTING SEWERMALK)	LS	1	\$44,000.00	\$44,000.00
PARKING AVENUE POCKET PARK (OPT. D - TERRED PARK)	LS	1	\$150,000.00	\$150,000.00

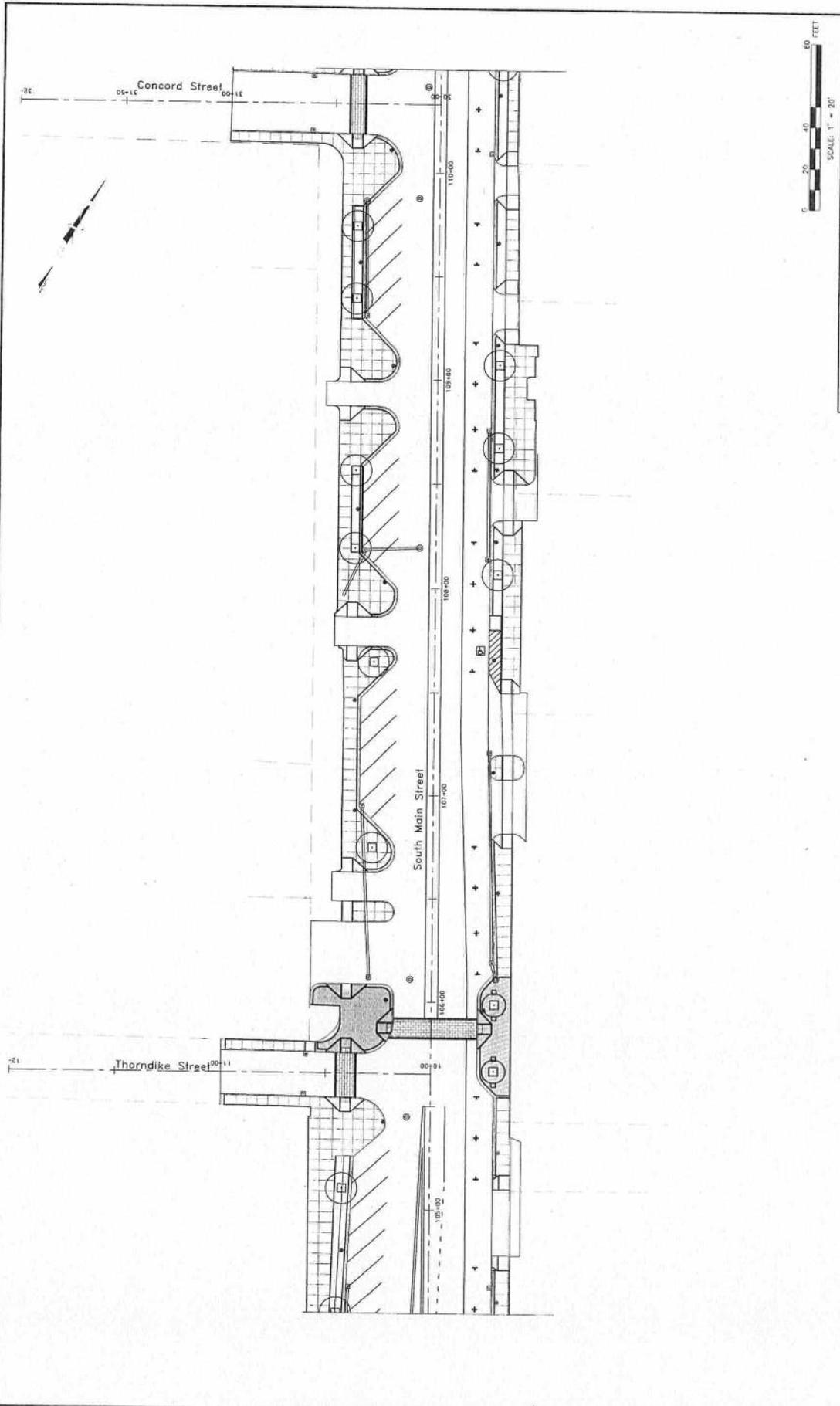


SCALE: 1" = 20'
 0 20 40 80 FEET

CITY OF CONCORD, NH
 MAIN STREET PROJECT
 GENERAL PLAN I

REV.	DATE	DESCRIPTION	BY
1		AS SHOWN	ABC
2		UP	DEF
3		ENW	GHI

McFarland Johnson
 32 WINDMILL ROAD, CONCORD, NH 03301-5022
 TEL: 603-225-7700 FAX: 603-225-7705



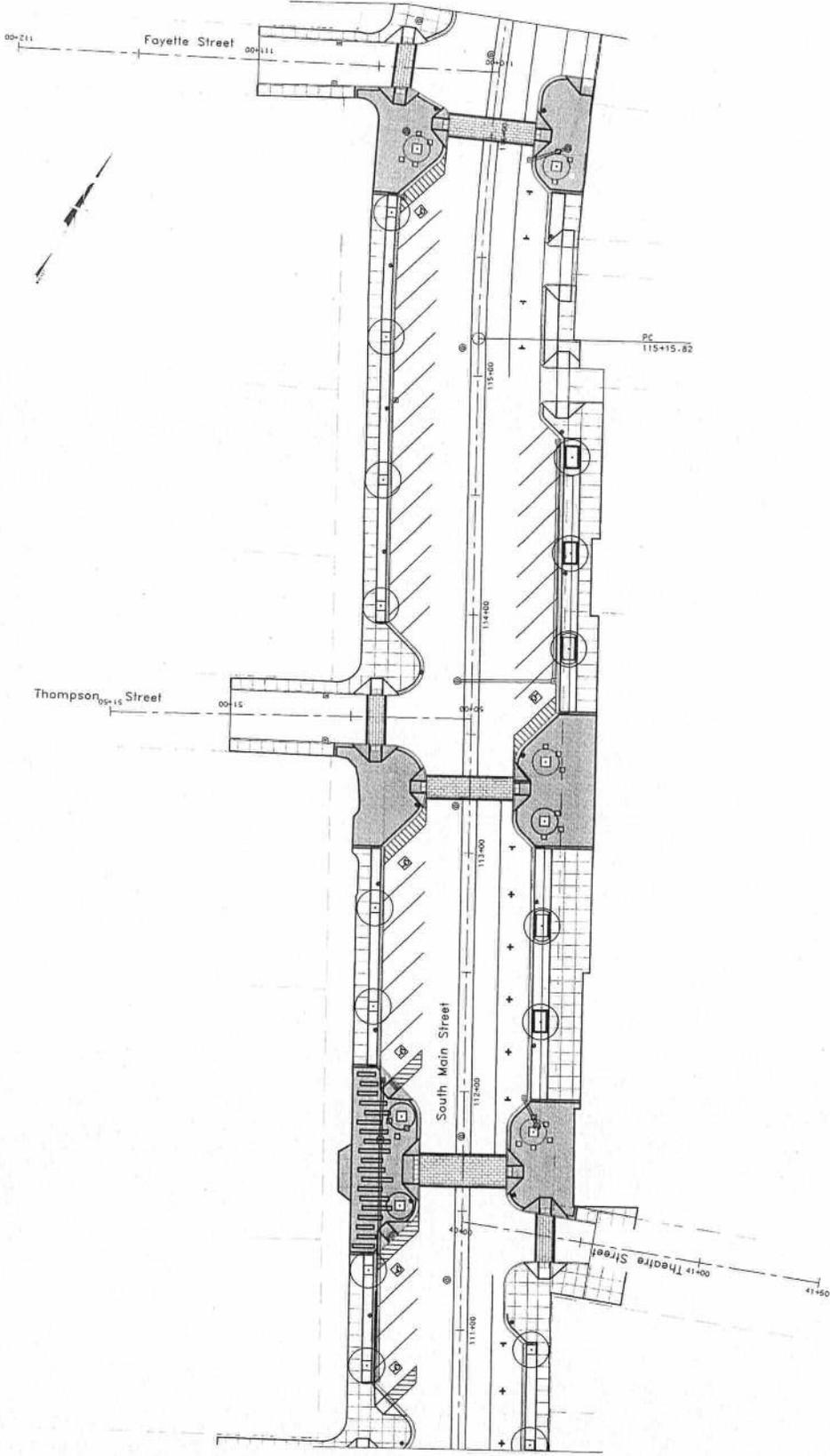
SCALE: 1" = 20'

CITY OF CONCORD, NH
 CONCORD STREET PROJECT

GENERAL PLAN 2

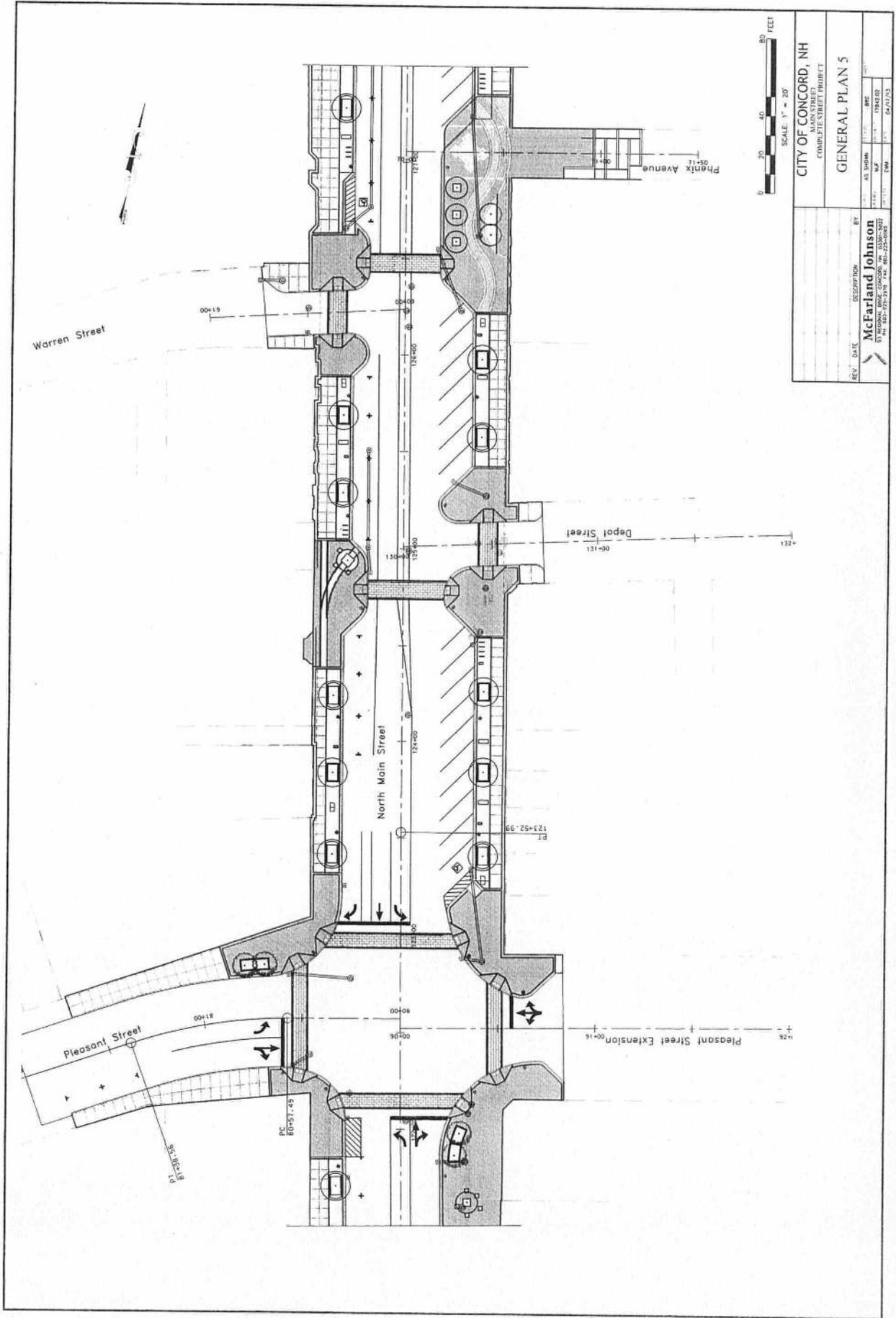
REV	DATE	DESCRIPTION	BY
1	AS SHOWN		BBC
2	1/18/02		MAF
3	1/18/02		EMM
4	04/07/03		

McFarland Johnson
 31 REGIONAL DRIVE, CONCORD, NH 03301-3527
 TEL: 603-252-3918 FAX: 603-252-9895

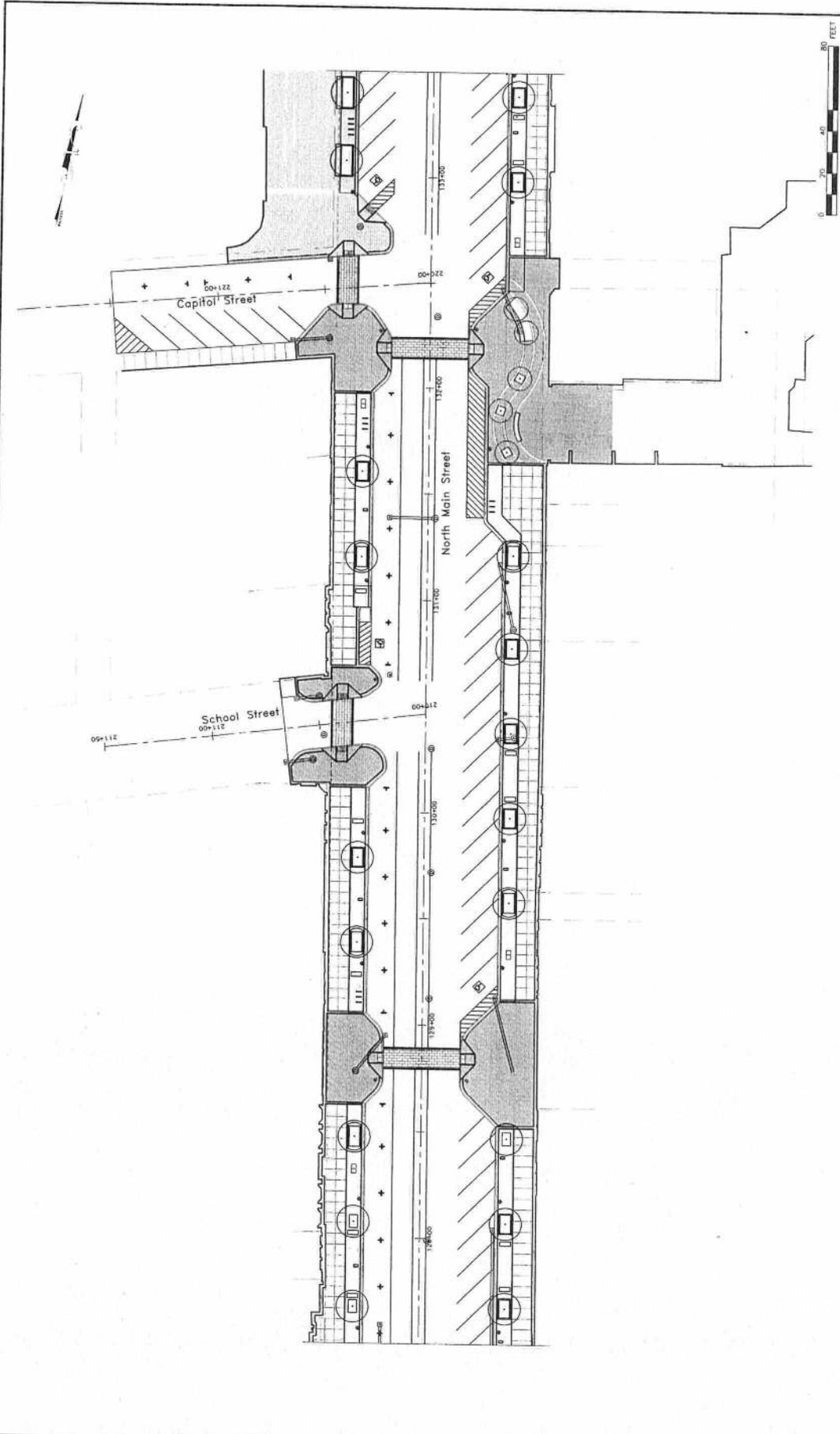


CITY OF CONCORD, NH		GENERAL PLAN 3	
(COMPLETE STREET PROJECT)			
REV.	DATE	DESCRIPTION	BY
1	AS SHOWN		BNZ
2	M.F.		17/04/20
3			04/07/21

McFarland Johnson
 57 NORTON STREET, CONCORD, NH 03301-5522
 PH: 603-255-5918 FAX: 603-255-5008



CITY OF CONCORD, NH MAIN STREET COMPLETE STREET PROJECT	
GENERAL PLAN 5	
DATE: _____ DESCRIPTION: _____ BY: _____	AS SHOWN: 12/27/17 DATE: 12/27/17 DRAWN: JRM CHECKED: JRM DATE: 12/27/17 SCALE: 1" = 20'
McFarland Johnson 57 BROADWAY, CONCORD, NH 03301 TEL: 603-271-1111 FAX: 603-271-1112 WWW.MCFARLANDJOHNSON.COM	



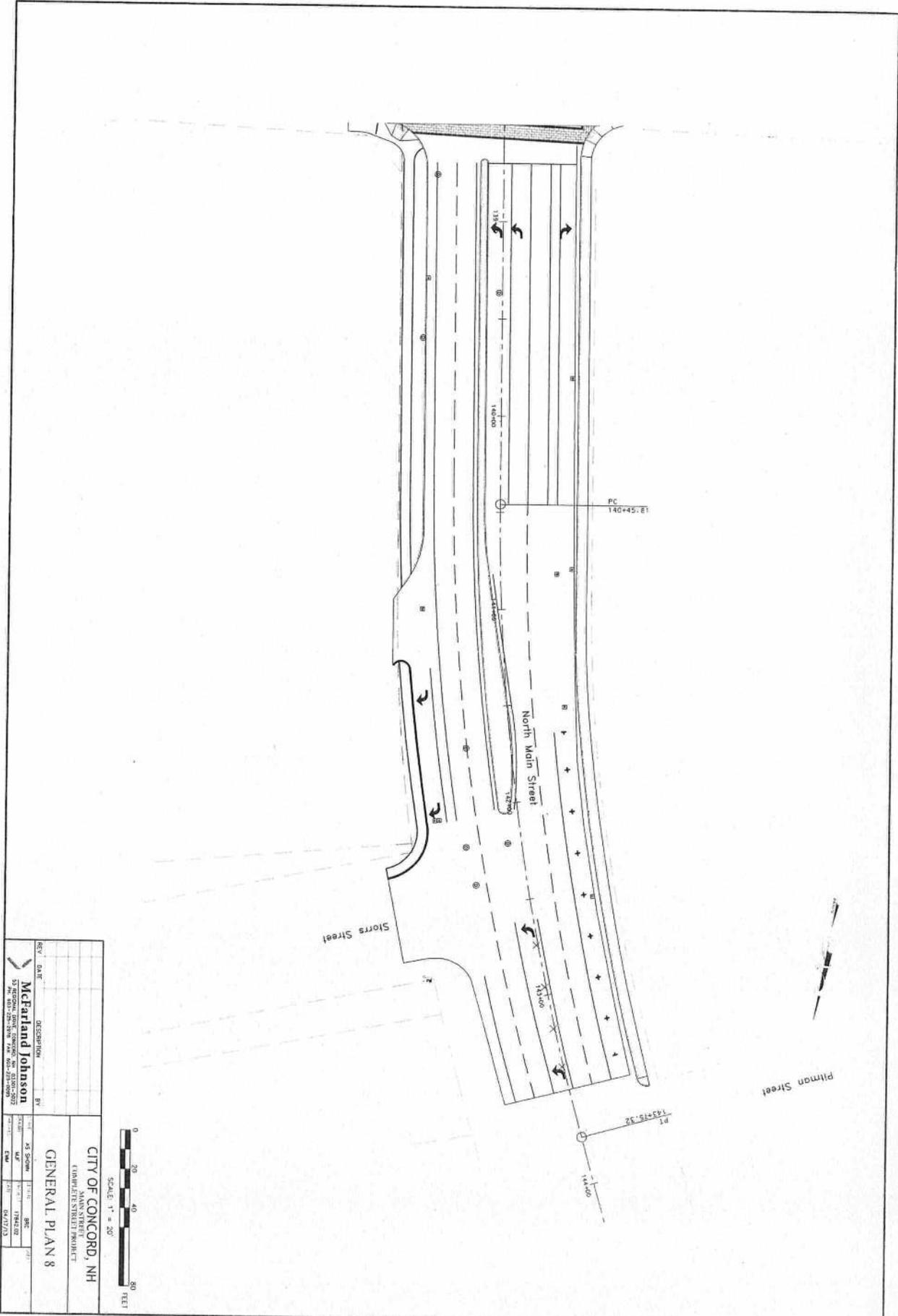
SCALE: 1" = 20'

CITY OF CONCORD, NH
 MAIN STREET
 COMPLETE STREET PROJECT

GENERAL PLAN 6

REV.	DATE	DESCRIPTION	BY
1		AS SHOWN	MC
2			MC
3			MC
4			MC
5			MC
6			MC
7			MC
8			MC
9			MC
10			MC

McFarland Johnson
 57 BEAUFORT ST., CONCORD, NH 03301-5022
 PH: 603-225-7438 FAX: 603-225-0885



REV	DATE	DESCRIPTION	BY
1	05/20/2023	ISSUED FOR PERMIT	BJ
2	06/07/23	REVISED	BJ

McFarland Johnson
 55 MEDICAL DRIVE, CONCORD, NH 03301-2023
 TEL: 603.225.2300 FAX: 603.225.2399

CITY OF CONCORD, NH
 MAIN STREET
 COMPLETE STREET PROJECT
GENERAL PLAN 8



Some Thoughts on the Main Street Redesign
By Mark Ciborowski
March 31, 2013

TA

As a member of the Advisory Committee for the redesign of Main Street I have been involved with and have closely followed the redesign process of our Main Street as it has evolved. First let me start by saying I have a great deal of respect for the design team that brought the plans to their current point, and there is no question that everyone involved shares the same goal of wanting Concord's Main Street to be a vibrant, sustainable, livable and welcoming destination where people want to work, live and spend their leisure time shopping, dining, and enjoying the arts. But as in any project of this magnitude with so many people participating, there are bound to be differences of opinion regarding the design of how we should shape our downtown for achieving those goals. We also asked the designers to be bold in their thinking so it is very appropriate that they start with all the options and leave it to us to scale it back to a design and cost we can justify while getting the most bang for our dollar.

I have some concerns with a few of the major components of the current redesign of Main Street as it now stands. Most of my specific comments apply to North Main Street only as South Main Street has a somewhat narrower street and therefore narrower sidewalks and more parallel parking. My general comments apply to the entire street.

- We are taking four lanes of traffic with diagonal parking on both sides of North Main Street and turning it into two wider lanes of traffic with a center median with parallel parking on most of the west side of Main Street, leaving the diagonal parking on the east side.
- We are sacrificing two travel lanes and converting one side of the street to parallel parking in order to add width to our sidewalks. Granted, an important aspect of the design is the wider lanes (15 feet) and center median (6 feet) which allow the addition of shared bike lanes in each direction as well as retaining bypass capability for cars turning. But it remains to be seen how well this median will function as the turning lanes are not marked. If cars taking a left turn fail to move into this median, cars behind them will be forced to wait until the turn is taken.

The sidewalks on North Main Street are for the most part currently between 10 and 12 feet. With the proposed design they become, again for the most part, 18 to 20 feet wide with most on the higher end of that range. The breakdown of those wider sidewalks is as follows:

- The first 1.5 feet from the edge of the curb is called the edge or loading zone but on the side with diagonal parking most of that 18 inches will be occupied by the overhang of the front end of cars when parked in these spaces.
- The next six feet in from the curb is called the furniture zone which will consist largely of landscaping and benches. The planting areas measure six feet wide and ten feet long. They call for a centered tree surrounded with plantings (details undecided but annual flowers have mostly been discussed) lined by short, black wrought iron fencing.
- This is followed by an 8 foot travel or thruway zone for pedestrian walking.

- Lastly is the 4 foot building zone against the buildings which among other things is the space allocated for sidewalk seating at restaurant locations and sandwich board signage for merchants.

My thoughts about this design are as follows:

The planting areas each with a centered tree measure 6 feet by 10 feet and there are a total of 60 of them between Center and Pleasant Streets with an additional 10 trees with some additional plantings at some of the nodes at the crosswalks. The plan shows South Main Street having a total of 63, 6'x10' tree/planting areas with an additional 20 trees and more plantings located on the nodes. A few on south main street call for a tree only with no plantings below them but the vast majority are the full 6'x10' with plantings below the trees. Admittedly having as many as 123, 6'x10' planting areas full of trees and blooming flowers in the summertime with an additional 30 trees with some additional plantings at the nodes would look quite beautiful if you had the resources for their upkeep; but I believe that this is an unrealistic amount of landscaping to properly maintain. That's a total of 153 trees, with the vast majority of those having plantings associated with them! Even if well maintained, you have 4 months of the year with flowers and 8 months a year with a much drabber look without blooming flowers.

Between planting, weeding, vandalism, trash removal, tree maintenance, fence repair and upkeep of the irrigation system, the cost of maintaining them becomes a tremendous financial burden. To date we have not seen any estimates of what the annual cost of maintaining all of this landscaping would be. And if the commitment to maintain them is not kept up, they will become an eyesore which we would be better off without. Presently on Main Street the only significant planting area is at the northwest corner of Main and Pleasant Streets, and we have not done a good job at maintaining this one planting area in the center of downtown. How realistic is it that we are going to maintain nearly 150 planting areas of this size when we haven't done a great job with the only one we presently have! Given the current economic conditions and how tight money is for both downtown businesses and landlords, a Business Improvement District (BID) would also be an unacceptable hardship, in my opinion, especially in light of the significant real estate tax increase just levied on downtown buildings. As manager/developer of 12 family-owned downtown properties, the ongoing cost to maintain the buildings is always an important part of the decision-making process in everything we do. I would not want to be asked to pay for something I would never do with my own properties knowing the upkeep would be more than I could realistically maintain.

Additionally I think about a car pulling into a diagonal parking space in front of one of these planting areas with a short fence around it. With most of the 18" before the fencing starts blocked by the overhang of the front end of cars, drivers and passengers will sometimes be forced back out into the street due to the planting area blocking their access to the sidewalk. In general I like the idea of Main Street with more of a tree-lined look although I believe that look could be accomplished with far fewer than 153 trees. But while they do soften the look and add some greenery they also block merchants' signs as well as somewhat block the view of our downtown buildings, many of which are rich in architectural detail. Small caliber trees planted downtown have a low survival rate while planting trees

large enough to increase their survival chances are far more expensive to plant, creating another issue of affordability. What I would propose is reducing the number of trees and eliminating the plantings underneath most, if not all of them. At a minimum I would reduce the planting areas from 6'x10' to 4'x8', essentially cutting the size in half, but I prefer eliminating the plantings below the trees altogether. There are attractive metal grates that can give a tree ample growing room, the ability to get the water they need, yet still provide a walkable surface. These grates come in various sizes but I would think a 4'x4' grate would be large enough, leaving the majority of the sidewalk to be concrete. Instead of plantings beneath the trees I would suggest window boxes with a stand available in a couple of different lengths that would be provided to businesses free of charge to those who wish to maintain them at their storefronts. This would introduce a consistent look of flowers along Main Street during the warmer months that could be removed during the cold months. This would be a very cost efficient way to introduce flowers to the street while eliminating drab looking plantings during the winter months. Additionally, they now sometimes incorporate a sidewalk construction technique with rebar in the concrete allowing good loam underneath it around trees to give the roots more room to expand without heaving or cracking the sidewalks themselves. While clearly the trees will require maintenance, eliminating the plantings below them will dramatically reduce the upkeep budget. I believe this will also eliminate the need for an irrigation system further cutting costs of both installation and maintenance. This will also eliminate the issue of the sidewalk being blocked by drivers trying to access the sidewalk after parking. And while we all would like there to be a snowmelt system installed in the downtown sidewalks and street, that reality is still very much in question, especially for the entire stretch of Main Street. It looks even less likely that we will be able to afford to heat the street in addition to the sidewalks. If the plantings were installed as drawn with fencing around them, there is a real risk that snow plowed from the streets would damage the fencing in addition to the road salt possibly killing the plantings. The city might have to revert back to plowing storms toward the center median, impacting traffic flow until subsequent removal. In the event that the sidewalks also are not able to be heated, replacing the planting areas with flush metal grates will make winter snow removal much easier, also generating additional cost savings.

There is one more element of the current proposed design that relates to the snowmelt system. In general, the nodes at the crosswalks seem disproportionately large to me. Instead of ending at intersections as they presently do, they extend out significantly into the street as they do at crosswalks not at intersections, framing the parking area. I do not see any real benefit to this, including safety for pedestrians. And where there is virtually no likelihood of the street being heated with a snowmelt system, this just seems to make snow plowing and removal more difficult with more obstructions to work around.

The four foot area closest to the buildings known as the building zone is where eating establishments are allowed to place tables for their customers. In my mind one of the significant benefits of wider sidewalks would be the ability of restaurants to increase the width they are allowed to use for seating. Yet even though we are increasing the width of the sidewalks by approximately 8 feet, the space allocated for this vibrant and economically important function remains the same at only 4 feet.

The end result of this design is that we are giving up two lanes of travel and converting diagonal parking to parallel on one side of the street in order to add approximately 8 feet to the width of the sidewalks. Yet the functional part of the sidewalk remains the same at approximately 12 feet with no additional room for seating. The remaining width is largely taken up by extensive landscaping which is costly to maintain so that in the end we are giving up critical parking spaces to be replaced by landscaping which will, in my opinion, be too expensive to maintain.

Again, what I would propose as a design is to restore the diagonal parking to both sides of the street, eliminate the plantings beneath the trees including the black wrought iron fence and instead install a flush mounted grate around the trees providing a walkable surface. Changing back to diagonal parking on the west side would require an additional 9 feet, thus reducing each sidewalk by 4.5 feet with no other changes. But with the tree grates starting at the edge of the curb, and being a walkable surface, the functional width of the sidewalk would actually be the same or even a little bit wider with this design. You have the option to add back as much as 2 feet of the 4.5 feet lost in sidewalk width on each side of the street by reducing the diagonal parking bays from 17 to 16 feet and the center median from 6 to 4 feet, gaining a total of 4 feet or two feet for each side. The diagonal parking bays are currently 15 feet and accommodate over 90% of all vehicles. In my opinion, an additional foot would, from my considerable measuring of vehicles; accommodate 99% of all vehicles with the remaining 1% extending a few inches beyond that. I would much rather a car rarely extend a few inches beyond a 16' bay into a travel lane now 15' wide than leave two feet of space not needed behind 90% of all cars. In my opinion that two feet (one foot on each side of the street) is valuable space that is much better utilized adding it to the sidewalks. During our advisory meetings the center median strip started out at 4 feet, which when added to the 15 foot travel lane gives you 19 feet which was considered to be the width needed for bypass capability. I would propose to make the parking bays 16 feet and the center median 5 feet, picking up 3' total or 1.5' to add to each sidewalk. This would make the sidewalks about five feet wider than their current width allowing much more room for sidewalk seating. Even without these modifications to the parking bays and center median the sidewalks will be on average 3.5' wider. While I consider these changes to be both very desirable and workable, I do not consider either of them critical in the decision to revert back to diagonal parking on both sides if not opted for.

An alternative is to keep the benches and most of the trees at the location of the crosswalk nodes so all the additional space gained for the sidewalks is usable space. This would add roughly 4 feet on average (some wider and other spots a little less) to the width of the existing sidewalks assuming you kept both diagonal parking bays at 17 feet and the center median at 6 feet. This would enable you to increase the space next to buildings for sidewalk seating which I consider very desirable. I consider either this approach or the one in the previous paragraph acceptable.

I do like the idea of turning Phenix Avenue into a pocket park, transforming it from an alley to a central focal point. I have long had my own ideas for redevelopment in this area and the formation of this pocket park could nicely complement what I hope to achieve over the next few years. My family owns both Phenix Hall and CVS on either side of Phenix Avenue. In the previous century, the building where CVS is located was the location of the Phenix Hotel. This building was reduced to a one story building due to a fire in the 1950s; then in the 1980s had its current tacky façade put on when CVS subleased the

location from JJ Newberry. This combination of events has destroyed all of its former history and architectural character. It is perhaps the only building downtown that nobody would bemoan the loss of. My hope is to restore the city's skyline with a new building where CVS now stands. Immediately north of that, in the storefront occupied by Hilltop Consignments, are two empty upper floors with no access to them. They were also part of the Phenix Hotel, but while they did not burn in the 1950s fire, the access to them was destroyed. My plan is to tie this space into the new building recapturing space lost 60 years ago. Phenix Hall houses one of the city's true gems on its top floor with a theater steeped in Concord's history and which has gone virtually unused for sixty years or so due to code deficiencies. I would love to transform this historic theater into a music hall. Key to this happening is solving its means of egress issues. With a pocket park occupying the front portion of Phenix Avenue I would like to be able to build an infill building on the rear portion of the alley. This building would primarily contain the stairs and elevator to service both Phenix Hall and its new complement on the north side of Phenix Park. The restoration of the city's skyline with an architecturally complementary new building, combined with the rebirth of the Phenix Theater into a music hall adding a vibrant nightlife to Concord would be a truly transformative development for downtown.

As for the Phenix Park itself, while I like the idea of relocating the clock tower to its entrance, as with other aspects of this design, I feel the final decision needs to rest with the cost of moving it. Also, a plan needs to be in place for the cleaning and wiping down of the park's tables. While normal practice is for restaurants to provide and maintain tables in front of their locations, it is not clear how it would work with tables shared by all area food establishments. Another amenity I think would be worth incorporating would be an information kiosk where non-profits and arts organizations could post upcoming community events. Lastly, I think two large polls on opposite sides of the street at this location would be great. Banners could be strung across Main Street before upcoming events like Market Days, Midnight Merriment and other promotions. When banners are not hanging, or even while they are, we could proudly display an American flag. It would be an incredibly visible form of advertising to help bring people downtown, both increasing its vibrancy while supporting our merchants.

I also believe there is a very strong rationale for making the sidewalks on the east side of Main Street SLIGHTLY wider than those on the west side for the following reasons. I see one of the main benefits of wider sidewalks as additional room for sidewalk seating at eating establishments. With that in mind let's examine the makeup of both sides of Main Street. First of all there are 22 eating establishments on the east side verses only 2 on the west side! Of those 2, Subway does not do outside seating and the Co-op already has much wider sidewalks at 14.5' wide (on average) before addition from this project. On the east side there are 7 eating establishments on South Main Street and 15 on North Main Street. This number includes 4 that are opening shortly and 1 that is currently closed. Next is the number of institutions on the west side of the street. Most obvious is the State House but Citizens and Merrimack County Savings Banks are also users occupying significant frontage that are extremely stable. Third is the number of businesses located on the ground level on each side. From Center Street on the north to Hills Avenue on the south there are 59 street level businesses on the east side compared to only 30 on the west side, virtually twice as many. From Center Street to School Street, 3 full blocks of Main Street, there are only 3 business entrances (not counting the State House) on the west side! Lastly there are

already pockets of much wider sidewalks on the west side that do not exist on the east side. From the plaza outside the Prescription Center (34' wide), to the State House Plaza (45'2" wide), then Joe Kings building which already has 16'9" sidewalks, ending with the Co-op on the south end which has sidewalks averaging 14.5'; these wider stretches of sidewalk already somewhat open the feel of space on the west side. I believe that all these reasons combined give a very sound planning rationale for a SLIGHTLY wider sidewalk on the east side of the street. I would take one foot from the west side and add it to the east side making that side two feet wider, allowing for a little extra space for sidewalk seating.

Naturally this document would not be complete without some thoughts about parking. North Main Street currently has 130 parking spaces between Pleasant and Center Streets, consisting of 66 spaces on the east side and 64 spaces on the west side. The new plan, as currently drawn shows 110 spaces between Pleasant and Center Streets, consisting of 66 spaces on the east side and 44 spaces on the west side. Additionally two spaces have been added on Center Street leaving a net loss of 18 spaces. While this may not seem like a significant number to some, it does represent a 14% loss of critically convenient parking between Pleasant and Center Streets. All parking spaces are not created equal; a convenient space in front of a business's door is far more valuable than a space a few blocks away in a parking garage. We can debate all day why there is such reluctance by many to use the garages and to what extent that behavior can be changed, but it is a fact that this reluctance does indeed exist. For whatever reason a meaningful number of shoppers will choose to not stop and shop downtown if they do not find a convenient space on Main Street. They will put off purchases they were about to make downtown, risking that money to be spent elsewhere. Additionally of the two main garages that support downtown, the Durgin Garage is often full and the Capitol Commons garage is not considered by many to be an acceptable walking distance to much of downtown.

None of the 18 spaces lost are being replaced elsewhere. Even if they are replaced at some point in a future garage not yet planned, you are probably looking at a capital cost of AT LEAST \$25,000 per space by the time the project is built. This represents a future capital cost to the city of at least \$450,000 to replace these 18 spaces. In addition, due to the desirability of these 18 spaces you will always be able to charge a premium per hour to park in them versus another space in a garage, and street spaces cost much less to maintain than garage spaces. These two facts represent a further annual loss in revenue to the city. And as previously stated there is no present plan to replace them at all.

There are currently numerous storefront vacancies on Main Street in addition to a large inventory of finished empty office space. In addition to all of this finished empty space that we all hope to fill, there are many vacant upper stories that have not been renovated for several decades. When you add to that future development such as the new building I hope to build where CVS now stands, you are adding in total hundreds of additional spaces needed for downtown. This will make the loss of these 18 valuable convenient spaces felt even more, especially when even now the supply often falls short of demand. There are indeed many factors which affect the future health of our downtown but I consider convenient parking to be one of those key requirements. If anything, we should be making every effort to gain spaces thru this redesign of Main Street, and at a bare minimum should have a goal of no loss of spaces.

While I consider loss of parking to certainly be the greater concern with parallel parking I also worry about the act of someone attempting parallel parking slowing down and tying up the flow of traffic. While the wider 15' lane combined with the 6' median strip theoretically give a driver the ability to bypass a parking car it remains to be seen how well this will actually work. The act of parallel parking forces the front end of a car to swing towards the center of the road, especially with a driver not very adept at it (and they are plentiful). Add to that many drivers may either be timid or may not understand the purpose of the center median strip and will stop and wait for a driver to make what could be several attempts at parallel parking, slowing traffic and possibly making driving Main Street a frustrating experience to be avoided. The current diagonal parking not only yields more spaces per block but facilitates a faster process of parking a car.

Lastly much has been said, and I believe agreed upon, about two final points. First is the need for better signage to the parking garages. But as I said previously the Durgin garage is often full, again pointing to significance of the 18 lost spaces in the current design. The second is the critical need for a meaningful appropriation of funds for a very well-coordinated communication and PR campaign to help our downtown businesses survive what will be a very difficult construction period. I doesn't matter how beautiful Main Street is, if we lose a significant number of our stores getting to that point. In the end, it is the quality and mix of our downtown businesses that is the single most important factor for a healthy, successful and vibrant downtown that will make people want to live, work and spend their leisure time there.

In closing, I strongly support the completion of a Main Street project. A great deal of time has been invested to secure the TIGER grant, in addition to countless meetings and time spent on the design to this point. It is also an incredible opportunity to give our critical infrastructure under the street a complete upgrade to service downtown for our future. We gave the design team great latitude to come up with ideas for us to consider and they have come through with much to choose from. I worry about a mindset of why bother doing the project at all if it looks largely the same in the end. The project achieves several important goals by slowing down traffic, dramatically increasing pedestrian safety by dropping to one travel lane in each direction and introducing shared bike lanes for a more complete street while adding significant width to the sidewalks. But another crucial goal of the project was sustainability and I feel the project falls short in that regard. In a nutshell, I feel the current design sacrifices travel lanes and critical diagonal parking on the west side in order to create much wider sidewalks. But that extra width is used almost exclusively to introduce an enormous amount of landscaping which I feel is NOT SUSTAINABLE from a financial perspective and leaves the functional portion of the sidewalk essentially the same width as it is now. This is a tradeoff I do not support. So it is now up to us to choose from the options presented to approve a final plan for our Main Street; one that accomplishes as much as we can afford both now to construct and then maintain going forward.

To summarize all my points from this document I would propose the following changes to the current plan for the redesign of Main Street:

- Restore diagonal parking to both sides of North Main Street and have it wherever possible on South Main Street.
- Install snowmelt system in sidewalks if possible. Given the uncertainty of Concord Steam's new plant and cost of installing a snowmelt system in the street, that portion looks unattainable. (Important element of project but not a change)
- Plant far fewer than 153 trees along the sidewalk and at nodes, eliminating the plantings beneath them and installing a flush metal walkable grate instead.
- Provide window boxes for flowers of a couple of different lengths with a stand that will be provided free of charge to businesses who wish to maintain them at their locations.
- Reduce diagonal parking bays from 17' to 16' and the center median from 6' to 5' in width.
- Make sidewalks slightly wider on the east side by taking one foot from the west side and adding it to the east side to provide more room for sidewalk seating at eating establishments which are located almost entirely on that side of the street.
- Do not have nodes at intersections extend into the street as they do at crosswalks. This will make snow removal easier at these locations.
- Close off Phenix Avenue to facilitate the creation of Phenix Park. (Important element of project but not a change)
- Addition of an unattended information Kiosk in Phenix Park for posting of community events.
- Install two poles on opposite sides of the street to allow for the hanging of banners across Main Street to promote upcoming downtown promotions and events with the option of also displaying an American Flag. While Phenix Park seems to be a logical central location for this I see the final location of the clock tower as a consideration so that banners do not block the view of the clock.

** Due to pending litigation I have not included any of my thoughts regarding accessibility in this document.

Roberge, Edward

From: Gerry Mark <caringgifs@dgs.mv.com>
Sent: Thursday, April 18, 2013 1:55 PM
To: Roberge, Edward
Subject: 5 points from Caring Gifts...

TJR

Thanks for listening Ed! Appreciated!

FIVE POINTS TO CONSIDER relating to the design process of the "Complete Streets" project from Donna & Gerry Mark, and Sue Phillips, co-owners Caring Gifts, 18 North Main St, Concord, NH

1. The Complete Streets Project was NEVER a downtown merchants initiative. It originally came in as the Re-Thinking Main Street project from 20/20, Main Street Concord (now In-town Concord) and the City of Concord.

Why is this statement important to us as co-owners of Caring Gifts? Even though we merchants continue to endorse this project and are excited about it, the two year projected construction period could be devastating to some of us. Our family's income is directly effected by the project, not so for those of you making the design decisions. Thus, when the city selects its new Public Relations/Marketing Team to work with us during the construction period, the emphasis MUST be on the retail merchants and restaurant owners needs, not the beautification factor. We merchants cannot afford to lose strong representation in the selection process of that team. Without strong, viable commerce downtown we all lose!

2. The design team is doing a masterful job of putting together a grand plan for our main street including all the factors that a "Complete Street" requires. However, in our opinion, and many others, the team may have gone just a bit too far in certain areas. We need to curtail the huge amount of planters/trees found in the current design so that diagonal parking can be reinstated on the West Side of the core retail area, and the sidewalks can enjoy the extra width promised us. If building owners and merchants are to be responsible for paying for the huge annual maintance fee required to service these planters/trees we merchants lose!

3. During our numerous Merchants Round Table meetings with Steve Duprey, acting as chair of the Complete Streets Advisory Committee, and sometimes with Ed Roberge, heated sidewalks was one, if not the largest factor in helping the merchants buy into this renovation. It looks now like we merchants are on the verge of losing out on that also.

4. The age demographic for our shoppers downtown in our opinion is 35 and up. Younger folks tend to shop on-line. They may not be the shoppers who will use this new streetscape to shop in our present and hopefully future retail shops. We have to make parking for all very convenient and easy to accomplish. Many folks are scared to death of parallel parking. Parallel parking also creates traffic jam-ups as someone attempts to back into a spot and doesn't make it the first time. Parallel parking equals no parking in our opinion, thus we merchants lose again!

5. Mark Ciborowski has written an extremely detailed and thoughtful piece about these topics and others. He has spoken strongly about his suggestions at numerous Merchant Round Table Meetings and as a member of the Mayor's Complete Street Advisory committee. Mark, in our opinion and many others, has done his homework and MUST be listened to carefully at this stage of the design process. As I think I have heard Steve Duprey and Major Bouley say more than once, we need to get this right folks, or we all lose!



**Office of the Secretary of Transportation
Executive Secretariat**

Control number: S10-130424-011	Action office: FHWA
Document date: 4/19/2013	Due date: 5/1/2013
Author(s): Robert Baker	
Subject: Inquiring As To Why Streets In Concord, NH Are Not Safe For Novice, Children Or Elderly Cyclists Even After US DOT TIGER Grant III Funding	
Action: Direct Reply	

Comments:

Date	Action	Action by
4/24/2013	Folder Sent for Draft to Action Office: FHWA for 'Direct Reply'.	CATHERINE.WECKENMAN
4/24/2013	DIST: B1,P1,C1,S3	CATHERINE.WECKENMAN
4/24/2013	Updated Folder Information.	CATHERINE.WECKENMAN
4/24/2013	Work Folder Assigned to FHWA.	MPETTIFORD
4/24/2013	Incoming File Uploaded.	MPETTIFORD
4/24/2013	Control Number Created.	MPETTIFORD

Date	Note	Note by
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26 Penacook St,
Concord, NH, 03301

Ray LaHood, Secretary of Transportation
US Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

April 19, 2013

Dear Secretary LaHood,

Your words stating that safety is the number one priority in providing safe streets for cyclists, on the April 1, 2013 FASTLANE Blog, are encouraging me to ask for your help. I often shepherd my eight year old daughter to school, the library, parks and for errands, by bicycle in Concord, NH. Although our city has committed to improving cycling with a Comprehensive Transportation Policy, it is still challenging to keep my daughter safe among the automotive traffic.

Concord, NH applied twice for TGER funding, first for an incomplete street, and then was awarded a TIGER III Grant based on a Complete Streets Proposal to reconstruct Main Street. The plans to date specify front-in diagonal parking which is recognized as unsafe for most novice, children, and elderly cyclists. The parking arrangement will exclude our safe passage on Main Street, as vehicles backing into the shared lane will present too great a danger to attempt with my daughter.

If the Complete Streets Proposal is to provide safe travel for all users, how can this plan be authorized for US DOT TIGER Grant III funding, when it clearly will not provide safe passage for novice cyclists?

Thank you for your vision to improve infrastructure across the nation for cyclists of all ages.

Sincerely,

Robert



Robert Baker,
Editor of cyclemainstreet.blogspot.com
eMail: rtb.bike@gmail.com

TAP

Bonenfant, Janice

From: Deandra Perruccio <dmperruccio@gmail.com>
Sent: Thursday, April 25, 2013 12:49 PM
To: * City Clerk
Subject: Main Street Redesign Comments

Hi Councilors

I have been following some of the exciting work on the redesign of Main Street here in Concord. I am a young professional living close to downtown, love the vibe of Main Street here in Concord, and would like to see it thrive. Part of the reason I moved to the downtown area is to be able to walk and bike for transportation and for fun. Main Street is one area I currently do not feel comfortable riding around, which really is a shame.

Promoting cycling and making Concord a safe place for people on bikes will draw a young and professional population to Concord as a place to work and play. Biking is becoming more popular with young people and families both for the health benefits, the environmental impact and because it is FUN. With a rail trail coming down the pipeline and bikes lanes growing in the city, I hope that Concord shows the foresight to seriously discuss and support safe biking opportunities for Main Street.

I want to be in a place that supports all types of transportation, and offers me a space to get around by bike, and I know many other young people who feel the same. Please keep this in mind as you develop plans for our downtown area!

Thank You
Deandra Perruccio
South State Street

Bonenfant, Janice

From: Deandra Perruccio <dmperruccio@gmail.com>
Sent: Thursday, April 25, 2013 12:52 PM
To: * City Clerk
Subject: Follow up article!

Some statistics on the growing trend with young people towards finding alternatives to driving! Keep us in mind as you plan for main street so we can get around down there!!
<http://www.washingtonpost.com/blogs/wonkblog/wp/2013/04/22/why-arent-younger-americans-driving-anymore/>

5 INF 1

12A

**MINUTES OF Concord Community TV
MEETING of Board of Directors, February 19, 2013**

Agenda Items:

1. **Call to Order:** Present Matt Newton (Chair), Tonya Rochette (Chair-Elect) Jessica Fogg, Julia Freeman-Woolpert, David Murdo, Michael O'Meara, Larry Prince, Gene Connolly, Doris Ballard (Executive Director), Chris Gentry (Staff)
2. **Determination of Quorum:** 6:41 p.m. There being 8 voting members present it was determined that a quorum existed.
3. **Minutes from January 22, 2013** were reviewed. Motion to accept minutes by Tonya Rochette, seconded by Larry Prince and approved unanimously.
4. **Public Comments:** No public comments.
5. **Treasurer's Report:** See written reports and balance sheets submitted. Motion to accept reports by Larry Prince, seconded by Matt Newton and approved unanimously.
6. **Reports of Committees:**
 - a. **Board Development, By-Laws & Nominating:** No report.
 - b. **Capital Improvements:** No report.
 - c. **Finance:** No report.
 - d. **Outreach & Development:** See written reports submitted. Focus was on the upcoming "Concord On-Air" program.
 - e. **Personnel:** No report.

Motion to accept committee reports made by Tonya Rochette, seconded by Julia Freeman-Woolpert and approved unanimously.

7. **Staff Report:** See written staff report submitted. Motion to accept written report made by Matt Newton, seconded by David Murdo and approved unanimously.

8. **Unfinished Business:** No unfinished business.

9. **New Business/Other Discussion:**

a. **Concord Listens/Social Capital Think Tank:** Tonya Rochette mentioned that there is a new group being formed which would be a local offshoot of the NH Listens group, which has been instrumental in the Concord Complete Streets Project. This, along with the Social Capital Think Tank that Kim Murdoch has been involved in are both very interesting opportunities. See Tonya or Kim for more information.

b. **New City of Concord Website:** Matt Newton mentioned that the City of Concord just launched their new city website. Has anyone looked to see if there are any links to Concord TV as an information resource? Chris Gentry said he'd take a closer look and see if we could have some sort of presence off the City Council page or an additional resources page.

c. **High School Short Film Festival:** It's that time of year--Matt Newton announced that the submission period is open for the 2013 New Hampshire High School Short Film Festival, presented by the New Hampshire Film & Television Office. High school students can submit short films up to 7 minutes in length for consideration. The submission period closes March 31, 2013.

10. **Adjournment:** Motion to adjourn made by Matt Newton. Jessica Fogg seconded and the motion was approved unanimously. Meeting adjourned at 7:26 p.m.

A true record, Attest:

Matt Newton, Chair

MINUTES APPROVED:

On Motion by: _____

Seconded by: _____

Date: _____

5 Inf 1

TJA

**MINUTES OF Concord Community TV
ANNUAL MEETING of Board of Directors, March 26, 2013**

AGENDA ITEMS:

1. **Call to Order:** Present were: Matt Newton(Chair), Tonya Rochette (Chair-elect), Susan Gunther (Secretary), Gene Connolly, Jessica Fogg, Julia Freeman-Woolpert, David Murdo, Kim Murdoch, Michael O'Meara, Doris Ballard (Executive Director), Chris Gentry, Programming/IT Director
2. **Determination of Quorum:** 6:28 PM. There being 8 members present it was determined that a Quorum existed.
3. **Minutes from February 19, 2013** were reviewed. 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:** See written report and balance sheets submitted. Motion to approve by Matt Newton, Seconded by Kim Murdoch, approved unanimously.
6. **Reports of Committees:** Motion was made by Kim Murdoch, Seconded by Julia Freeman Woolpert, and approved unanimously to accept all committee reports.
 - a. Board Development, By-Laws & Nominating Committee: No report.
 - b. Capital Improvement Committee: No report.
 - c. Finance: Met March 26, 2013. The upcoming budget proposal was discussed. It was agreed that request to the City of Concord would be for 37%. The public budget presentation will be April 23 at the board
 - d. Outreach & Development Committee: David Murdo reported on the March 20, 2013 committee meeting. He submitted a written report. In addition, he
 - e. Personnel: Chris Gentry reported on IT upgrades that he has made and progress in updating the web site. He reported that board meeting minutes are now available on the web site. He also distributed the newly created QR codes. Chris & Doris Ballard reported on progress for opening the satellite office at the former Dame School.
7. **Staff Report:** See written report.
8. **Unfinished business:** None
9. **New Business:** None
10. **Adjournment:** Motion to adjourn by Tonya Rochette, Seconded by Matt Newton and approved unanimously. Meeting adjourned at 7:28 PM

A true record, Attest:

Susan Gunther, Secretary

MINUTES APPROVED:

On Motion by

Tonya Rochette

Seconded by

David Murdo

Date:

4-23-13

5 Info

TAK

City of Concord
Transportation Policy Advisory Committee

Meeting Minutes

Thursday, March 28, 2013 - 6:00pm to 8:30pm
City Council Chambers

1. Call to Order/Introductions

Dick Lemieux called the meeting to order. Those in attendance included:

Committee Members Present:

Dick Lemieux (Downtown - Chair)
Brent Todd (Penacook)
Ursula Maldonado (At-Large)
Craig Tufts, (Bike Community)
Alex Vogt (Pedestrian Community)
Jim Sudak (Concord Area Transit) (Public Transit)
Ed Roberge, City Engineer - Staff Representative

Committee Members Not Present:

Jennifer Kretovic (City Council)
Keith Nyhan, City Council
Rob Werner, City Council
Tom Irwin (North/West Concord)

Staff, Visitors and Guests Present:

Rob Mack, Traffic Engineer - Staff Representative

2. Approval of February 28, 2013 meeting minutes

Ursula Maldonado made a motion to accept the meeting minutes of the February 28th meeting but noted changes would be suggested during the discussion. Jim Sudak seconded the motion to start the discussion.

Ursula Maldonado stated that her recollection of the discussion on the Pleasant Street/Warren Street/Fruit Street intersection project presentation was that TPAC endorsed the deferral of the larger traffic signal project for the preferred roundabout project at the intersection. In that, she suggested that the meeting minutes better report that indication. Ed Roberge noted that the 2nd paragraph on page 3 of the meeting minutes summarized the TPAC preference but agreed that a better description in support of the preferred alternative would be appropriate. Dick Lemieux asked if TPAC would like to craft a paragraph replacement of allow staff to provide a better description. TPAC agreed to allow staff to reword the subject paragraph.

Additionally, Ursula Maldonado noted that in Section 10, New Business; a. Review of Membership Terms, page 5, the minutes indicate that the terms of the members were reviewed and all indicated interest to serve another term on TPAC. It was noted that Jim Sudak was not in attendance at that meeting. Ed Roberge acknowledged that this was an

oversight and that he recalled indicating that staff would reach out to Jim Sudak to assess his interest in serving another term with TPAC. Ed Roberge indicated that the meeting minutes will be revised to reflect that discussion. Jim Sudak indicated that he is interested in serving with TPAC for another term. Dick Lemieux inquired if the appointments would be presented to City Council at the April meeting. Ed Roberge indicated that he had forwarded to members interest to the City Clerk for preparation to present to City Council. Appointments will likely be presented to City Council in April.

Following conclusion of these discussions, the minutes as amended above were unanimously approved.

3. Presentations

There were no presentations at this meeting.

4. Public Comment

There were no members of the public in attendance.

5. Consent Reports

a. Approval of Subcommittee Minutes (Pedestrian, Bicycle, Public Transit, and Traffic Operations)

The minutes of the January 7th Bike Committee meeting, the January 17th Pedestrian Committee meeting, the December 11th Public Transit Committee meeting, and the February 19th Traffic Operations Committee meeting were unanimously approved.

6. TPAC Referrals from City Council, Staff and Chair

a. Referral from City Council to consider establishing a No Parking, Standing, Stopping zone along Conant Drive between South Street and Rundlett Street to mitigate adverse effects of parking for traffic related to school drop-offs/pick-ups at the Abbott-Downing Elementary School. (Council: 10/9/2012, 12/20/2012, 1/24/2013, 2/28/2013).

Rob Mack reported that the Parking Committee hosted a neighborhood meeting on March 21st where issues of parking around the school campus were discussed. The general consensus from the meeting was that residents remain concerned with the safety of vehicles crowding certain streets and recommend additional parking restrictions along South Street, Bow Street, and Conant Drive. Police enforcement will be increased starting on March 26th in an effort to increase safety. Given that some of the residents in attendance felt that the parking impact area was limited to South Street and Conant Street, the Parking Committee agreed to expand the neighborhood notification area and schedule a follow-up meeting.

A brief discussion followed and while TPAC generally agreed that additional parking restrictions are appropriate, concerns for where the cars go was heard. TPAC stresses the need for the Concord School District to do everything they can to improve operations and conditions within the site. Dick Lemieux asked what role TPAC has at this point. Ed Roberge noted that since this was a Traffic Operations Committee referral and since referred to the Parking Committee, final action to City Council should come from the Parking Committee where

Ordinance changes are likely. Rob Mack expects that parking Ordinance proposal is likely for May submittal, June public hearing. Once complete, no further TPAC action is expected.

- b. **Referral from City Council to consider removal and installation of STOP signs at Heather Lane intersections, including: installation of a STOP sign on the New Meadow Road eastbound approach to Heather Lane; installation of a STOP sign on the Gabby Lane eastbound approach to Heather Lane; and removal of the STOP sign on the Heather Lane northbound approach to Gabby Lane. (Council: 10/9/2012, 12/20/2012, 1/24/2013, 2/28/2013).**

Rob Mack indicated that a letter has been drafted inviting residents to attend the April TPAC meeting to discuss traffic control within the neighborhood. Dick Lemieux indicated that the neighborhood discussion should be scheduled first with regular business shortly thereafter. Rob Mack also noted that at the February meeting, TPAC members expressed a desire to review the site. If members haven't do so yet, Rob Mack suggested it would be good to visit the neighborhood prior to the April meeting.

7. Status report on subcommittees

- a. **Pedestrian Committee, Alex Vogt**

Alex Vogt reported that the Pedestrian Committee met on March 21st and continued their planning efforts on a pedestrian counting project. The committee generally agreed that count times would be between the hours of 2:30 - 6:30 PM at selected areas. The committee will be contacting various groups for volunteers. Alex Vogt also noted that the committee continued the discussion on the condition of the sidewalks along the walking route to the friendly Kitchen, including I-393 and Commercial Street. It was noted that the State did not remove snow along the I-393 route this past winter. The committee agreed that this matter should be brought to the attention of the DOT directly by the Friendly Kitchen.

Alex Vogt reported that he is retiring from the DOT and will be spending winter months in sunny Florida. In that, changes to the committee leadership are expected. Dick Lemieux indicated that he had spoken the Ursula Maldonado and she expressed her support to Co-Chair the committee when Alex is away. They both supported this alternative which keeps the Pedestrian Committee structure in place. TPAC congratulated Alex on his announcement to retire and was happy with his indicated to remain a member when in Concord. In further discussion, Alex Vogt noted that there had been some recent discussions with the Bike Committee regarding joining the two committees. Dick Lemieux indicated that he was aware of the discussions but he prefers keeping the committees separate at this time. TPAC agreed.

- b. **Bike Committee, Craig Tufts**

Craig Tufts reported that the Bike Committee met in March without a quorum. Nonetheless, the committee discussed the 2013 State paving schedule and noted that only a short section of Mountain Road paving is planned within Concord. The committee discussed the State's chip seal program and the conditions of the sections on Mountain Road completed.

Craig Tufts also indicated that the committee has been developing details on an upcoming bike counting plan and will coordinate those efforts with the Pedestrian Committee.

c. Public Transit Committee, Jennifer Kretovic

Ed Roberge indicated that Jennifer Kretovic was unable to attend the TPAC meeting and read a report from the Public Transit Committee. The committee met on March 22nd and reviewed the 2014 budget proposal and potential funding changes. Concord Area Transit (CAT) reported that 2012/2013 advertising revenue received or committed is \$52,000, up from \$23,000 the previous year. The committee praised the efforts of CAT on this accomplishment.

d. Traffic Operations Committee, Rob Mack

Rob Mack reported that the Traffic Operations Committee met on March 19th and reviewed recent accident reports as well as a referral related to traffic signal operations. TOC discussed a pedestrian accident at the intersection of State Street/Pleasant Street in detail and reviewed an analysis of crashes at various traffic signals.

With respect to the traffic signal operation referral, TOC considered the performance of the intersection and the circumstances of a distracted driver involved in the accident and concluded that changes to the operation were not warranted. TOC unanimously supported leaving the current operations in place but noted that a future capital improvement project (FY2018 CIP) would consider operational changes at that time. Data from the past 9 years were discussed concluding that of the 90+/- pedestrian accidents, a little more than 25% of those accidents occurred at signalized intersections. Of those, 13 occurred at traffic signals with exclusive operation (crossing during an all-red phase) while the other 12 occurred at intersections with concurrent operation (going with the traffic). This data is important in considering future pedestrian crossing operation design of the City's traffic signals.

8. Staff Updates

a. Downtown Complete Streets Improvement Project - TIGER 2012 (CIP460)

Ed Roberge provided a brief update on the status of the Downtown Complete Streets Improvement Project. Staff hosted a well-attended meeting on March 12th where the project design team presented details on the history of Main Street and its evolution to what it is today. The presentation included details on buildings, significant streetscape features, and utility structures. Ed Roberge also noted that the environmental review is nearly complete; all studies and reports have been submitted to FHWA and the NH Division of Historic Resources and final review is underway.

Ed Roberge also noted that upcoming meetings include a staff/project review meeting on March 29th and a public meeting on April 16th. Although disappointed, the committee applauded the efforts by staff and the project design team to review roundabouts for intersection treatments within the project area.

The committee noted hearing concerns by the Food Co-op regarding a proposal to relocate the existing bus stop along Main Street at Pleasant Street to the space between the Co-op driveways where parking should be prohibited. After a brief discussion, the committee agreed that the proposed location was acceptable - if not preferred.

9. Old Business

There were no old business items to discuss.

10. New business

a. Review of Comprehensive Transportation Policy

At the February TPAC meeting, members discussed the Comprehensive Transportation Policy inasmuch as it relates to a requirement for roundabout analysis at all intersections. Staff reported that as practice and as endorsed by the "complete streets" policy, intersection analysis includes roundabout alternatives when considering improvements.

Brent Todd noted that the existing policy, while broad has been quite effective in the City's design approach. A general discussion followed where the committee agreed this approach may be best. Given that Tom Irwin brought this matter up in February and was not in attendance at this meeting, the item was tabled for further consideration at the April TPAC meeting.

b. Review of Accomplishments

Ed Roberge distributed copies of the accomplishments report created back in late 2011 for committee review. It was agreed that members would review the latest report and add any recent accomplishments.

Ed Roberge indicated that an electronic version of the report would be sent to members on March 29th requesting return by April 15th for consideration at the April 25th TPAC meeting.

c. Recent Public Transportation System Discussions in NH

Jim Sudak reported that at a recent presentation, Mark Sanborn, NHDOT liaison to FHWA indicated that the State is reviewing alternatives for bus transportation from Concord to the Manchester Regional Airport as well as advancing a rail corridor study that would eventually connect Concord to Boston - the so-called Capital Corridor.

11. Adjourn

There being no other items to discuss, Craig Tufts made a motion to adjourn. The motion was seconded by Jim Sudak. The motion carried and the meeting adjourned.

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Concord Public Library Trustee Meeting

April 1, 2013

-DRAFT-

Present: Marian Akey, Jeremy Clemans, Megan De Vorse, Marilyn Fraser, Inez McDermott, Paula Miner, Elizabeth Mulholland, Mary Beth Robinson, Lisa Sands, and Library Director Patricia Immen. Also present, David Gill, Parks & Recreation Director.

The meeting was called to order at 7:05 p.m.

David Gill presented an update regarding Parks and Recreation activities at the former Dame School and plans for the future. We discussed the potential of a future library presence at the community center. We will be looking at models of other community center/library partnerships in the months to come and keep in touch with Mr. Gill as plans for the community center evolve. He has invited us to come and tour the building.

The minutes of the March 4 meeting were approved.

Mrs. Immen presented the library director's report:

- Reference staff has begun to provide additional coverage at busy times of the day.
- A PC with scanner is now available for the public in the reference room.
- There is now more room for staff work space in the basement area. Floors have been refinished.
- While circulation decreased 3.7% in February, traffic decreased 22%.
- Proposals have been received for preliminary design work for the Penacook Tannery project – the city, along with Mrs. Immen, are interviewing architectural firms this week. Community input sessions will take place.
- The Volunteer Program has changed their email distribution list system. The website will now be used to notify volunteer opportunities.

Foundation Update – Mrs. Immen reported that the Foundation is working on a new bookmark featuring a portion of a Melissa Miller painting. The library's teen program was discussed. While the Foundation is eager to see programming expand, there are no staff resources to do this. However, there will be a teen summer reading program this year.

Trustee Megan De Vorse will be giving a lecture on Elwyn Page and his contributions to the Concord community on April 15 to kick off National Library Week.

Lisa Sands discussed plans for Library Advocacy – she has developed a packet of information.

The meeting ended with a thank you to Marilyn Fraser for her service to the library. She has been a library trustee since 2007. April 30th her current term ends and she is leaving the board. She has been a long time supporter of the library and will continue to be an advocate for us. Mary Beth Robinson read a lovely tribute.

Meeting was adjourned at 8:45.

Respectfully submitted,
Inez McDermott

5INF4
T/A



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

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.



Engineering Services Division

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Traffic Operations Committee

Meeting Minutes – April 16, 2013

Attendees: Rob Mack, PE, PTOE, Engineering Services
Steve Henninger, Planning Division
Jim Major, General Services
Greg Taylor, Police Department
Rick Wollert, Fire Department
Matt Cashman, Concord School District
Terry Crotty, Concord School District

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 March 2013 was reviewed. There were 66 reportable accidents in March 2013. This compares with 92 and 105 reportable accidents in March 2012 and 2011, respectively. 14 accidents resulted in total of 24 people injured, 5 of which occurred on Loudon Road. There were no fatalities.

There were two accidents involving pedestrians: a pedestrian aged 51 years on the southeast corner of the State/Pleasant intersection and crossing State Street in the crosswalk with the WALK signal and being struck by a vehicle turning right-on-red from S. State Street onto Pleasant Street (minor injury, driver fled scene); and a pedestrian aged 61 years walking northbound along N. Main Street in the crosswalk of Warren Street and being struck by a vehicle turning right out of Warren Street after a stop (minor injury, driver at fault).

There were no accidents involving bicyclists.

- 2) **City Council meeting update.**

DISCUSSION / ACTIONS: At their April 8, 2013 meeting, City Council amended the Ordinance regarding new parking restrictions on both Whitney Road and Bradley Street in follow-up to Planning Board actions.

- 3) **Transportation Policy Advisory Committee (TPAC) update.**

DISCUSSION / ACTIONS: At their March 28, 2013 meeting, TPAC discussed TOC referrals on Heather Lane STOP signs and school parking issues on Conant Drive. TPAC will formally discuss the Heather Lane STOP sign request at its April 25, 2013 meeting and will invite residents of the Heather Lane neighborhood to attend and provide feedback. Proposed parking restrictions on streets in the Abbott-Downing School area were endorsed by the Parking Committee at their April 15, 2013 meeting and will be recommended to Council for their consideration with a public hearing anticipated in June.

B. On-going Discussion and Action Items.

1) Discussion of traffic operation issues at the Mill Brook/Broken Ground school campus area.

At issue is ongoing parking, traffic backups and restricted traffic movement on S. Curtisville Road during the afternoon school pick-up period due to congestion on the school campus. Engineering, Parking Enforcement and school district staff have been discussing traffic and safety concerns and potential on-campus operational enhancements over the last few months. Areas of concern include: vehicles lining up along S. Curtisville Road to turn left into the Mill Brook driveway for extended periods since there is no room left in the Mill Brook student pick-up lane; the aforementioned turning vehicles restricting S. Curtisville Road to one-lane for two-way traffic movement or totally blocking traffic movement, a concern for heavy flows of other Mill Brook vehicles needing to exit back to S. Curtisville Road from the campus driveways further north; waiting buses that block the driveway entrance to the northern Mill Brook parking area, reducing the desirability of that lot for waiting pick-up vehicles; parking and boarding of vehicles along S. Curtisville Road simultaneous with the on-street congestion period; and limitation of Broken Ground campus access by vehicles unable to bypass vehicles stopped in S. Curtisville Road otherwise waiting to get into the congested Mill Brook campus area.

Engineering staff has observed traffic and parking operation at the campus on a number of occasions and offered some suggestions to enhance on-campus traffic operation, potentially making it easier to access the campus area thus averting the need for vehicles to stop or stand along S. Curtisville Road. Options suggested include: relocation of employee parking to the furthest ends of the parking areas to allow vacant visitor spaces to be a more-convenient option for parents waiting to pick up students; better control of bus parking/standing to not impede visitor access to the parking areas; instituting (and enforcing) some 'do not block intersection' areas to alleviate potential vehicle blockages at the common Mill Brook/Broken Ground driveway. School district staff added that on-campus management of buses and various groups of student dismissals also needed to be included in any consideration of changes.

Matt Cashman felt that a separate working meeting with select city and school district staff, including principals from both schools, would be an appropriate next step to further discuss these potential options to enhance campus traffic management. This meeting would be arranged in the near future.

2) Discussion of signage at the Liberty/Centre/Auburn roundabout.

At issue is the high level of signage originally installed at the roundabout, some of which can now be considered optional or redundant pursuant to current revisions in the Manual of Uniform Traffic Control Devices (MUTCD). Engineering has received numerous comments over the years from staff, emergency responders and the public that the roundabout signage here appears visually excessive and is particularly dazzling at night due to the high reflectivity of the many signs. TOC concurred to try the following sign reductions.

Single-lane roundabouts only require one YIELD sign on the right side of each approach; the second left-side sign (which was originally installed on each roundabout approach) is now optional per the 2009 MUTCD (Figure 2B-22). Recommended was the removal of the left-side YIELD signs (3 total) from the splitter islands on the Liberty northbound, Liberty southbound and Centre westbound approaches. The second YIELD sign on the splitter of the Centre eastbound approach should be retained since the required right-side mounted YIELD sign is somewhat obstructed by tree branches. Also recommended was a minor

relocation of the right-side YIELD sign on the Centre westbound approach to be more visible to approaching traffic.

Recommended also was removal of the reflective yellow panels (4 total) from below the ONE WAY signs that are mounted in the center island. In addition, these ONE WAY signs (4 total) should be lowered to at least a 4-foot clearance above pavement level (MUTCD 2B-40, 11-12). This will also act to reduce the 'sea' of signs that are floating at 7 ft and may provide better visual scale with the center island.

None of these sign changes involve a change in Ordinance. General Services will make the changes as schedule allows. As the original thermoplastic crosswalk and yield lines at the roundabout are worn off, General Services will also plan to repaint them this spring.

C. New Discussion and Action Items

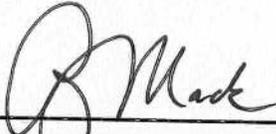
- 1) None.

D. Open Discussion Items

- 1) Staff response to miscellaneous inquiries (refer to correspondence in agenda packet).

None.

Respectfully submitted,

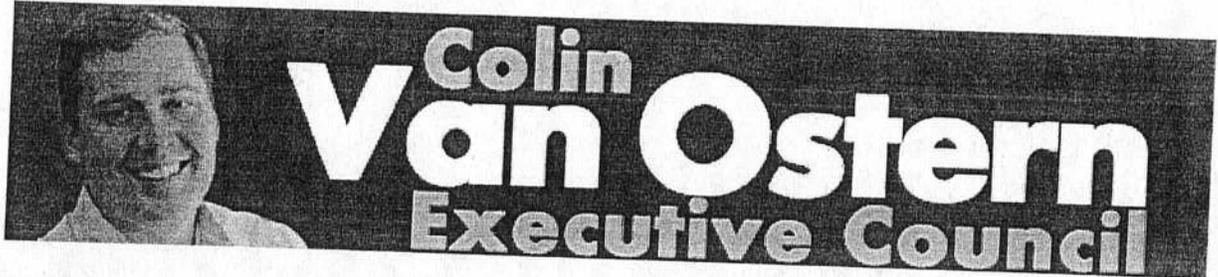


Robert J. Mack, PE, PTOE, Traffic Engineer
Chair, Traffic Operations Committee

***The next Traffic Operations Committee meeting will be held on
Tuesday, May 21, 2013 @ 12:00 PM in the 2ND Floor Conference Room.***

5 Info
TAB

From: Colin Van Ostern <colinvo@vanostern.com>
Sent: Thursday, April 04, 2013 10:02 AM
To: * City Clerk
Subject: Exec Council Report - AG hearing, prison privatization



Friends,

Below is a summary of yesterday's Governor & Executive Council meeting. **The big news this week was the nomination of Joe Foster to be the state's next Attorney General, and the state's decision to stop pursuing private prisons in NH ([news story](#) & [report here](#)).**

The Executive Council will host a public hearing on Joe Foster's nomination as Attorney General on next Wednesday, April 10th at 3pm in the Council chamber at the NH State house, with a vote likely to follow on 4/17.

Yesterday's Council meeting considered numerous projects impacting residents across this district, including:

- (1) Projects impacting Merrimack Co & Central NH:** Approved \$4.7 MM for replacing the Webster Ave bridge in Henniker; several contracts to smooth refugee resettlement; road re-paving in Webster, Canterbury, Warner & Concord; home energy assistance for local seniors; and the nomination of Major Pettee of Warren in the Army National Guard.
- (2) Projects impacting the Monadnock Region:** OK'd temporary housing support in Keene; federal grants to assist students with disabilities in graduating high school and preparing for college & careers; and reconstructing Winchester St. in Keene.
- (3) Projects impacting Strafford & Belknap Co:** Approved federal grants to outfit mobile command vehicles in Somersworth & Durham; paving projects in Durham, Strafford, & Gilmanton; and confirmation of Major Chamberlin of Dover in the Army National Guard.
- (4) Other projects & policies with statewide impact:** Authorized a contract with "NH Made" to promote NH -made products.
- (5) Confirmations & Nominations:** Confirmed Emma Rous of Durham to the State Board of Ed and heard several nominations (listed below) to be considered on 4/17.

Full details on all these items are included below. The next meeting is on April 17. 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

FULL 4/3 AGENDA: <http://1.usa.gov/ZtdiB3> (or follow the links below for documentation of each item)

1. DETAIL: CENTRAL NH PROJECTS

Authorized the Bureau of Planning and Community Assistance to enter into an agreement with the Town of Henniker, to provide funding and services under the Federal Aid Bridge Program and the State Aid Bridge Program through a local project administration process, for an amount totaling \$4,712,760. Effective upon G&C approval through June 30, 2017. **73% Federal, 7% Highway, 20% Other Funds.**

Authorized to enter into a contract with Lutheran Community Services, Inc, Concord, NH, to provide direct services to NH refugees, in an amount not to exceed \$170,000; a contract with Bhutanese Community of NH Inc, Manchester, NH, to provide services for NH refugees, aged 60 and over, in the amount not to exceed \$75,000; and a contract with Lutheran Community Services, Inc, Concord, NH, to provide services for NH refugees, aged 60 and over, in the amount not to exceed \$120,000. All statewide with a focus on Concord, effective **retroactive** to October 1, 2012 through September 30, 2013.

Authorized the Bureau of Construction to enter into a contract with Continental Paving Inc., Londonderry, NH, for resurfacing of approximately 26.3 miles of mainline and ramps on the F.E. Everett Turnpike at several locations in the Towns of Bow and Hooksett and in the Cities of Concord and Nashua, on the basis of a low bid of \$4,105,271.40. Effective upon G&C approval through September 13, 2013. **100% Turnpike Funds.**

Authorized the Bureau of Construction to enter into a contract with Continental Paving Inc., Londonderry, NH, for resurfacing of approximately 23.4 miles in District V and in Merrimack, Hillsborough, and Rockingham Counties, on the basis of a low bid of \$1,879,252. Effective upon G&C approval through September 27, 2013. **100% Betterment Funds.**

Authorized to enter into a **sole source** contract with Community Action Program Belknap-Merrimack Counties Inc., Concord, NH, for the Senior Energy Assistance Services Program, in the amount of \$7,166. Effective upon G&C approval through June 30, 2013. **100% Other Funds (NH DHHS).**

Authorized the nomination of Captain Jeffrey C. Pettee, Warren, NH, for promotion to the rank of Major, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

2. DETAIL: MONADNOCK PROJECTS

Authorized to enter into a **retroactive** agreement with Southwestern Community Services Inc., Keene, NH, to provide temporary housing and supportive services for up to 16 individuals at Next Steps in Keene, NH, in the amount of \$90,183. Effective April 1, 2013 through March 31, 2014. **100% Federal Funds.**

Authorized to enter into a **sole source** contract with Monadnock Developmental Services, Keene,

NH, to develop and provide training and technical assistance to local education agencies in their region under the State Personnel Development Grant, in an amount not to exceed \$100,500. Effective upon G&C approval through June 30, 2014. **100% Federal Funds.**

Authorized the Bureau of Planning and Community Assistance to enter into an agreement with the City of Keene, to provide funding and services under the Municipal Urban Projects – Compact Areas Program through a local project administration process, for an amount totaling \$4,312,800. Effective upon G&C approval through June 30, 2019. **100% Federal Funds.**

3. DETAIL: STRAFFORD/BELKNAP COUNTY PROJECTS

Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the City of Somersworth, for the purpose of obtaining equipment to outfit an all-hazards mobile command vehicle, for a total of \$36,550. Effective upon G&C approval through May 31, 2014. **100% Federal Funds.**

Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Durham, for the purpose of obtaining equipment to outfit an all-hazards mobile command vehicle, for a total of \$22,930. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

Authorized the Bureau of Construction to enter into a contract with Continental Paving Inc., Londonderry, NH, for resurfacing of approximately 15.9 miles of mainline and ramps on the Spaulding Turnpike in the City of Dover, on the basis of a low bid of \$2,476,341. Effective upon G&C approval through September 13, 2013. **100% Turnpike Funds.**

Authorized the Bureau of Construction to enter into a contract with Pike Industries Inc., Belmont, NH, for resurfacing of approximately 27 miles in District VI and in Rockingham and Strafford Counties, on the basis of a low bid of \$1,676,880. Effective upon G&C approval through September 27, 2013. **100% Betterment Funds.**

Authorized the Bureau of Construction to enter into a contract with Pike Industries Inc., Belmont, NH, for resurfacing of approximately 19 miles in District III and in Belknap, Carroll and Grafton Counties, on the basis of a low bid of \$1,854,820. Effective upon G&C approval through August 23, 2013. **100% Betterment Funds.**

Authorized the confirmation of Tyler D. Chamberlain, Dover, NH, to the rank of Major, NH Army National Guard.

4. DETAIL: OTHER PROJECTS & POLICIES WITH STATEWIDE IMPACT

Authorized the Division of Travel and Tourism Development to enter into a **sole source** contract with NH Stories Inc., d/b/a NH Made, Andover, NH, to market NH made products and services, in the amount of \$65,000. Effective July 1, 2013 through June 30, 2015. **100% General Funds.**

5. DETAIL: APPOINTMENTS & NOMINATIONS: (* = District 2 Resident)

CONFIRMED:

State Board of Education: Emma Rous, Durham*

NH Army National Guard: Captain Tyler Chamberlin of Dover to the rank of Major*

Cannon Mountain Advisory Commission: Karen K. Irwin, Hopkinton*

Dental Hygienists Cmte, Board of Dental Examiners: Jodi Carnes, Rollinsford*

Edu & Training Ofcr, Div of Personnel, Dept of Admin Svcs: Mary (Kate) McGovern, Penacook*

State Committee on Aging: Sherri W. Harden, Goffstown

Community College System of NH: Angela M. Roussel-Roberge, Mont Vernon

Board of Managers of the NH Veterans Home: Raymond J. Goulet, Manchester

NOMINATED FOR CONSIDERATION AT FUTURE MTG:

Attorney General: Joseph A. Foster, Nashua

Dir of Historical Resources at the Dept of Cultural Resources: Elizabeth H. Muzzey, Concord*

Medical Review Subcommittee: Louis E. Rosenthal, Concord*

Racing and Charitable Gaming Commission: Dennis H. Caza, Goffstown

Dir of Accounting Svcs at the Dept of Admin Svcs: Karen L. Benincasa, Bow

Dep Cmsr of Dept of Admin Svcs: Michael P. Connor, Pembroke

Cannon Mtn Advisory Cmsn: Richard McLeod, Franconia; Dennis E. Murphy, Center Harbor

Compensation Appeals Board: Benjamin C. Barody; Roger E. Gagnon, Manchester

Fish and Game Commission: Vincent E. Greco, Pembroke

Board of Medicine: Mark C. Sullivan, Stratham

Public Employee Labor Relations Board: Mark Hounsell, Conway

Speech-Language Pathology Governing Board: Deborah Snow-Major, Hooksett

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Paid for by Van Ostern for New Hampshire, PO Box 193, Concord, NH 03302-0193, Colin Van Ostern, fiscal agent.

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1. DETAIL: CENTRAL NH PROJECTS

Authorized the Bureau of Planning and Community Assistance to enter into an agreement with the Town of Henniker, to provide funding and services under the Federal Aid Bridge Program and the State Aid Bridge Program through a local project administration process, for an amount totaling \$4,712,760. Effective upon G&C approval through June 30, 2017. **73% Federal, 7% Highway, 20% Other Funds.**

Authorized to enter into a contract with Lutheran Community Services, Inc, Concord, NH, to provide direct services to NH refugees, in an amount not to exceed \$170,000; a contract with Bhutanese Community of NH Inc, Manchester, NH, to provide services for NH refugees, aged 60 and over, in the amount not to exceed \$75,000; and a contract with Lutheran Community Services, Inc, Concord, NH, to provide services for NH refugees, aged 60 and over, in the amount not to exceed \$120,000. All statewide with a focus on Concord, effective **retroactive** to October 1, 2012 through September 30, 2013.

Authorized the Bureau of Construction to enter into a contract with Continental Paving Inc., Londonderry, NH, for resurfacing of approximately 26.3 miles of mainline and ramps on the F.E. Everett Turnpike at several locations in the Towns of Bow and Hooksett and in the Cities of Concord and Nashua, on the basis of a low bid of \$4,105,271.40. Effective upon G&C approval through September 13, 2013. **100% Turnpike Funds.**

Authorized the Bureau of Construction to enter into a contract with Continental Paving Inc., Londonderry, NH, for resurfacing of approximately 23.4 miles in District V and in Merrimack, Hillsborough, and Rockingham Counties, on the basis of a low bid of \$1,879,252. Effective upon G&C approval through September 27, 2013. **100% Betterment Funds.**

Authorized to enter into a **sole source** contract with Community Action Program Belknap-Merrimack Counties Inc., Concord, NH, for the Senior Energy Assistance Services Program, in the amount of \$7,166. Effective upon G&C approval through June 30, 2013. **100% Other Funds (NH DHHS).**

Authorized the nomination of Captain Jeffrey C. Pettee, Warren, NH, for promotion to the rank of Major, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

2. DETAIL: MONADNOCK PROJECTS

Authorized to enter into a **retroactive** agreement with Southwestern Community Services Inc., Keene, NH, to provide temporary housing and supportive services for up to 16 individuals at Next Steps in Keene, NH, in the amount of \$90,183. Effective April 1, 2013 through March 31, 2014. **100% Federal Funds.**

Authorized to enter into a **sole source** contract with Monadnock Developmental Services, Keene, NH, to develop and provide training and technical assistance to local education agencies in their region under the State Personnel Development Grant, in an amount not to exceed \$100,500. Effective upon G&C approval through June 30, 2014. **100% Federal Funds.**

Authorized the Bureau of Planning and Community Assistance to enter into an agreement with the City of Keene, to provide funding and services under the Municipal Urban Projects – Compact Areas Program through a local project administration process, for an amount totaling \$4,312,800. Effective upon G&C approval through June 30, 2019. **100% Federal Funds.**

3. DETAIL: STRAFFORD/BELKNAP COUNTY PROJECTS

Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the City of Somersworth, for the purpose of obtaining equipment to outfit an all-hazards mobile command vehicle, for a total of \$36,550. Effective upon G&C approval through May 31, 2014. **100% Federal Funds.**

Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Durham, for the purpose of obtaining equipment to outfit an all-hazards mobile command vehicle, for a total of \$22,930. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

Authorized the Bureau of Construction to enter into a contract with Continental Paving Inc., Londonderry, NH, for resurfacing of approximately 15.9 miles of mainline and ramps on the Spaulding Turnpike in the City of Dover, on the basis of a low bid of \$2,476,341. Effective upon G&C approval through September 13, 2013. **100% Turnpike Funds.**

Authorized the Bureau of Construction to enter into a contract with Pike Industries Inc., Belmont, NH, for resurfacing of approximately 27 miles in District VI and in Rockingham and Strafford Counties, on the basis of a low bid of \$1,676,880. Effective upon G&C approval through September 27, 2013. **100% Betterment Funds.**

Authorized the Bureau of Construction to enter into a contract with Pike Industries Inc., Belmont, NH, for resurfacing of approximately 19 miles in District III and in Belknap, Carroll and Grafton Counties, on the basis of a low bid of \$1,854,820. Effective upon G&C approval through August 23, 2013. **100% Betterment Funds.**

Authorized the confirmation of Tyler D. Chamberlain, Dover, NH, to the rank of Major, NH Army National Guard.

4. DETAIL: OTHER PROJECTS & POLICIES WITH STATEWIDE IMPACT

Authorized the Division of Travel and Tourism Development to enter into a **sole source** contract with NH Stories Inc., d/b/a NH Made, Andover, NH, to market NH made products and services, in the amount of \$65,000. Effective July 1, 2013 through June 30, 2015. **100% General Funds.**

5. DETAIL: APPOINTMENTS & NOMINATIONS: (* = District 2 Resident)

CONFIRMED:

State Board of Education: Emma Rous, Durham*

NH Army National Guard: Captain Tyler Chamberlin of Dover to the rank of Major*

Cannon Mountain Advisory Commission: Karen K. Irwin, Hopkinton*

Dental Hygienists Cmte, Board of Dental Examiners: Jodi Carnes, Rollinsford*

Edu & Training Ofcr, Div of Personnel, Dept of Admin Svcs: Mary (Kate) McGovern, Penacook*

State Committee on Aging: Sherri W. Harden, Goffstown

Community College System of NH: Angela M. Roussel-Roberge, Mont Vernon

Board of Managers of the NH Veterans Home: Raymond J. Goulet, Manchester

NOMINATED FOR CONSIDERATION AT FUTURE MTG:

Attorney General: Joseph A. Foster, Nashua

Dir of Historical Resources at the Dept of Cultural Resources: Elizabeth H. Muzzey, Concord*

Medical Review Subcommittee: Louis E. Rosenthal, Concord*

Racing and Charitable Gaming Commission: Dennis H. Caza, Goffstown

Dir of Accounting Svcs at the Dept of Admin Svcs: Karen L. Benincasa, Bow

Dep Cmsr of Dept of Admin Svcs: Michael P. Connor, Pembroke

Cannon Mtn Advisory Cmsn: Richard McLeod, Franconia; Dennis E. Murphy, Center Harbor

Compensation Appeals Board: Benjamin C. Barody; Roger E. Gagnon, Manchester

Fish and Game Commission: Vincent E. Greco, Pembroke

Board of Medicine: Mark C. Sullivan, Stratham

Public Employee Labor Relations Board: Mark Hounsell, Conway

Speech-Language Pathology Governing Board: Deborah Snow-Major, Hooksett

###

Paid for by Van Ostern for New Hampshire, PO Box 193, Concord, NH 03302-0193, Colin Van Ostern, fiscal agent.
[Click here to unsubscribe](#)

Bonenfant, Janice

From: Colin Van Ostern <colinvo@vanostern.com>
Sent: Friday, May 03, 2013 10:44 AM
To: * City Clerk
Subject: Exec Council Report 5/1

AAA



Friends,

Below is a summary of Wednesday's Governor & Executive Council meeting, followed by full details on each item mentioned below.

- (1) Projects impacting Merrimack Co & Central NH:** Extended work on the project assisting communities along the Sucook River, which jumped its course in the Mother's Day flood of 2009.
- (2) Projects impacting the Monadnock Region:** Tabled (until 5/15) a contract for freight rail on the Hillsboro Branch rail line; approved rehab of 3 red-list bridges in the city of Keene, private financing for a new dormitory at the Dublin School, a grant to control farm runoff in Walpole, nurse training by Keene State College, and a contract with Chelrestown-based Student Conservation Association for various NH state park projects.
- (3) Projects impacting Strafford & Belknap Co:** OK'd a portion of the costs to repair the Sarah Mildred Lon Bridge, road rehab on Old Dover Rd, a preservation grant for Amber Acres Farm in Durham and the Twig Property Project in Gilmanton, drinking water protection on the Oyster River in Durham, and a private dock on Little Bay in Dover.
- (4) Other projects & policies with statewide impact:** Worked to offset Washington's Sequestration cuts that would have impacted support programs for the families of NH soldiers deployed overseas or returning from combat, and consolidated business process personnel from several state agencies into a shared workspace in Concord.
- (5) Confirmations & Nominations:** Confirmed the re-nomination of NH Agriculture Commissioner Lorraine Merrill; Albany International CEO Joe Morone to the UNH System Board of Trustees, three officials to the Merrimack River Valley Flood Control Commission, two to the LCHIP board, Liz Purdy of Concord to the Business Finance Authority, and several others (full list below).

Full details on all these items are included below. The next meeting is on May 15. 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

FULL 5/1 AGENDA: <http://1.usa.gov/12Qkqgx>

(or follow the links below for documentation of each item)

1. DETAIL: CENTRAL NH PROJECTS

Authorize to amend a **sole source** agreement with Lakes Region Planning Commission (originally approved by G&C on 11-9-11, item #84), to complete the Suncook River Fluvial Erosion Hazard Community Assistance project, by extending the completion date to June 30, 2014 from June 30, 2013, and by changing the Scope of Services to reflect revisions to Tasks, and by decreasing the amount by \$1,338 from \$5,755 to \$4,407. Effective upon G&C approval through June 30, 2014. **100% Capital (General) Funds.**

2. DETAIL: MONADNOCK PROJECTS

Tabled the Bureau of Rail and Transit contract 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.**

Authorize the Bureau of Construction to enter into a contract with Evroks Corporation, Winnisquam, NH, for bridge rehabilitation work on three bridges in the City of Keene, on the basis of a low bid of \$2,317,938.40. (2) Further authorize a contingency in the amount of \$231,793.84 for payment of latent conditions, which may appear during the construction of the project. Effective upon G&C approval through October 31, 2014. **100% Federal Funds.**

Authorize the accept and place on file the Report and Findings of Councilor Colin Van Ostern with regard to the financing of renovation and expansion in connection with the Dublin School Inc., Dublin, NH.

Authorize the State Conservation Committee to enter into a grant with Cheshire County Conservation District, Walpole, NH, for the Boggy Meadow Farm Milk House and Barn Yard Runoff Project, in the Town of Walpole, in the amount of \$29,634. Effective upon G&C approval through April 30, 2015. **100% Other Funds – State Conservation Committee.**

Authorize the Bureau of Population Health and Community Services, Obesity Prevention Program, to enter into an agreement with Keene State College, Keene, NH, to provide Child Care Health Consultation training to nurses in NH's Public Health Regions, in an amount not to exceed \$53,183. Effective upon G&C approval through June 30, 2013. **100% Federal Funds.**

Authorize the Division of Parks and Recreation to amend a **sole source** contract with The Student Conservation Association Inc., Charlestown, NH (originally approved by G&C on 5-9-12, item #69B), to provide additional services for various state park projects, by increasing the amount by \$107,864 from \$97,060 to \$204,924, and by extending the completion date to October 30, 2013 from June 30, 2013. **100% Capital Funds.**

3. DETAIL: STRAFFORD/BELKNAP COUNTY PROJECTS

Authorize the Division of Operation to accept and expend insurance funds, in the amount of

\$1,053,500 to cover a portion of the costs to repair the Sarah Mildred Long Bridge. (2) Further authorize to establish consultants for services to be performed on the repair of the Sarah Mildred Long Bridge. Effective upon G&C approval through June 30, 2013. **100% Private Local Funds. Fiscal Committee approved.**

Authorize the Bureau of Construction to enter into a contract with Busby Construction Co., Inc., Atkinson, NH, for roadway rehabilitation on Old Dover Road beginning at the Somersworth-Rochester town line, on the basis of a low bid of \$464,464. (2) Further authorize a contingency in the amount of \$46,446.40 for payment of latent conditions, which may appear during the construction of the project. Effective upon G&C approval through June 28, 2013. Authorize the State Conservation Committee to enter into a grant agreement with Southeast Land Trust of NH, Exeter, NH, for the Amber Acres Farm in the Town of Durham, in the amount of \$20,000. Effective upon G&C approval through December 30, 2014. Authorize the State Conservation Committee to enter into a grant with Five Rivers Conservation Trust, Concord, NH, for the Twig Property Project in the Town of Gilmanton, Belknap County, in the amount of \$30,000. Effective upon G&C approval through April 30, 2015. **100% Other Funds – State Conservation Committee.**

Authorize to award a Local Source Water Protection grant to the Strafford Regional Planning Commission, Rochester, NH, to complete a project to protect public drinking water systems, in the amount of \$10,095. Effective upon G&C approval through December 31, 2014. **100% Federal Funds.**

Authorize Kevin A. Clifford's request to perform work on the Atlantic Ocean in Dover.

4. DETAIL: OTHER PROJECTS & POLICIES WITH STATEWIDE IMPACT

Authorize to amend an existing agreement with Easter Seals NH Inc., (originally approved by G&C on 3-24-10, item #88), to continue to manage the statewide Deployment Cycle Support Program that provides support services to NH National Guard, Reserves and Active Duty service members and their families who are deployed or returning from combat, by increasing the amount by \$535,000 from \$5,817,338 to an amount not to exceed \$6,352,338, and by extending the completion date from June 30, 2013 to June 30, 2014. **100% Other (transfer from Adjutant General) Funds.**

Authorize to transfer and reallocate appropriations for personnel from the Department of Transportation, Department of Environmental Services, and the Liquor Commission with their respective unexpended FY 2013 appropriations in the amount of \$290,861 for consolidation of business processing within state government at the Shared Services Center within DAS. Effective May 3, 2013 through June 30, 2013. **Estimated 21.50% General, 0.85% Federal, 4.08% Liquor, 31.25% Highway, 39.50% Turnpike, 2.82% Other Income Funds.** (2) Further authorize to establish the number of total personnel required for business processing functions in the executive branch of state government and to initiate the initial transfer of personnel, along with such items as identified in the law as necessary from their respective agencies, to the Department of Administrative Services to establish a Shared Services Center for the consolidation of business processing within state government. Effective May 3, 2013 through June 30, 2013. **Fiscal Committee approved.**

5. DETAIL: APPOINTMENTS & NOMINATIONS:

(* = District 2 Resident)

CONFIRMED:

Cmsr of the Dept of Agriculture, Markets and Food: Lorraine Stuart Merrill, Stratham
University System Board of Trustees: Joseph G. Morone, Portsmouth
Merrimack River Valley Flood Control Cmsn: George C. Cummings, Webster*
Merrimack River Valley Flood Control Cmsn: Merton L. Mann, Dunbarton*
Merrimack River Valley Flood Control Cmsn: Bryan L. Pellerin, Hopkinton*
Land & Community Heritage Authority Board of Dir: Edward J. McLearn, Meredith
Land & Community Heritage Authority Board of Dir: Amanda A. Merrill, Durham*
Asst Cmsr of the Dept of Admin Services: Joseph B. Bouchard, Concord*
Board of Architects: Sheldon K. Pennoyer, Greenfield
Business Finance Authority: Mary Elizabeth Purdy, Concord*
Connecticut Lakes Headwaters Citizens Committee: Harry C. Brown, Stewartstown
Current Use Advisory Board: Thomas A. Mullin, Rochester*
Health Services Planning and Review Board: Debra S. Grabowski, Raymond
State Historical Records Advisory Board: Richard E. Winslow, III, Rye
Penalty Appeal Board: David W. Loughton, Auburn
Railroad Appeals Board: Francis X. Quinn, Rye
Board of Veterinary Medicine: Elaine Forst, Pittsfield

NOMINATIONS TO BE VOTED ON 5/15:

Real Estate Appraisers Board: Douglas Martin, Charlestown*
State Committee on Aging: Richard D. Crocker, Plymouth, Robert B. Ritchie, Fitzwilliam
Assessing Standards Board: Betsey L. Patten, Moultonborough
Business Finance Authority: Jeffrey R. Hayes, Intervale
Division for Children, Youth and Families Advisory Board: James E. Michalik, Gorham
Health Services Planning and Review Board: Christopher Martin, Newport

CONCORD VETERANS COUNCIL
Ned Brooks
6 Kozy Trail
CONCORD, NEW HAMPSHIRE 03301

April 2013



Mayor James Bouley.
City of Concord
41 Green Street
Concord, New Hampshire 03301

Dear Mayor:

The Concord Veterans Council cordially invites you and your staff to participate in the City of Concord's Memorial Day Parade to be held on Monday May 27, 2013.

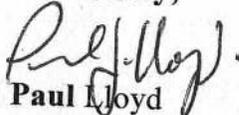
I also understand you will make a presentation to Ken Barrett at the state house!

The parade will form in the parking lot adjacent to the Burlington Coat Factory Store on Storrs Street at 0830 hours with a parade start time of 0900 hours. The parade will proceed up Pleasant Street Extension, then North on Main Street to the North Cemetery for a brief ceremony. The parade will continue down South State Street to the State House Plaza for the closing ceremony.

We would greatly appreciate your consideration and participation in this most important ceremony as we honor our Veterans both past and present.

Thank you for your consideration.

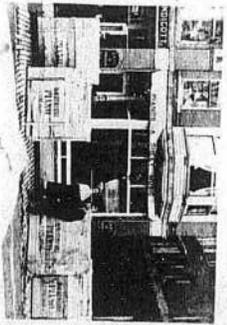
Sincerely,


Paul Lloyd
President

5
22

history of the endicott

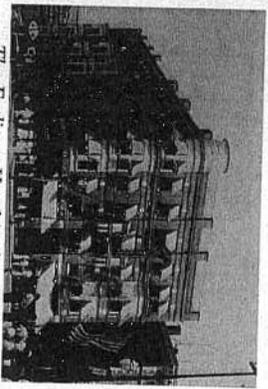
The Endicott Hotel was constructed in the 1890s as office and commercial space for Charles G. Blanchard and was originally known as Blanchard's Block. It was the first commercial building constructed on South Main Street.



The Endicott Hotel circa 1910

In 1908, Blanchard sold the building to former Governor John B. Smith. The Smith Family renamed the building the "Endicott" and eventually converted the upper-story office space into a hotel, which resulted in the building receiving its current name, the Endicott Hotel.

The Smiths' renovations of the Endicott into a hotel helped meet the need of the increasing number of travelers to Concord via the nearby railroad, and the Hotel continued to house visitors to the City until it was converted into apartments in 1985.



The Endicott Hotel in the 1930s

The Brothers' signature Queen Anne-Style corner oriel is the only oriel remaining in Concord, and remains a highly visible landmark along Main Street.

The Endicott was added to the National Historic Registry in 1987 and additional information about its architecture and history can be found at theendicotthotel.com.

Designed in the popular style of the time, the Endicott was designed by the Dannon Brothers, an architectural firm based in Haverhill, Mass.

the endicott hotel
76 south state street
concord, nh 03301

the endicott hotel



modern downtown living
leasing in the
summer of 2013

www.theendicotthotel.com

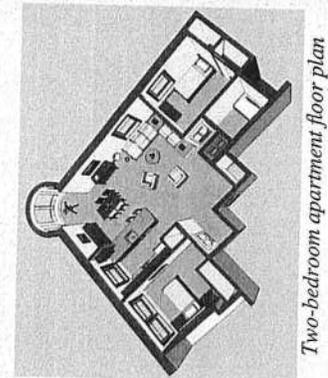


amenities and features

The Endicott's interior was professionally designed by interior designers, all of whom are alumni of the Interior Design Program at the New Hampshire Institute of Art.

The NHIA Program Coordinator selected four successful alumni to participate: Eclectica Design, J.A. Wood Interior Design, Lavender & Lotus Interior Design, and Renee Rucci Interior Design.

Together with the architecture firm C.N. Carley Associates, the design team gave the Endicott's interior a sleek, modern feel, while keeping the historic ambiance and charm of the building.



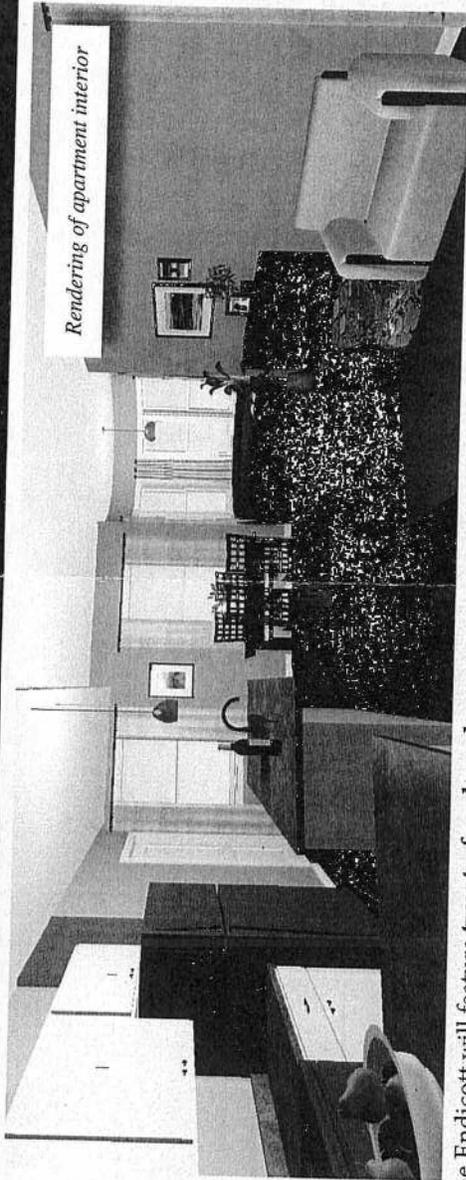
Two-bedroom apartment floor plan

Every detail of the Endicott's interior and exterior has been carefully selected to include beautiful, efficient and long-lasting design features.

Each apartment's modern interior includes:

- Open floor plan
- Tastefully designed rooms — from the paint color to the fixture layout and design
- Stainless steel appliances, some including a dishwasher
- Durable laminate hardwood floors
- High, airy ceilings
- Elegant light fixtures

The Endicott's housing and interior features have been tastefully designed with your needs in mind, and will be beautiful, comfortable, and a place you can happily call home for many years.



Rendering of apartment interior

The Endicott will feature **twenty-four brand-new apartments**, including eleven one-bedroom, ten two-bedroom, two three-bedroom, and one two-bedroom loft.

Apartment sizes average from 475 square feet to 975 square feet, and rents will range from \$975 to \$1,400.

The Endicott will feature all the benefits of **modern urban living in historic downtown Concord**. Your life at the Endicott will include:

- Private gym facilities
- Shared laundry room
- Security system including intercom, door buzzer, and video camera
- Heat and hot water included
- Ample storage space
- Elevator
- Walkable to downtown conveniences and entertainment, including restaurants, cafés, the Capitol Center for the Arts, Red River Theatres, and local shopping

bedrooms	average size	rent
one	475 sq. ft.	\$975
two	661-918 sq. ft.	\$1,000 - \$1,350
two (loft)	730 sq. ft.	\$1,400
three	975 sq. ft.	\$1,350

The Endicott Hotel provides all the modern features desirable in an apartment — clean, modern design; convenience to work and play; and additional features not found in other apartments, such as gym facilities — while providing the character and ambiance of downtown Concord. **Don't miss your chance to live at downtown Concord's most desirable address.**

These apartments will be **completed in the summer of 2013**. Add your name to our waiting list today and be one of the first to move into these upscale, modern apartments

To learn more about the Endicott Hotel and add your name to our waiting list, visit www.theendicotthotel.com or call (603) 369-6553.



CITY OF CONCORD, NEW HAMPSHIRE Planning Board

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CITY HALL • 41 GREEN STREET • CONCORD, NH 03301 • TEL. 603-225-8515 • FAX 603-228-2701

4/22/2013

Zoning Board of Adjustment
Town of Pembroke
311 Pembroke Street
Pembroke, NH 03275

Re: Development of Regional Impact - Special Exception to expand an existing gravel pit
743 Clough Mill Road, Pembroke
Pembroke Zoning Board Case 13-02-Z.
Concord Planning Case #2013-17

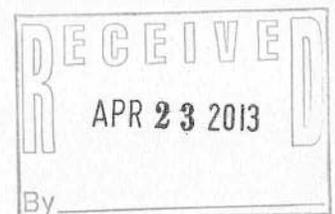
Dear Chairman and Members of the Board:

Thank you for the opportunity to comment on the proposed Special Exception for an expanded gravel pit to be located off Clough Mill Road in the Town of Pembroke.

The Concord Planning Board would like to let the Pembroke Zoning Board know that it does not find any adverse regional impacts to be associated with this proposal.

In the past the City has been concerned about potential impacts to the Wellhead Protection Area for the Concord Municipal Well Field, the hauling of pavement and construction material through property in Concord and the poor condition of North Pembroke Road Bridge, for which the City of Concord and the Town of Pembroke are jointly responsible.

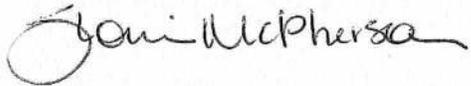
We are pleased to advise that the previous concerns mentioned above are not applicable to this proposed gravel pit expansion because (1) the proposed use accesses Route 106 in Pembroke and is located across the Soucook River from the existing Manchester Sand and Gravel operation in Concord, where the roads are adequate for this type of use, and (2) the 125-ft Shoreland Protection Setback in Pembroke supports the 75-ft conservation easement on the Manchester Sand and Gravel property along the Soucook River in Concord, minimizing the chance of impacts to the Wellhead Protection Area.



The Concord Planning Board once again would like to express its appreciation to the Town of Pembroke for the opportunity to review and comment on this proposed development project.

If you should have any questions, please feel free to contact me at your convenience.

Sincerely,



Gloria McPherson
Clerk

cc: City Council
City Manager
Planning Board
City Engineer
Pembroke Water Works
Executive Director, CNHRPC



5 Inf 10

The Senate of the State of New Hampshire

107 North Main Street, Concord, N.H. 03301-4951

SYLVIA B. LARSEN
Minority Leader
District 15

State House, Room 120
(603) 271-3207

April 23, 2013

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

Dear Mayor Bouley and Members of Concord City Council:

The NH Senate Capital Budget Committee recently reviewed the Department of Corrections request to construct a \$38 million Women's Prison. Current plans, as you may know, are for this facility to be located behind the existing NH State Prison for Men on Fisherville Road in Concord.

As part of this discussion, I asked several questions relating to the impact on property taxpayers for the expansion of this facility. The City of Concord is currently reimbursed for such services as sewer and water (currently state pays), and emergency services (fee for services paid). A further question was asked as to the impact of women prisoners being released into Concord and the risks and costs of this facility adding to our homeless population. I am enclosing a letter from the Department of Corrections which describes their analysis that the "impact will be minimal" and provides data as background.

I thought this might be useful information not only for your own information, but also to assist in your constituent relations on this topic. Please feel free to contact me if you have questions relating to this or any other matter where I might be of assistance to you.

Sincerely,

Sylvia B. Larsen
Democratic Leader





STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
OFFICE OF THE COMMISSIONER

P.O. BOX 1806
CONCORD, NH 03302-1806
603-271-5603 FAX: 603-271-5643
TDD Access: 1-800-735-2964
www.nh.gov/nhdcc

William L. Wrenn
Commissioner

William G. McGonagle
Assistant Commissioner

April 18, 2013

Senator David Boutin
Chairman, Senate Capital Budget Committee
Legislative Office Building, Room 102-A
33 North State Street
Concord, NH 03301

Dear Senator Boutin and Members of the Capital Budget Committee,

The Department of Corrections is aware of concerns among some residents of Concord, NH on having another correctional facility located in their city as it relates to the burgeoning problem of homelessness. The information provided here demonstrates that the impact will be minimal.

IMPACT OF RELEASES OF FEMALE INMATES UPON THE CITY OF CONCORD

- In the last 33 months (since 6/1/2010) the Department of Corrections released 475 women from custody.
- Of that number 74 (15.6%) were released to Concord following their incarceration.
- Of those 74 women, 51 (69%) were from Concord prior to their incarceration and thus were returning home.
- This leaves 23 women (4.8%) who were released to Concord, but who had resided in towns other than Concord prior to their incarceration.
- Of these 23 women 14 were released from the Shea Farm halfway house and had jobs and places to stay upon release. This halfway house has been in Concord for quite some time with minimal impact upon the community.
- This leaves 9 women out of 475 (less than 2%) who left directly from the NH State Prison for Women without a prior connection to the city and settled in Concord.

The Department of Corrections believes that locating the new Women's Prison in Concord, NH will not add measurably to the homeless population in the city and will not add significantly to the demands placed upon City of Concord Social Services.

Regards,

William G. McGonagle
Assistant Commissioner



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1/10



April 23, 2013

Via UPS

The Honorable James Bouley
Office of the Mayor
City of Concord
41 Green Street
Concord, NH 03301

RE: Price Adjustment – July 1, 2013

Dear Mayor Bouley:

In keeping with our commitment to provide you with regular updates, I am writing to advise that due to changes we incur in programming and other business costs we need to periodically adjust prices on certain video services, equipment and installation fees. Attached, please find the customer notice which outlines changes for your community effective July 1, 2013. Customers are being noticed, in advance, of this information.

Should have any questions regarding this information please do not hesitate to contact me at 603-224-1871, ext. 202.

Sincerely,

Bryan Christiansen

Bryan Christiansen, Sr. Manager
Government & Regulatory Affairs



IMPORTANT PRICE ADJUSTMENT INFORMATION for Allenstown, Boscawen, Bow, Canterbury, Chichester, Concord, Epsom, Hopkinton, Loudon & Pembroke, NH

Dear Valued Customer:

May, 2013

All of us at Comcast are committed to improving your entertainment and communications experience, and we continue to invest in making your services even better. While we continue to make these and other investments, we periodically need to adjust prices due to changes we incur in programming and other business costs. Starting July 1, 2013, or with your next bill thereafter, new prices will apply to certain video services, equipment and installation fees as indicated in this notice.

We'd welcome the opportunity to help you find the perfect package that meets your needs. Visit us at xfinity.com or call us at 1-800-XFINITY to learn more.

Thank you for being a Comcast customer. We look forward to continuing to serve you.

Prices shown are for residential service only and do not include federal, state and local taxes, FCC user and franchise fees or Regulatory Recovery fees or other related costs. If you are currently receiving services on a promotional basis, under a minimum term agreement associated with a specific rate, or in the guaranteed period of one of our SurePrice™ plans, the prices for those specific services will not be affected during the applicable promotion, minimum term or SurePrice™ period. After a notice of an increase in rates, you may change your level of service at no additional charge for a period of 30 days from the effective date of the change. Please refer to your billing statement for your Local Franchising Authority's name and address. Prices, services and features are subject to change. Not all services are available in all areas.

VIDEO EQUIPMENT

	Current Price	New Price Eff. 07/0
Limited Basic Only Converter	\$ 0.60	\$ 1.00
Digital Converter	\$ 2.15	\$ 2.50
HD Digital Converter (Limited Basic Only)	\$ 2.15	\$ 2.20

INSTALLATION FEES (per occurrence unless noted) ¹

	Current Price	New Price Eff. 07/0
Installation of each Additional Outlet		
after initial installation of service	\$31.50	\$32.10
Activation of each Additional Outlet		
after initial installation of service	\$21.75	\$22.00
Relocate Additional Outlet		
after initial installation of service	\$13.60	\$28.50
Upgrade Standard Definition DVR or HD DVR Service	\$20.05	\$26.30
Upgrade of Service (In-home visit required)	\$20.05	\$26.30

¹ Does not include Extreme 305 or Extreme 105 Internet Service installation charge, wire networking, professional internet installation, Voice installation fees or activation fees.

Bonenfant, Janice

5 In 12

Subject: FW: Request for Tree Accounting - Livability of Concord
Attachments: 2012_1210-AgendaConsent27_113-116_Trees.pdf

----- Forwarded Message

From: "R. Baker" <rb64@earthlink.net>
Date: Mon, 15 Apr 2013 16:46:51 -0400
To: "Jan McClure (Council)" <janward3@comcast.net>
Cc: <magrww@myfairpoint.net>, Jennifer Kretovic
<jennyk721@gmail.com>, Steve Shurtleff
<SteveShurtleff@aol.com>, <mdelloi@yahoo.com>, Mark Coen
<markcoen@tds.net>, "Dan St. Hilaire,"
<dansthilaire@comcast.net>, Jim Bouley <jpbouley@comcast.net>
Subject: Request for Tree Accounting - Livability of Concord

April 15, 2013

Dear City Councilor Jan McClure,

At about 8:40am Today I saw the City Tree Truck at the Sycamore tree at Kimball Jenkins and thought, could they be taking it down? Given what I consider deforestation that the City has engaged in, since buying the tree truck, I was startled. I had a thought last week, if the city takes this sycamore tree down, it would trigger my response. Two of the city employees at the site assured me, it was just being trimmed and not removed. Although I was relieved to know this was a pruning, there are indicators of concern for loss of shade trees in Concord.



Tree at Kimball Jenkins Estate - Concord, NH 3/26/2013 & with tree truck 4/15/2013

To help understand the tree removal and plantings in the city, a Consent Report from the City Council Agenda of 12/10/2012 (Item 27 - attached) indicates the number of trees removed, and a proposed planting program. The report indicates 282 trees were removed in the prior fiscal year, and that trees could be planted at a rate of 25 to 30 per year, if residents step forward with the purchase price. At this rate it will take 6 to 7.5 years to replace what was removed in one fiscal year, at best. Replacing the shade lost will require decades of nurturing the new plantings. In addition to the removal of hundreds of trees in the city, I have noticed a number of trees which have been "topped", where the leader has been removed. It is not clear if this is something the city has participated in or not. This effectively is a death sentence for most shade trees.

I am sensitive to the need to trim and remove problem trees, and grateful for being safe from falling limbs. The amount of removals has been alarming, nonetheless. Of the trees recently planted by the city, and with road reconstruction, many appear to be ornamental. Often these trees present hazards for the head, face

and eyes when exiting vehicles parked at the curb or walking on the sidewalk. The shade provided is minimal.

The rate of shade removal and ornamental plantings gives the appearance, to me, that the city sees shade trees as a problem. Ornamental trees are no substitute for shade, give little relief to pedestrians walking on the sidewalk, provide little in the way of reducing the heat island effect, or in providing other important benefits. Shade trees are essential to the livability of our city. I am very concerned they are not being adequately replenished following removal.

Please consider requesting an accounting of tree removals and plantings in the City:

1. Accounting of all trees taken for each year since the tree truck was purchased.
 - a. Specifying the species of trees removed
 - b. Specifying the classification as shade or ornamental
 - c. Specifying the location of the tree as City park or otherwise.
2. Accounting of the trees planted by year:
 - a. by the city and
 - b. by contract with the city for as part of road reconstruction or sidewalk improvements.
 - c. locations in city parks and streets of plantings
3. Specify the species of trees planted and their classification as shade or ornamental

To enhance the livability of Concord, please consider these steps:

1. Review data of removals, plantings as well as the process for determination of tree removal

2. Develop policies which recognize the value of shade trees and plans for replacements emphasizing shade vs ornamental plantings
2. Develop a city reforestation plan coordinated with street construction so as to build an effective shade canopy
3. Fund the policies for shade tree canopy reforestation through grants or within the budget

Please contact me if I can assist in this matter. Thank you for your time and consideration.

Robert T. Baker
Concord, NH

cc.

Robert Werner, Energy & Environment Adv Com.
Jennifer Kretovic, Public Safety Board, CDAC
Stephen Shurtleff, At-Large, Planning Board
Michael Delloiacono, At-Large, EEAC
Mark Coen, At-Large
Dan St. Hilaire, At-Large
Mayor Jim Bouley

----- End of Forwarded Message

12-27



CITY OF CONCORD

120

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Earle M. Chesley, P.E., General Services Director
DATE: November 26, 2012
SUBJECT: Sustainable Street Tree Program

Recommendation

Accept this report to implement a Sustainable Street Tree Program.

Background

The General Services Department is charged with the responsibility of managing the community's urban trees within public rights-of-way. Similar to many communities throughout New Hampshire our urban trees are continuing to age and deteriorate in time. Last fiscal year, after physical inspection by the Department's arborist, approximately 142 urban and 140 rural trees were removed due to poor health that subsequently presented risk to the public. In many instances, these trees were planted within a small buffer zone between the street curb and sidewalk. In these locations, the paved and heavily compacted areas within very close proximity of the tree's root system do not present a robust environment to promote longevity for our community's urban street trees.

Discussion

The General Services Department recommends implementing a Sustainable Street Tree Program to encourage the planting of shade trees within the right-of-way and adjacent to streets throughout the City. The trees will provide shade, increase biodiversity, enhance wildlife habitat, reduce storm water runoff, provide screening and help to establish a resilient urban tree canopy.

Through this program, the tree crew from the General Services Department, will plant appropriate trees selected and purchased by residents along City streets. The resident would be

responsible for payment of the tree. The price range for these trees is between \$200 and \$400 depending upon the tree selected. The City, through the General Services Department, will plant the tree and perform the initial year pruning. The estimated cost of the program ranges from approximately \$6,000 to \$7,500 (about \$250 per tree). The work would be accomplished through current budgetary appropriations.

Trees will be planted within the right-of-way when there is sufficient area to support the tree's long term health or in the resident's front yard no further than ten feet from the back of the right-of-way. Trees will be of commercial nursery stock, between 1 3/4" and 2 1/2" caliper, and approximately 6 to 12 feet in height depending on the specimen planted.

Residents who wish to participate in the program will need to submit an application to the General Services Department. The Department's arborist would meet with the resident and provide the resident a list of appropriate tree species for their desired location, and oversee the planting of the trees. Residents will be limited to two trees per property. Applications will be placed on a master list for planting. At this juncture, the Department is confident it could plant between twenty five to thirty trees per year within the planting season.

Attached is a copy of the proposed program that was collaboratively developed with the Community Development and Legal Departments.

Cc Jim Major, Highways and Utilities Superintendent
James Kennedy, Esq., City Solicitor
Becky Hebert, Senior Planner

CITY OF CONCORD, NEW HAMPSHIRE
GENERAL SERVICES DEPARTMENT
generalservices@concordnh.gov

SUSTAINABLE STREET TREE PROGRAM

I. PURPOSE

The purpose of the Sustainable Street Tree Program is for the City of Concord to encourage the planting of shade trees within the right-of-way and adjacent to streets throughout the City. The trees are intended to provide shade, increase biodiversity, enhance wildlife habitat, reduce storm water runoff, provide screening and help to create a resilient urban tree canopy within the City.

II. PROCEDURE

Upon the City's approval of a completed Sustainable Street Tree Program Application, the Approved Property Owner's name will be placed on a master list, in the order in which it was received. The City will contact the Property Owner to schedule a site visit to determine the location of the tree.

The City has the capacity to plant between 25 and 30 trees per year. The City will plant the selected tree(s) at the approved right-of-way location.

The resident is responsible for payment for the cost of the tree that will range from approximately \$200 to \$400 depending upon the species. The City is responsible for the cost of planting the tree and performing the initial year pruning that is estimated to be approximately \$ 250.

III. RULES

- Trees only planted in the front yard (no side or back yard plantings).
- No trees planted further than 10' from the back of the right-of-way/sidewalk.
- Unless otherwise approved, no planting between the curb and sidewalk.
- No trees planted between the curb and sidewalk less than 30' from an intersection.
- Unless otherwise approved, no trees planted in the same location as an old stump.
- Two trees planted per property per year.
- Planted trees are the property of the property owner and all maintenance other than the first year's pruning will be the property owner's responsibility.

IV. TREE SELECTION

- The property owner may select a tree(s) from the City's list of available trees based upon the proposed property location.
- Each location will be reviewed on a case by case basis.
- The trees sold and planted will be of nursery quality.
- Trees will be between 1 3/4" and 2 1/2" caliper and approximately 6 to 12 feet in height depending on the specimen chosen.

CITY OF CONCORD, NEW HAMPSHIRE
GENERAL SERVICES DEPARTMENT
generalservices@concordnh.gov

SUSTAINABLE STREET TREE PROGRAM APPLICATION

I. PROPERTY OWNER INFORMATION

Property Owner Name: _____
Address: _____
Contact Person: _____ Phone:(work) _____ (cell) _____

II. TREE SELECTION

Tree	Amount

III. PAYMENT

Total Payment: _____; Check is enclosed: ___ Yes ___ No

IV. PROPERTY OWNER AFFIRMATION/INDEMNIFICATION

Property Owner has executed the attached Indemnification Agreement: [] Yes; [] No

By: _____ Date: _____
Property Owner

GENERAL SERVICES REVIEW

Application is complete: ___ Yes ___ No



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RECEIVED

APR 25 2013

CITY MANAGER'S OFFICE
CONCORD, NH

April 24, 2013

Thomas Aspell, Manager
City of Concord
41 Green Street
Concord, NH 03301

Dear Tom,

Last evening, the Concord Community TV Board of Directors and staff presented its live budget presentation on our channels as required by our agreement with the City of Concord.

I am pleased to provide you with the proposed budget for FY 2013-2014 that was passed by our Board at that meeting. The financial report reflects 37% of Franchise Fees (based on last year's city FF revenues) and includes comparisons as required by our agreement.

I have also provided, as per our agreement, explanations of significant year-to-year changes in numbers.

If you have any questions, please do not hesitate to call me at 226-8872 or email me at doris@yourconcordtv.org.

Sincerely,

Doris Ballard
Executive Director

Concord Community TV
4 Yr. Budget Comparisons
and
Proposed Budget 2013-2014

	Actual		Actual Revenues and Expenditures FY 2011-2012	Actual Revenues and Expenditures FY 2010/2011	Current Year Budget FY 2012/2013	Estimated Current Year Rev/Exp FY 2012/2013	Proposed Revenues and Expenses FY 2013/2014 FF Revenue based on 37% of \$700,000 (contracted amt)
	Column C	Column D					
Revenue							
4000 Franchise Fee	\$ 214,400.00	\$ 239,138.50			233,600.00	239,614.50	259,000.00
4020 Underwriting Income	\$ 1,917.00	\$ 2,150.00			3,500.00	2,400.00	1,800.00
4030 Contributions Income	\$ 2,005.00	\$ 1,100.00			1,500.00	1,750.00	1,500.00
4090 Memberships	\$ 2,013.55	\$ -			2,000.00	300.00	-
4100 Grants	\$ 5,550.00	\$ -			-	5,000.00	2,500.00
4150 IRS: Health Ins. Refund	\$ -	\$ -			-	5,420.00	-
4200 Tape/DVD Dubbing	\$ 2,804.16	\$ 2,077.42			2,200.00	1,500.00	1,000.00
4250 Tape Stock Sales	\$ 480.50	\$ 186.00			200.00	90.00	100.00
4350 Class and Workshop Fees	\$ 6,090.00	\$ 3,018.50			4,000.00	2,700.00	4,000.00
4400 Annual Fundraiser	\$ -	\$ 5,243.39			10,000.00	4,227.00	4,000.00
4510 Used Equipment Sales	\$ 1,591.56	\$ -			-	-	-
4800 Interest Income	\$ 567.19	\$ 494.77			575.00	345.00	245.00
Total Revenue	237,418.96	253,408.58			257,575.00	263,346.50	274,145.00
Expenses							
5000 Marketing	\$ 1,685.28	\$ 1,015.97			1,500.00	1,000.00	1,200.00
5010 Bank Service Charges	\$ 34.42	\$ 14.45			30.00	35.00	50.00
5030 Conference/Fees	\$ 828.13	\$ 949.11			1,000.00	1,800.00	2,000.00
5035 Training and Education	\$ 45.00	\$ 439.00			400.00	300.00	400.00
5040 Dues/Subscriptions	\$ 1,052.42	\$ 1,462.00			1,500.00	1,200.00	1,500.00
5050 Postage and Delivery	\$ 552.58	\$ 478.24			500.00	450.00	700.00
5060 Printing and Reproduction	\$ 416.88	\$ 735.46			500.00	1,120.00	750.00
5080 Tape Stock	\$ 1,407.81	\$ 989.68			1,000.00	600.00	1,000.00
5090 Telephone	\$ 1,540.22	\$ 1,836.17			2,400.00	2,200.00	2,800.00
5091 Internet	\$ 823.90	\$ 898.80			900.00	900.00	900.00
5092 TelVue Streaming	\$ -	\$ -			3,000.00	2,700.00	3,000.00
5095 Website	\$ 119.40	\$ 153.73			200.00	234.00	600.00
5110 Volunteer Services and Events	\$ 309.26	\$ 995.00			700.00	700.00	650.00
5200 Health Insurance	\$ 23,115.12	\$ 19,640.14			22,000.00	16,000.00	27,000.00
5220 IRA Expenses	\$ 3,600.00	\$ 3,600.00			3,600.00	3,600.00	3,600.00
5300 Business Insurance	\$ 4,566.14	\$ 7,228.67			7,500.00	7,232.00	8,100.00
5330 Workers Comp	\$ 2,845.00	\$ 1,130.00			1,970.00	1,463.00	1,970.00
5410 Accounting/Audit	\$ 3,500.00	\$ 5,290.00			5,000.00	5,500.00	5,500.00
5415 Payroll Service	\$ 1,232.92	\$ 1,282.44			1,400.00	1,400.00	1,500.00
5700 Studio/Office Supplies	\$ 3,565.94	\$ 5,012.65			4,000.00	4,000.00	5,000.00
6000 TV Production Equipment	\$ 33.50	\$ -			-	-	5,000.00
6110 Automobile Expense	\$ 1,602.88	\$ 1,706.28			1,800.00	2,350.00	3,500.00
6300 Repairs/Maintenance	\$ 342.00	\$ 1,230.51			-	-	2,500.00
6350 Travel/Meetings	\$ 631.72	\$ 845.11			500.00	791.00	2,000.00
6560 Payroll Expenses	\$ 147,880.89	\$ 180,084.90			196,000.00	186,000.00	750.00
6568 State Annual Report Fee	\$ 102.00	\$ 245.00			175.00	75.00	197,000.00
6999 Uncategorized Expenses	\$ 250.00	\$ -			-	-	175.00
7600 Reserve-Heights Community Ctr							
Total Expenses	202,083.41	237,263.31			257,575.00	261,650.00	274,145.00
Net Revenue	35,335.55	16,145.27			0.00	1,696.50	0.00

Proposed Budget FY 2013-2014
With Explanations

	Proposed Budget	
	FY 2013/2014	
	on 37% of	
	\$700,000	
Revenue		
4000 Franchise Fee	259,000.00	Franchise fee Revenue based on contracted amount of 37%
4020 Underwriting Income	1,800.00	3 underwriters Senior/SpeakNH @\$600 yr.
4030 Contributions Income	1,500.00	Boys and Girls Club anticipated donation for auction support
4100 Grants	2,500.00	Continuation of Community Bridges Grant
4200 Tape/DVD Dubbing	1,000.00	Based on previous years' revenue trends
4250 Tape Stock Sales	100.00	Based on previous years' revenue trends
4350 Class and Workshop Fees	4,000.00	Will be expanding class offerings at Heights center
4400 Annual Fundraiser	4,000.00	Based on last two years of fundraising for Concord On Air
4800 Interest Income	245.00	Current interest rates calculations for dollars in CD and Money Market Acct.
Total Revenue	274,145.00	
Expenses		
5000 Marketing		* based on previous years' actuals.
5010 Bank Service Charges	1,200.00	*
5030 Conference/Fees	50.00	*
5035 Training and Education	2,000.00	To send key staff to NHCCM and ACM-NE conference and event
5040 Dues/Subscriptions	400.00	To send key staff to area workshops and ACM-NE conference
5050 Postage and Delivery	1,500.00	*
5060 Printing and Reproduction	700.00	*
5080 Tape Stock	750.00	*
5090 Telephone	1,000.00	*
5091 Internet	2,800.00	*
5092 TelVue Streaming	900.00	*
5095 Website	3,000.00	*
5110 Volunteer Services and Events	600.00	*
5200 Health Insurance	650.00	*
5220 IRA Expenses	27,000.00	To cover possible increases in health insurance coverage for 3 FT employees
5300 Business Insurance	3,600.00	*
5330 Workers Comp	8,100.00	*
5410 Accounting/Audit	1,970.00	*
5415 Payroll Service	5,500.00	*
5700 Studio/Office Supplies	1,500.00	*
6000 TV Production Equipment	5,000.00	*
6110 Automobile Expense	3,500.00	Smaller purchases needed to replace worn equipment and fit up new studio/media center
6300 Repairs/Maintenance	2,000.00	*
6350 Travel/Meetings	750.00	May be needed to repair equipment that is now aging
6560 Payroll Expenses	197,000.00	*
6568 State Annual Report Fee	175.00	*
Total Expenses	274,145.00	
Net Revenue	0.00	

Concord Community TV
Live Budget Presentation
April 23, 2013

Past and Current Fiscal Years
Budget Explanations

1. The annual live budget presentation is a requirement of our contract with the City of Concord:

Article 2B. Concord Community TV Agrees To:

(e) Provide a budget by April 30th showing the next year's proposed revenues and expenditures, showing current year budget, estimated current year revenues and expenditures and two years previous actual expenditures with appropriate explanatory details. Explanatory details shall include the derivation of major revenues and expenditures, and explanations of significant year-to-year changes in numbers. Said budget is to be presented to the public at an open meeting and cablecast on Concord Community TV, a notice (see posting below) of which shall be posted on the Concord Community TV web site and in the newspaper at least ten (10) days prior to the meeting.

PUBLIC NOTICE: posted in Concord Monitor and on Concord Community TV website on 4/11/13 *This is a Notice of Concord Community TV's Live Budget Presentation for Fiscal Year 2013-2014 and open Board Meeting on Tuesday, April 23rd at 6:30 p.m. It is to be televised on Concord's cable TV channels 22, 17, and 6. Public is welcome to attend. Concord Community TV is located in Concord High School, entrance D.*

2. Report Explanations:

Columns C and D: Two years previous actual expenditures (FY 2010-2011) and FY 2011-2012)
Column E: Current year budget (FY 2012-2013)
Column F: Estimated current year revenues and expenditures

3. Derivation of major revenues and explanations of significant year-to-year changes in numbers. COLUMNS E and F

Acct. #4000: Franchise Fee

Budgeted \$233,600, Actual Estimate: \$239,614.50

Column F reflects the 50% over the \$700,000 projected revenues in city budget (\$6,014.50)

Acct. #4020: Underwriting Income

Budgeted \$3,500 Actual: \$2,400

Rec'd 3 underwriters for SeniorSpeakNH @\$600 yr. One underwriter paid for amount due last FY and this FY for a total of \$1,200.

Acct. #4090: Memberships

Budgeted: \$2,000, Actual estimate: \$300 (2 memberships at \$150 each)

Efforts to get more nonprofit memberships were halted due to the amount of staff time needed to satisfy the benefits of membership, specifically assisting in the creation of Public Service Announcements.

Acct.#4100: Grants

Budgeted: \$0, Actual estimate: \$5,000

ConcordTV received a grant of \$2,000 from Rotary Club of Concord to provide 10 scholarships to underserved youth to attend our Youth Video Camps in June. Receiving approximately \$3,000 from Community Bridges,

Acct. #4150: IRS: Exempt Organization Business Income Tax Refund

Budgeted: \$0, Actual estimate: \$5,420

Received from IRS F990T submitted by accountant for 2010-2011 and 2011-2012

Acct. #4200: Tape/DVD Dubbing

Budgeted: \$2,200, Actual estimate: \$1,500

Request for DVD copies has been declining every year. This is most likely the result of people using their smart phones or personal video cameras to tape personal events.

Acct. #4350: Class and Workshop Fees

Budgeted: \$4,000, Actual estimate: \$2,700

Impacted by the loss of Training Coordinator at the end of March; new employee will not start until June. Classes will be back in full gear once the new studio is up and running at both locations in the Fall.

Acct. #4400: Annual Fundraiser

Budgeted: \$10,000, Actual \$4,227

Given the ongoing recession, it was a bit ambitious to expect to raise \$10,000 this year. However, efforts to bring in extra revenue were successful in securing \$5,000 in grants.

Net Estimated Increase in Expected Revenues: \$5,771.50

3. Derivation of major expenditures and explanations of significant year-to-year changes in numbers.

Acct. #5030: Conference and Fees

Budgeted: \$1,000, Estimated Actual \$1,800

ED and Programming/IT Director to attend conference in New Jersey. Attending the conference, which is the largest of its kind in the Northeast, at a time when we are planning the new studio/training room at the Heights community center, is the perfect opportunity to seek the best in equipment purchases and in planning a series of classes for the new media center.

Acct. #5060: Printing and Reproduction

Budgeted: \$500, Estimated Actual \$1,100

Needed to have letterhead and envelopes printed.

Acct. #5200: Health Insurance

Budgeted: \$22,000, Estimated Actual \$16,000

New Programming/IT Director will not need insurance for 6 months; switched insurance plan to a less expensive option for the 3 full time employees.

Acct. #6110: Automobile Expenses

Budgeted: \$1,800 Estimated Actual \$2,350

Van needed 4 new tires to pass inspection.

Acct. #7600: Reserve for Heights Community Center

Budgeted: \$0, Actual \$20,000

These dollars will help to fund the fit up the 2 rooms at the new Heights community center (a studio, and media training room). The budget to fit up the 2 rooms is currently being planned (electrical; air conditioning; control room and sound proofing of studio). We anticipate costs to do so will be in the area of \$15,000, and equipment purchases may reach \$10,000 to \$15,000.