



Non public session in accordance with RSA 91-A: 3, II (d) to discuss contract negotiations followed by non-public hearing to discuss collective bargaining in accordance with RSA 91-A: 2, I (b) to be held at 5:30 p.m.

City Council Meeting

Agenda

October 15, 2013

City Council Chambers

7:00 p.m.

1. Call to Order.
2. Invocation
3. Pledge of Allegiance.
4. Roll Call.
5. Creative Concord public art on Main Street presentation.
6. Approval of the September 9, 2013 Meeting Minutes.
7. Agenda overview by the Mayor.

- Consent Agenda Items -

Items Tabled for a November 12, 2013 Public Hearing

8. 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, Communications Coordinator, Management and Budget Analyst; together with reports from the Director of Human Resources and Labor Relations.
9. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Article 29.2-1-2, Assessment and Collection, Article 20.2-1-3; Administration, and Chapter 28, Zoning Ordinance; Glossary; together with report from the City Planner.
10. Resolution accepting and appropriating \$10,035 from the United States Department of Justice Bullet Proof Vest Program for a 50% reimbursement of eligible costs for CIP #370;

together with report from the Police Department.

11. Resolution adopting the Concord Municipal Airport Minimum Standards 2013 and replacing in its entirety "The Minimum Standards and Procedures for Concord, New Hampshire Municipal Airport" originally adopted on March 12, 1984 and all amendments thereto; together with report from the Deputy City Manager – Development.

From the City Manager

12. Positive Citizen Comments.

Consent Reports

13. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1995.81 as provided for under the preauthorization granted by City Council.
14. Diminimus gifts and donations report from the Parks & Recreation Director requesting authorization to accept monetary gifts totaling \$10,487.38 as provided for under the preauthorization granted by City Council.
15. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$4,934.65 as provided for under the preauthorization granted by City Council.
16. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$4,492.80 as provided for under the preauthorization granted by City Council.
17. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$1,000 as provided for under the preauthorization granted by City Council.
18. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$50 as provided for under the preauthorization granted by City Council.
19. Report from the Traffic Operations Committee in response to a communication from Kathleen Dunn requesting consideration be made for traffic flow improvements in the vicinity of Centre Street and Main Street in Concord. (5-10)
20. Report from the Recreation Director on behalf of the Golf Course Advisory Committee and the Recreation and Parks Advisory Committee in response to a communication from Councilor Coen requesting consideration be given to amending the Code of Ordinances waiving golf/tee fees for Concord residents that are 90 years old and above. (6Sus1)

City Council Agenda

October 15, 2013

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21. Report from the Deputy City Manager – Development regarding the changing of customer service hours in the Code Administration Division.
22. Report from the Deputy City Manager – Development regarding an application for “Moose” plate funds for the installation of tree filters as part of CIP #35.
23. Concord Area Transit (CAT) FY2013 Annual Progress Report and Performance Indicator Report.
24. Report from the Director of Redevelopment, Downtown Services & Special Projects relating to CIP #508, former Allied Leather Tannery; Petroleum Fund Reimbursement from the State of New Hampshire.

Consent Resolutions

25. Resolution authorizing the City Manager, by way of the Police Department, to submit an application to the Department of Safety, State Homeland Security and Emergency Management for Grant Funding of a Homeland Security Exercise in conjunction with Concord Hospital; together with report from the Police Department.
26. Resolution authorizing the City Manager to submit applications to the New Hampshire Highway Safety Agency as outlined in its current grant program; together with report from the Police Department.
27. Resolution de-authorizing the amount of \$1,932.59 from the New Hampshire Department of Justice Bullet Proof Vest Grant as no longer necessary; together with report from the Police Department.

Consent Communications

28. Street closure request from Girls on the Run of New Hampshire for a 5K road race to be held at Memorial Field on November 24, 2013.

Appointments

29. City Manager’s reappointment to the Board of Trustees of Trust Funds.
Michael Aitken
30. Mayor Bouley’s proposed appointments to the Economic Development Advisory Committee (EDAC). *Walter Chapin and Bob Carey*
31. Mayor Bouley’s proposed appointments to the Parking Committee.
Tonya Rochette and Mark Ciborowski

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

32. October 15, 2013 Public Hearings

- A. Resolution appropriating \$12,000 to the arena fund operating budget for Fiscal Year 2013, retroactive to June 30, 2013; together with report from the Deputy City Manager – Finance. (9-8)

October 15, 2013 Public Hearing Action

33. Resolution appropriating \$12,000 to the arena fund operating budget for Fiscal Year 2013, retroactive to June 30, 2013; together with report from the Deputy City Manager – Finance. (9-8)

Reports

New Business

Unfinished Business

34. Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (6-17) (7-36B; 7-38) (8-53) (9-39)(10-31) (11-43) (12-42) (1-52) (2-49) (3-37) (4-36) (5-57) (6-52) (7-39)(8-64) (9-36) (*Action on this item tabled following a July 9, 2012 public hearing*)
35. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (5-58) (6-53) (7-40) (8-65) (9-37) (*Action on this item tabled following a February 2013 public hearing*)
36. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009; together with report from Code Administration. (8-14) (*Action on this item was tabled after a public hearing was held on September 9, 2019.*)

Comments, Requests by Mayor, City Councilors

Comments, Requests by the City Manager

Consideration of Suspense Items

- 10 Sus1 **Referral to the Legal Department**
Application for Restoration of Involuntarily Merged Lots, Drew Street/Chase Street, from TF Bernier, Inc.

10Sus2 **Referral to the Police Department, Code Administration, the Fire Department and General Services**

Communication from Karen Joyal requesting consideration be given to closing Auburn Street from the intersection of Liberty Street to Franklin Street on Halloween, Thursday, October 31st.

Adjournment

Information

- 10 Inf 1 August 22, 2013 Transportation Policy Advisory Committee Meeting Minutes.
- 10 Inf 2 September 9, 2013 Concord Public Library Board of Trustees Meeting Minutes.
- 10 Inf 3 September 17, 2013 Traffic Operations Committee Meeting Minutes.
- 10 Inf 4 District Two Reports from Executive Councilor Colin Van Ostern.
- 10 Inf 5 Communication from SAU #46 inviting members of City Council to attend upcoming meetings regarding the recruitment of a new Superintendent of Schools.
- 10 Inf 6 Communications from the University of New Hampshire notifying City Council of Roads Scholar accomplishments. *Jan (John) Hall and Kevin Bartlett*
- 10 Inf 7 Communications from Comcast Cable regarding community services.
- 10 Inf 8 Copy of newspaper article about Albany New York and the process they have begun in an attempt to create a long term vision for it riverfront; provided by Councilor Rob Werner.
- 10 Inf 9 Information from the City Solicitor regarding Council inquiry relative to the Concord School District Charter.
- 10 Inf 10 Communication from Sarah Keith, Farmingdale, Maine suggesting the City of Concord make improvements to the current kiosk notification system within downtown Concord.
- 10 Inf 11 Invitation to Mayor Bouley and Members of City Council to participate in the Veteran's Day Ceremony at the State House, Hall of Flags, on Monday, November 11, 2013 at 9:00 a.m.

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**Non-public meetings in accordance with RSA 91-A: 3, II (d)
to discuss property acquisition and RSA 91-A:2, I (b) non-public meeting with legal counsel
to be held at 5:30 p.m.**

City Council Meeting
Draft Minutes
September 9, 2013
City Council Chambers
7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Pastor David Pinckney from the River of Grace Church was not present for invocation.
3. Pledge of Allegiance.
4. Roll Call. Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten (left early), St. Hilaire, Shurtleff and Werner were present.
5. Mayor Bouley presented a resolution in recognition of the services of Lieutenant Paul Leger. (7-27) (8-5)
- 5a. Mayor Bouley presented a proclamation recognizing the 250th anniversary of the City of Concord.
6. Approval of the August 12, 2013 Meeting Minutes.

Action: Councilor St. Hilaire moved approval of the August 12, 2013 meeting minutes. The motion was duly seconded. Councilor Blanchard pointed out that the bottom of page 14 referenced the "Mayor" closed the public hearing and stated that it should read the "Mayor Pro Tem". The minutes, as amended, passed with no dissenting votes.

7. 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 Nyhan moved approval of the consent agenda with item 13 being removed to the end of the agenda for discussion. The motion was duly seconded and passed with no dissenting votes.

Items Tabled for October 15, 2013 Public Hearings

8. Resolution appropriating \$12,000 to the arena fund operating budget for Fiscal Year 2013, retroactive to June 30, 2013; together with report from the Deputy City Manager – Finance.

From the City Manager

9. Positive Citizen Comments.

Consent Reports

10. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$15,169.09 as provided for under the preauthorization granted by City Council.
11. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$600 as provided for under the preauthorization granted by City Council.
12. Diminimus gifts and donations report from the Fire Department requesting authorization to accept monetary gifts totaling \$1,000 as provided for under the preauthorization granted by City Council.
13. Report from the Fire Chief on Life Safety Evaluations and Standby Personnel at Special Events.
(Pulled from consent by Councilors Kretovic and Keach)
Action: Item removed from the consent agenda for discussion.
14. Report from the Parks and Recreation Director recommending the approval of 2014 Beaver Meadow Golf Course Members rates.
15. Preliminary Financial Statement report for fiscal year ending June 30, 2013 from the Deputy City Manager – Finance.
16. Compliance with RSA 674:21 V (1) Impact Fee Report from the Deputy City Manager – Finance.
17. Council Quarterly Priorities Report.
18. Annual Report on Leased Parking Spaces – in accordance with Ordinance No., 2232, passed August 11, 1997 from the Director of Redevelopment, Downtown Services, and Special Projects.
19. Appropriation transfer report from the Assistant Finance Director.
20. Report from the Director of Redevelopment, Downtown Services and Special Projects regarding tax deeded property at 114 Ironworks Road and 280 North State Street in Concord.

Consent Resolutions

21. Resolution deauthorizing the sum of \$17,900 from CIP #53 for the frangible mounts and a beacon on the localizer for the runway 17/35 as no longer necessary; together with report from the Deputy City Manager – Finance.
22. Resolution authorizing the City Manager to enter into a development agreement amendment with Capital Commons, LLC; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Consent Communications

23. Street closure request from Intown Concord for Halloween Howl, to be held on October 25, 2013.
24. Street closure request for an annual neighborhood block party to be held on Tahanto Street on Sunday, September 15, 2013 from 4:00 – 7:00 p.m.

Appointments

From the Mayor

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

August 12, 2013 Public Hearing Action

25. Resolution accepting and appropriating \$258,024 in unmatched grant funds from the Office of Domestic Preparedness – State Homeland Security Program and Law Enforcement Terrorism Prevention Program, funds designated for the purpose of purchasing a specialized response/rescue vehicle; together with a report from the Police Chief. (7-13) (8-48A; 8-51) *(Public testimony received) (Additional communication received)*

Action: Councilor Bennett moved to remove this item from the table. The motion was duly seconded and passed with no dissenting votes.

Mayor Bouley explained that the public hearing for this was held and closed at the August Council meeting. He indicated that two testimony cards had been completed this evening in opposition to this item.

Councilor Nyhan moved approval of the resolution. The motion was duly seconded.

Councilor Blanchard indicated that she would like to set the record straight because there has been talk that the Police Chief was meeting with her to strong arm her to vote for the bearcat. She clarified that it was untrue and that she initiated the meeting because she wanted to ask the Police Chief some very pertinent questions so that she could make an intelligent decision. She noted that every Councilor had the right to speak with department heads and the City Manager individually about any issue for informational purposes. Councilor Blanchard indicated that she intends to vote in favor of accepting the federal dollars to purchase the bearcat reasons being that

it is replacing a current vehicle that is failing and, secondly, she has great trust in the police department and there is no intent of them using this vehicle aggressively.

Councilor Werner indicated that he will be voting against acceptance of the federal dollars. He noted that he has become convinced, through a variety of conversations, that the city has adequate resources to meet challenges that they may face.

Councilor Bennett echoed the sentiments of Councilor Werner noting that he feels that this is something that the city does not need and feels that there are adequate resources within the community.

Councilor Shurtleff stated that he appreciated all the input from individuals during the public hearing on this item. He noted that he will be voting for the motion stating that he hopes the city never has to use this piece of equipment but he would be glad to know that their local law enforcement has it in case they do.

Councilor St. Hilaire stated that there was a lot of good input during the public hearing last month and there are various ways that they can view this issue and that he understands some of the sentiments that brought out a lot of the crowd regarding the wording on the grant application. He pointed out that documentation has been received to show that the wording has been redacted and changed in the records of the Department of Safety. He indicated that the city can't have its police officers go into an unprotected situation or if there is a hostage situation he wants to know that there is a vehicle available to go rescue individuals. Councilor St. Hilaire pointed out that it's not the Concord Police Department that is getting this grant and owning this vehicle, this vehicle would be the property of the Central Special Operations Unit. He added that they already have a vehicle anyway and, from his view, this is just a replacement of that vehicle. He stated that he will be voting for this resolution.

Councilor Kretovic indicated that this has been a really difficult decision and noted her appreciation for the number of people that reached out to this community. She stated that she has to vote for her ward and her ward reached out to say get this bearcat with only one person urging not to. She further noted her concern with armed robberies and home invasions that have occurred in the city recently.

Councilor Grady Sexton noted that the public testimony input that was received were really valid concerns but feels they are lucky that Concord has a very long history of community policing. She stated that the fact that their current vehicle has only been used in the most extreme and rare circumstances is a testament to the type of police work that is in the community. She indicated that they need a new vehicle to keep people safe and that it could be the difference between life and death in certain situations stating that she feels that it's her moral and ethical obligation to vote in favor of providing all the tools that this city feels is necessary to keep its citizens and officers safe.

Councilor Coen understands that there are places in the country in which the police have abused their authority but hasn't seen this in Concord. In regards to the bearcat vehicle, he pointed out

that it is not a Concord Police vehicle but one that would be used by twenty communities. He stated that he will be voting in support of the motion to accept.

Councilor Bouchard stated that she completely supports Chief Duval noting that he is a very capable and the city is very lucky to have him. She noted that she feels that there is confusion on the community about exactly what this vehicle is. She stated that she will not be supporting the bearcat noting her agreement with Councilors Werner and Bennett that they have other similar vehicles available for access.

The motion to approve passed 11 to 4 on a roll call vote with Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, St. Hilaire, Shurtleff, Blanchard and Mayor Bouley voting yes. Councilors Patten, Werner, Bennett and Bouchard voted no.

26. September 9, 2013 Public Hearings

- A. Resolution accepting and appropriating the sum of \$48,315 in unmatched grant funds from the New Hampshire Department of Safety Homeland Security Grant Program; together with report from the Fire Chief. (8-12)

Action: City Manager Tom Aspell provided a brief overview.

Councilor Blanchard asked how badly the department needed the inflatable boat. Fire Chief Andrus responded that, when they put the list together, every item on the list is something that they considered necessary. He explained that they were informed on May 15th and proceeded for several months with the understanding that the boat would not be eligible and that he received a phone call from the state that they could apply for a waiver. Chief Andrus noted that he feels that this would be a worthwhile thing to do.

Councilor Nyhan asked why the boat is considered ineligible and inquired whether there is a viable replacement or alternative. Chief Andrus replied that they have an ice sled that they use for ice rescues and explained that it's not a very good substitute because it's really meant for ice rescue, meant to slide and not float. Councilor Nyhan inquired as to what basis the inflatable boat was considered ineligible for the funds. Chief Andrus responded that he is not entirely clear as to why but was told that no water craft are eligible.

Councilor Bennett questioned whether these were items that they are replacing or new purchases. Chief Andrus replied that this is new equipment.

Mr. Aspell explained that this in no way obligates the Council to continue to replace this equipment moving forward.

Councilor Bennett noted that when this was being discussed back in February and May, he had asked the question about a report that was referenced in regards to flooding and swiftwater rescue and indicated that he would like to see a copy of that report because he wasn't aware that there was a need for any of this equipment. He stated that he will not be supporting this resolution.

Councilor Coen inquired as to where the inflatable boat would be implemented. Chief Andrus responded that it would be used in conjunction with water rescues; there are currently three boats in their fleet and this would be a smaller boat primarily used for carrying equipment. Councilor Coen asked what the size of the boat is. Chief Andrus replied that it's smaller but he doesn't have the exact dimension of the boat.

Councilor St. Hilaire inquired whether the Fire Department currently does swiftwater rescue and, if so, are they using the three other boats. Chief Andrus responded yes adding that they do use the other boats. He explained that approximately 1 ½ years ago, Council approved grant funding allowing the Fire Department to send people to be trained in swiftwater rescue. He noted that it became apparent that what they were using, ice rescue suits, were not only inappropriate for the task but in fact dangerous because they could be weighted down in the water; what they are using works well in winter but isn't something that works well for swiftwater.

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

- B. 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; Program Coordinator and Recreation Supervisor; together with report from Human Resources Director. (8-13)

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.

- C. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009; together with report from Code Administration. (8-14)

Action: City Manager Tom Aspell provided a brief overview.

Councilor Blanchard noted that she recalled Council voting some time ago to adopt the International Building Code. Carlos Baia, Deputy City Manager-Development, responded that he believes she is referring to the International Existing Building Code which was adopted in 2008 to facilitate redevelopment primarily in the downtown. He explained that this one pertains to the housing code which is used for housing inspections of rental housing properties.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker noted that there seems to be a new paragraph that all work in rental housing has to be done by certified professionals. He noted if this is a change he feels that people need to be aware of it because it might be a hardship to some skillful apartment owners.

Mike Santa, Code Administrator, explained that what they were trying to do there was to make people aware that state law requires licensed professionals to do work in multi-family dwellings. He noted that the only place one can do work as an owner is in your own single family home.

Councilor Bennett indicated that he has a two-family home and asked for clarification as to whether he can do electrical work on the side he lives on but not on the side he is renting. Mr. Santa clarified that to be correct.

Councilor Coen noted that over the years he has known people that have multi-units and is sure in those cases they got certified plumbers or electricians to do the work but if not questioned whether the city would inspect the unit owners work. Mr. Santa stated that the city wouldn't give a permit if they were doing their own work in a multi-family unit because that would be a violation of state law. Councilor Coen referenced plumber and electrician and inquired as to what other certified tradesperson would be needed. Mr. Santa responded that if someone is doing gas work they would need a certified individual. Councilor Coen asked whether a certified individual would be needed for carpentry or drywall work. Mr. Santa responded no explaining that this is not regulated by the state. Lisa Salvatore, Building Inspector, added that the proposed amendment does read "to further ensure the public health, safety and welfare of any new installation or major repairs in residential property". She stated that often times she will go into a rental home in which a landlord or handyman did some major work and it doesn't conform to the code and right now all she can do is tell them to get a licensed tradesperson. She stated that, with this amendment to this ordinance, she can put in her notice of violation that they need to have it corrected by a licensed tradesperson.

Councilor McClure pointed out that the way this has been written, it is not tied to state law by adding "according to state law..." and noted that, hypothetically, state law could change and this would still be in place for the city. She asked if staff's intent is to have this conform to state law or whether staff is trying to create a separate criteria and standard for housing in Concord. Mr. Santa responded that it maybe should have been worded differently and that they are trying to stay in sync with the state and its laws. Councilor McClure asked whether staff would consider adding language to that effect that the city is following state law.

Councilor Blanchard inquired as to how long this state law has been in effect. Mr. Santa replied that he was unsure but that it's been around for quite some time.

Councilor Nyhan questioned how staff would define major repair because it's a very subjective word. Ms. Salvatore responded that it would be discussed with the property owner or person doing the repair. She explained that the end result is looking at safety. Councilor

Nyhan asked, as it stands today, what the ramifications are of someone making improvements under the city's existing code questioning whether they are in compliance with the law or not. Ms. Salvatore indicated that when Council voted this in, this code was formulated specifically to Concord and tried to take every aspect of the new construction codes that may have to intermingle with existing structure codes. She stated that this is always going to be a work in progress and specific to Concord.

Councilor Werner asked for confirmation that carpentry and drywall work is not within the scope of this ordinance. Mr. Santa indicated that the question is whether a licensed professional needed to do these. He stated that there aren't any licensing requirements for general contractors, drywallers, siding and windows; in this ordinance they are only dealing with the professions that need to be licensed and regulated. Councilor Werner indicated that it may be a benefit to make this very clear within the scope of the ordinance.

Councilor DelloIacono noted his confusion; he indicated that it's been mentioned that they are following state guidelines then heard that the city had their own and could follow the International Building Code but that the city wants to build their own separate script. He inquired whether the city is adding layers that they don't need to add. Mr. Santa explained that this is just for multi-family dwellings that have rental units and that the State of NH regulates plumbers, electricians and gas fitters. He indicated that what they were trying to do, as part of their code, is to make people aware of the fact that there is a license requirement for certain work if you are in those professions. Councilor DelloIacono asked if staff's reference to the state guidelines is purely for licensing. Mr. Santa responded that to be correct. He added that if anyone is working in any part of NH for electrical work, plumbing work or gas fitters work they have to have a state license and every community in the state monitors this.

Councilor Coen noted that he's heard that this is an ongoing process that's going to be tweaked and his concern with this is that it becomes subjective and people become frustrated working with codes. He stated that he is not comfortable with this because it's not clear. Mr. Santa noted that they didn't have it in the code before and what is before the Council is an update of what they previously had. Councilor Coen asked if there was another way of approaching this in which it's a little more defined.

Referencing 704.2 smoke alarms, Councilor St. Hilaire noted that he knows that the state licenses plumbers and electricians but that is not the requirement that mandates that a multi-dwelling unit owner has to have a licensed person come in; the requirement is RSA 153:10a that there is a state law that says you have to have a licensed electrician come in to do this. Mr. Santa responded that the installation of hard wired smoke detectors in a multi-family building would require the person doing the work to be licensed which would be through the current licensing laws throughout the state. Councilor St. Hilaire noted that the requirement that somebody be licensed is not simply that the state licenses a professional; the requirement comes from the fact that there is a state statute that in any multi-dwelling unit one must be licensed to do it so that whether it is in the city's ordinance or not it's a state law that requires this. Mr. Santa indicated that to be correct.

Councilor Blanchard asked how somebody would know when to get a permit for work and if they do hire a licensed professional are those individuals supposed to be familiar with the codes of the city and know that a permit is necessary. Mr. Santa explained that the housing code program that they have in place is complaint driven.

Mayor Bouley stated that the confusion for himself has nothing to do with the fact that the State of NH chooses to license professionals. He asked if, within the state statute, there is a general threshold for when a professional needs to do the work; when is it major versus non-major. Mr. Santa responded that this is a hard question to answer explaining that within the building code there is a list of exempt work and one of them is repairs. Mayor Bouley asked if there was a better way to phrase this or is it easier to strike this section since the state law is already there. City Solicitor Jim Kennedy recommended holding off for a month for the Legal Department to make certain that they have the proper citations within this ordinance for a final hearing on this.

Referencing 704.2, Councilor McClure pointed out that staff has taken out reference to state law and noted that maybe this needs to be addressed also. Mr. Kennedy noted that he would like to revisit some of the concerns that have been addressed this evening to make sure they have been sufficiently addressed.

Councilor St. Hilaire stated that he briefly looked up the statute and didn't see that it requires that a licensed professional to do it but knows that this doesn't mean that the administrative rules don't; the Fire Marshal may have rules that requires it. He noted that if it's already there and the state requires it fine but, if not, then Council needs to know that and further feels that they need a clear answer in regards to this. He indicated that if it's not there then there may be some consideration to maybe putting a threshold for a smaller unit. Mr. Kennedy responded that he anticipates a report addressing those concerns and the other ones expressed here this evening.

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

- D. Resolution relative to the public highway discontinuance of a portion of North State Street between Church Street and Bouton Street in Concord, New Hampshire; together with report from the City Planner. (8-15)

Action: City Manager Tom Aspell provided a brief overview.

Councilor St. Hilaire noted that it is hard to visualize what Council is being asked to do without a map.

Carlos Baia, Deputy City Manager-Development, noted that the best he can say is that it would be the property parallel to Old North State Street continuing on to the Walker School property.

Councilor McClure asked if they conveyed the strip that borders the Walker School property. Mr. Baia confirmed that to be correct. Councilor McClure asked where the discontinuance

is; is it a discontinuance of that same strip or is it before Walker School. Mr. Baia explained that the strip that they conveyed they would be discontinuing any highway rights within that strip.

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

- E. Resolution appropriating the sum of \$1,570,000, including acceptance of \$560,000 in Community Development Investment Program Tax Credits from the NH Community Development Finance Authority and authorizing the issuance of \$1,010,000 in bonds and notes; said amount being the private sector supported match for construction of the Downtown Complete Street Project (CIP # 460); together with report from the Assistant for Special Projects. (8-16)

Action: City Manager Tom Aspell provided a brief overview.

Councilor Blanchard noted her concern with regard to the one bid that came in very high. She asked what makes staff think that they are going to be able to receive bids within the range of what the city is expecting to pay for this. Carlos Baia, Deputy City Manager-Development, clarified that the one bid has been rejected officially and no longer exists. He indicated that the city will be going out to rebid this project and will be working with the federal government in terms of potentially qualifying contractors; if not, the city will go to typical/traditional bid process. He explained that the City Engineer has been in contact with other communities in the New England area and, coincidentally, they have had the same challenges that the city has had: very few bids, questionable bids, etc. He indicated that it's a timing issue and explained that having a significant project bid in the middle of construction season is very challenging. He added that he believes that the city will have somebody before the end of the year.

Mayor Bouley opened the public hearing.

Public Testimony

Allan Herschlag, Wildflower Drive, noted his concern with the cost of this project. He asked if there was a reason that they can't wait to authorize funding until after the rebidding process; is there a reason why they can't wait to authorize funding until after the city decides where the remainder of the private portion of the funding will come from; is there a reason they can't wait to authorize funding until after the city and those who will be asked to pay for the private portion come to a consensus. He suggested that Council wait because construction isn't slated until April and once the bids are open they decide if and how they want to move forward and how they want to pay for this project while meeting the requirements of the tiger grant.

Councilor Coen noted that Mr. Herschlag's numbers were based upon the one bid received and pointed out that the city rejected the bid.

Roy Schweiker, Concord resident, noted that for himself there were only two features of the project that were really innovative and worthwhile: no curbs with planters demarcating the lane which was not included within the final design and the snow melt system which he doesn't know if this is going to happen. He further noted his concern with the cost of the project and the cost to the taxpayers.

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

- F. Report from the Director of Real Estate Assessments regarding a payment in lieu of taxes agreement between the City of Concord and Briar Hydro Associates for Rolfe Canal Falls, Penacook Upper Falls & Penacook Lower Falls. (8-17)

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.

- G. Resolution accepting and appropriating \$12,200 from the New Hampshire Division of Historical Resources Certified Local Government (CLG) Program for the conduct and preparation of a study of the historic carriage houses and urban barns within the City of Concord's West End Neighborhood; together with report from the City Planner. (8-18)

Action: City Manager Tom Aspell provided a brief overview.

Councilor Coen inquired as to the geographic area. City Planner Gloria McPherson responded that the survey will be approximately from Washington Street to Pleasant Street.

Councilor Nyhan asked why the survey was limited to that geographic area and not the entire city. Ms. McPherson replied that it was at the recommendation of the Division of Historical Resources. She stated that when they looked at a broader area of the city, it was too overwhelming and beyond the scope of the funding. With regard to these grant opportunities, Councilor Nyhan inquired whether these are grants that the city comes up with or are these grant opportunities that are presented to the city. Ms. McPherson responded that they come up with these at the Heritage Commission. Councilor Nyhan asked whether it would be possible to get a list, in the form of a report, of all of the projects that are being considered.

Councilor Coen asked what the value is once the survey is completed; what is the end plan to have this information. Ms. McPherson responded that part of the rationale behind doing a survey of these historic structures in this particular neighborhood is that it may be a good opportunity to evaluate how an accessory apartment by-law might actually play out on the ground in the city. She added that it may also give people the opportunity to actually reuse these structures in a way that could potentially bring income in.

Councilor Nyhan asked whether one of the outcomes of this survey is that if a carriage house is considered historic, will it prevent the property owner from being able to dispose of that

property as he/she wishes. Ms. McPherson responded that she doesn't see that as a risk and does look at it as an opportunity to potentially give greater value to these. She added that they are historic now so if people propose to demolish them, if they are greater than fifty years, they come under the demolition delay ordinance.

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 17, Vehicles and Traffic, Article 17-6, Miscellaneous Rules, Section 17-6-7, Truck Routes in the City of Concord; together with report from the Legal Department. (8-19)

Action: City Manager Tom Aspell provided a brief overview.

Roy Schweiker, resident, noted that he feels that this may be something that can be challenged because interstate commerce is not something that the city can regulate. He noted that he understands why the city wants to do this and suggested taking a different approach by regulating what sort of trucks are allowed.

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

- I. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-8, Parking Time Limited in Designated Places, Schedule III; Charles Street; together with report from the Parking Committee. (8-20)

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.

September 9, 2013 Public Hearing Action

27. Resolution accepting and appropriating the sum of \$48,315 in unmatched grant funds from the New Hampshire Department of Safety Homeland Security Grant Program; together with report from the Fire Chief. (8-12)

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

Councilor Nyhan asked that his motion to approve include instructing the Fire Chief to also apply for a waiver to purchase the inflatable boat as requested. The second was confirmed.

The motion to approve passed with one dissenting vote.

28. 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;

Program Coordinator and Recreation Supervisor; together with report from Human Resources Director. (8-13)

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

29. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009; together with report from Code Administration. (8-14)

Action: Councilor St. Hilaire moved to table this item. The motion was duly seconded and passed with no dissenting votes.

30. Resolution relative to the public highway discontinuance of a portion of North State Street between Church Street and Bouton Street in Concord, New Hampshire; together with report from the City Planner. (8-15)

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

31. Resolution appropriating the sum of \$1,570,000, including acceptance of \$560,000 in Community Development Investment Program Tax Credits from the NH Community Development Finance Authority and authorizing the issuance of \$1,010,000 in bonds and notes; said amount being the private sector supported match for construction of the Downtown Complete Street Project (CIP # 460); together with report from the Assistant for Special Projects. (8-16)

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

Councilor Blanchard stated that she will be voting against this resolution because she feels that there are too many unanswered questions and many of her concerns are the same as they were when she voted against the project to begin with.

Councilor Nyhan inquired as to the timeline in making a decision on where the community match is coming from. City Manager Aspell responded that they would need to have a discussion at a City Council by the January Council meeting.

Mayor Bouley noted that the key component of the particular item is really the acceptance of \$560,000 from the Community Development Investment Program Tax Credits and the balance will have to be decided in December; the bonding action would not occur until January or February.

The motion to approve passed, 13 to 1, on a roll call vote with Councilors Bennett, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, St. Hilaire, Shurtleff and Werner voting yes. Councilor Blanchard voted no.

32. Report from the Director of Real Estate Assessments regarding a payment in lieu of taxes agreement between the City of Concord and Briar Hydro Associates for Rolfe Canal Falls, Penacook Upper Falls & Penacook Lower Falls. (8-17)

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

33. Resolution accepting and appropriating \$12,200 from the New Hampshire Division of Historical Resources Certified Local Government (CLG) Program for the conduct and preparation of a study of the historic carriage houses and urban barns within the City of Concord's West End Neighborhood; together with report from the City Planner. (8-18)

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

34. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-6, Miscellaneous Rules, Section 17-6-7, Truck Routes in the City of Concord; together with report from the Legal Department. (8-19)

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

Mayor Bouley indicated that testimony was given that this would be unconstitutionally unenforceable. He asked whether it was true that this was already litigated before the courts and the courts have already decided this item. Danielle Pacik, Deputy City Solicitor, responded yes and what they had addressed was a preliminary injunction request and the court did enter a ruling in the city's favor at least preliminarily. She stated that they did uphold the city's interpretation of the ordinance which does prohibit trucks from going from a place in Concord to a destination outside of Concord. Referencing Manchester Street, Mayor Bouley noted that is a federal highway and the city cannot regulate this but this would regulate the city's own street. Ms. Pacik indicated that to be correct stating that the city has the power to regulate its own streets. She added that, in terms of interstate commerce implications, there have been courts that have looked at it and if there was no other way to get to the facility there might be some implications but in this situation, there is another avenue that the trucks can take to get to this particular facility.

Councilor Keach wanted to make it clear that this would not prohibit trucks from accessing that road to go to specific addresses on that road. Ms. Pacik confirmed that to be correct using Murray Farms as an example she indicated that trucks could continue using the road to get to Murray Farms.

The motion to approve passed 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 18-1-8, Parking Time Limited in Designated Places, Schedule III; Charles Street; together with report from the Parking Committee. (8-20)

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

Councilor Coen inquired as to when this will go into effect if approved and when would the signs be removed. City Manager Aspell responded that the City Clerk's Office will forward the information to the General Services Department tomorrow and General Services would take care of it within the next week or two.

The motion to approve passed with no dissenting votes.

Reports

New Business

Unfinished Business

36. Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (6-17) (7-36B; 7-38) (8-53) (9-39)(10-31) (11-43) (12-42) (1-52) (2-49) (3-37) (4-36) (5-57) (6-52) (7-39)(8-64) *(Action on this item tabled following a July 9, 2012 public hearing)*

Action: Item remains on the table.

37. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (5-58) (6-53) (7-40) (8-65) *(Action on this item tabled following a February 2013 public hearing)*

Action: Item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Blanchard asked that the Legal Department research the steps that would need to be taken for the City Council to have the final say on the Concord School District budget. She noted her frustration when the city asked for the school district's input on the bearcat issue. She pointed out that the city provides police and fire protection, pays a portion of the salary for a resource officer, collects the taxes and reimburses the school. Councilor Blanchard indicated that she didn't want to emphasize that they should have approved or disapproved one way or the other but they simply refused to think it was any of their business. She indicated that Superintendent Mike Martin of the Merrimack Valley School District feels quite differently from the Concord School District Administration and feels that "the police department is a trusted and important partner helping their students". Councilor Blanchard feels that the Concord School District wants to separate themselves entirely from the city and feels that her request is something that should be considered.

Mayor Bouley noted that Councilor Blanchard has a question that she would like answered and he thinks it's fair that it is answered.

Councilor Keach asked if the City Solicitor obligated to respond to the request of an individual councilor or does the request have to come from Council. City Manager Aspell indicated that if the majority of the Council objects to asking this question they need to let him know so he doesn't direct the Solicitor to take any action; if the majority of the Council wants staff to make this review then he will direct the Solicitor to make the review.

Councilor Nyhan stated that he supports Councilor Blanchard's request noting that he feels that it's an appropriate request.

The majority of Council noted their support of Councilor Blanchard's request.

Referencing the Northern Pass, Councilor Werner indicated that he feels that it would be beneficial for the city to gain intervener status with the project in order to be in a position to get the most up to date and accurate information about the project as it develops. His further understanding is that intervener status does not convey that they, as a Council, have taken any position on the project at this time. He inquired as to how to proceed along this line of inquiry and pointed out that the deadline of obtaining intervener status is September 18th.

City Solicitor Jim Kennedy indicated that he has preliminarily reviewed the inquiry regarding intervener status with respect to the Northern Pass Project. He explained that this would require an undertaking by the city to set forth a position to the authority that's overlooking the Northern Pass Project as to why they have a stake in this matter and why they should have a say in this matter. He indicated that this is a fact gathering exercise; it is a motion and is not automatic. He noted that he believes, to the extent that the city wanted to take such action, it would require a City Council vote to direct the city in moving to intervene in this matter.

Mayor Bouley inquired whether, if the Council wanted to put this to vote, this would require a public hearing. Mr. Kennedy responded no explaining that he believes that the direction for the city to move on this matter is a decision of the Council. He stated that Council could hold a public hearing for input but it is not a requirement for this matter.

Councilor St. Hilaire noted his support of the suggestion indicating that he recently attended a meeting in regards to this matter and was amazed to see all the neighborhoods where the right of way was so close to these people's houses and that the lines were actually a lot worse off, not necessarily because of the main Northern Pass line, but the two alternative lines that they had to move away from the Northern Pass line. He stated that he would support anything that they can do as Councilors to gain this status and use this as leverage to at least look at pole placement to make it a little bit more palatable for the neighborhoods.

Councilor Shurtleff indicated that he attended the meeting last week and had people ask him why the City of Concord wasn't doing something to stop this. He explained that he had pointed out to them that the city can't and it's basically up to the site evaluation committee and asked that the Solicitor make that acknowledgement so people are aware that the Council doesn't have the right to approve or deny the lines for the Northern Pass.

Councilor Bouchard echoed her agreement with Councilors St. Hilaire and Shurtleff.

Mayor Bouley asked what it means to be an intervener and what rights would it give the city. Mr. Kennedy responded that it means that the city would move to intervene in the matter and be a consulting party to the process of where they are putting lines and what's going on within the bounds of the city. Mayor Bouley noted that he doesn't see any downside to this if it protects their interest.

Councilor Werner moved that City Council vote to authorize the City Solicitor to formally request to become intervener status. The motion was duly seconded and passed on a voice vote. Councilor McClure took rule six.

Discussion ensued in regards to the process for requests made by Councilors.

Mayor Bouley asked the Councilor Blanchard whether she would consider withdrawing her request in regards to the Concord School District and formally present something in writing.

Councilor Blanchard indicated that she had no objection to withdrawing her request this evening.

Councilor Bennett indicated that during the bearcat vehicle hearing last month someone had made a statement that there have been no significant violent protests in New Hampshire since the 1700's and wanted to set the record straight and point out that he is aware of two that occurred in the 1960's.

Councilor Bouchard announced that Weekend on the Water was a wonderful event and was well attended. She recognized David Gill, Parks and Recreation Director, for organizing the event.

Councilor St. Hilaire announced that the Kiwanis Car Show was also a successful event.

Councilor Blanchard indicated that a constituent has informed her that there are far more than three cars that go over the Sewalls Falls Bridge at one time.

Comments, Requests by the City Manager

City Manager Aspell noted that the Weekend on the Water was a great success and that people from all over, other cities and states, attended the event.

Consideration of items pulled from the consent agenda for discussion

Item 13 has been pulled from the consent agenda for discussion.

13. Report from the Fire Chief on Life Safety Evaluations and Standby Personnel at Special Events.

Action: Councilor Kretovic indicated that she wanted more detail within the report stating that she didn't see what the fiscal impacts are and what the impacts are to the non-profits or groups that are running these different events. She stated that there is a line in the report about other cities that have adopted similar regulations but there is no request for the city to adopt the regulation.

Councilor Kretovic moved to refer this to the Public Safety Board for further review and detail. The motion was duly seconded.

Councilor Keach noted that he found the report to be confusing and that it begged more questions than answers. He added that it's not clear to him if there is an ordinance in place that requires additional personnel to be on hand. He asked the criteria of what personnel is required and when and how and why.

The motion to refer this item to the Public Safety Board passed with no dissenting votes.

Councilor St. Hilaire moved to consider taking up a suspense item not previously advertised; a request to unseal the non-public meeting minutes from May 11, 2009. The motion was duly seconded and passed with no dissenting votes.

Mayor Bouley explained that a formal request was submitted to the City Clerk to release the minutes of a non-public session held by the City Council on May 11, 2009 to be unsealed and opened to the public. He indicated that the issues that were discussed at that time are no longer issues and have all been resolved.

Councilor Blanchard moved to unseal the City Council non-public meeting minutes from May 11, 2009. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 9:31 p.m., Councilor Bennett moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

AN ORDINANCE amending the Personnel 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 adding the following position:

Position	From Grade	To Grade
Communications Coordinator	13	16

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 amending the labor grade of the following position:

Position	From Grade	To Grade
Management and Budget Analyst	21	20

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

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City of Concord, New Hampshire

REPORT TO MAYOR AND THE CITY COUNCIL

134

FROM: Jennifer Johnston, Director of Human Resources and Labor Relations
DATE: September 25, 2013
SUBJECT: Amend Schedule D to Add the Position of Communication Coordinator as a Labor Grade 16

Recommendation

It is requested and recommended that the City Council accept this report and set a public hearing date in November for the proposed ordinance to add the position of Communication Coordinator as a Labor Grade 16 on Schedule D. The General Services Department is looking to fill a vacancy in their department with this position.

Background

This past May, the Administrative Assistant to the General Services Department retired after almost thirty years of service with the City of Concord. This vacancy created an opportunity to modify the job to fit the present and evolving needs of the department today.

Discussion

The position of Administrative Assistant in General Services had been structured as a traditional clerical role, in addition to taking on recruitment duties as well as acting as a personnel liaison for the large group of employees in General Services. As Human Resources has become more efficient through technology and process improvement, the need to have an onsite liaison has diminished. Further, time and attendance duties have migrated to other staff. Simultaneously, the need for more directed attention to General Service's online presence has been identified. Along with that, the proposed role of Communication's Coordinator would be tasked with the following:

- Planning and executing the development and communication of services and programs that serve the public.
- Drafting and disseminating information correspondence to both internal and external audiences.
- Fielding routine press and public requests and researching/responding to more complex inquiries that require a historical perspective.
- Developing and managing social media presence and strategies for the General Services Department.
- Drafting, editing and disseminating informational communications for both internal and external audiences and expanding public use of the department's web site.

While many of the administrative functions would still fall to this role, it would be enhanced to handle a higher level of communication skill. Based on market analysis and internal factor evaluation scaling, we have determined the correct modification of labor grade for this position would be to move it from 13 to a 16, thus a more advanced formal educational background would be sought for the person to fill this role. The entry level pay for labor grade 16 currently is \$19.33 per hour. The position has been vacant since June 1st and the incumbent was paid \$24.13 per hour. Funding for this position is within the Fiscal Year 2014 budget. The budget for this position would not exceed the existing budgeting level for at least four years.

In order to accomplish the aforementioned, the City of Council will have to set a public hearing for November and then approve the position per the attached ordinance.

Respectfully Submitted,

Jennifer Johnston

cc: Thomas J. Aspell, JR., City Manager
Earle M. Chesley, Director of General Services



TJC

City of Concord, New Hampshire
REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Jennifer Johnston, Director of Human Resources and Labor Relations
DATE: September 25, 2013
SUBJECT: Amend Schedule D to Modify the Position of Management and Budget Analyst from Labor Grade 21 to 20.

Recommendation

It is requested and recommended that the City Council accept this report and set a public hearing date in November for the proposed ordinance to modify the position of Management and Budget Analyst from a Labor Grade 21 to a Labor Grade 20 on Schedule D due to a change in assigned job expectations. The Finance Department is looking to fill this vacancy in their department but wish to change the scope of the position's current duties.

Background

The Office of Budget and Management (OMB) has had some personnel changes with the promotion of the former Management and Budget Analyst as well as the position being vacated earlier this year. The Director of OMB has determined that it would be beneficial to narrow the scope of the Analyst position before it is filled.

Discussion

The Management and Budget Analyst position was filled in FY13 with a probationary employee after an extensive search which resulted in a limited candidate pool. Though the spot was filled, it was shortly thereafter vacated. The OMB Director is looking to narrow the scope of the position with the hopes of widening the applicant field of qualified individuals. The OMB Director will utilize the expertise of the Assistant Finance Director for some of the higher level strategic duties that had been held by this position. The open position will no longer be responsible for labor relations, policy analysis and development, CIP management and market/operational research. With these duties be re-organized, the labor grade can be modified from a 21 to a 20 as these changes represent some significant shifting in the overall responsibilities of the job.

The range in pay for a non contractual employee in labor grade 21 is \$26.30 - \$38.10 while the salary range for a labor grade 20 position is \$23.84 - \$34.52.

In order to accomplish the aforementioned, the City of Council will have to set a public hearing for November and then approve the position per the attached ordinance.

Respectfully Submitted,

Jennifer Johnston

cc: Thomas J. Aspell, JR., City Manager
Brian LeBrun, Deputy City Manager-Finance

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Article 29.2-1-2, Assessment and Collection; Article 20.2-1-3, Administration, and Chapter 28, Zoning Ordinance; Glossary.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Article 29.2-1-2, Assessment and Collection, Section (f), Waivers, by amending paragraph (1), renumbering and amending paragraph (3) to paragraph (4), and adding new paragraph (3), as follows:

- (1) An applicant may apply for a waiver of all or part of the impact fees that are payable with respect to new development *or redevelopment*, as provided in this Section. The applicant must request a waiver prior to the date of the determination of the impact fee by the Clerk.
- (2) An applicant may request from the Clerk a full or partial waiver of the school facilities impact fee where the applicant undertakes the construction of new development that consists of attached dwellings or multifamily dwellings pursuant to Article 28-9 of the City of Concord Zoning Ordinance that are intended for and solely occupied by persons age sixty-two (62) and over for a period of at least twenty (20) years, either through recorded restrictive covenants that are enforceable by the City of Concord or through compliance with the binding requirements of a federal housing program that limits occupancy in a similar fashion. Any change in use, from such uses to any other residential use, will result in revocation of the waiver and the owner of the property on the date of the change in use shall be required to pay the school facilities impact fee in effect at the time of the change in use. The applicant shall provide the Clerk with evidence of the recordation of acceptable restrictive covenants or binding federal housing program agreements at the time of the application for the waiver.
- (3) ***Waiver for the Development of Market Rate Housing within the Central Business Performance (CBP) District.***
 - (a) ***An applicant may request a waiver of the Transportation Facilities Impact Fees and the School Facilities Impact Fees for the development of market-rate housing from a permitted residential or non-residential use, as set forth in***

Article 28-2-4(j), Table of Principal Uses, within existing buildings in the Central Business Performance (CBP) District.

- (b) This waiver also applies to the development of market rate housing from permitted uses established by Special Exception under the provisions of Article 28-9-3(b), Special Exception, and previously permitted but lapsed uses.*
- (c) This waiver does not apply to any new construction or building addition.*

~~(3)~~(4) If an applicant cannot agree with the Clerk ~~as to the~~ *regarding the* qualification of new development *or redevelopment* for an impact fee waiver or *regarding* the amount of a waiver, the applicant may request a hearing before the Planning Board on determination of the qualification for and amount of a waiver. The Planning Board's decision on *qualification for and amount of a* waiver ~~the issue~~ shall be final.

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Article 29.2-1-3, Administration, by re-lettering Section 29.2-1-3(h) to (i), and adding new Section 29.2-1-3(h) as follows:

(h) Exemption for Non-Residential Change of Use within the Central Business Performance (CBP) District.

- (1) For existing buildings within the Central Business Performance (CBP) District, a change of use from one permitted non-residential use to another permitted non-residential use as set forth in Article 28-2-4(j), Table of Principal Uses, shall not be subject to a Transportation Facilities Impact Fee.*
- (2) This exemption also applies to a change of use from permitted non-residential uses established by Special Exception under the provisions of Article 28-9-3(b), Special Exception, and previously permitted but lapsed non-residential uses.*
- (3) This exemption does not apply to any new construction or building addition.*

~~(h)~~(i) Applicability and Rules of Construction.

- (1) This ordinance shall be uniformly applicable to all new development that occurs within the corporate boundaries of the City of Concord.
- (2) The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose of protecting the public health, safety, and welfare.
- (3) For the purposes of administration and enforcement, and unless otherwise stated, the following rules of construction shall apply:

- a. In the case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
- b. The word "shall" is always mandatory; the words "may" and "will" are permissive.
- c. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- d. It is intended that this ordinance comply with the requirements of the Act. Whenever possible, the terms of this ordinance shall be interpreted in a manner that complies with the Act. If it is found that any provision of this ordinance is inconsistent with the Act, the provisions of the Act shall control.

SECTION III: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Glossary, by adding the following definitions of "Market Rate Housing" and "Lapsed Use":

Market Rate Housing. *A rental or ownership dwelling unit that has no rent or sale price restrictions, so that a landlord or an owner is free to attempt to rent or sell the dwelling unit at whatever price the local market may fetch.*

Lapsed Use. *If an existing building or portion of a building has remained vacant, or the use of a property has been discontinued for a period of six (6) or more years, the prior use will be deemed to have lapsed. No credit for a use which has lapsed shall be provided against the Capital Facilities Impact Fees to be assessed.*

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

Explanation: Matter added to current ordinance appears in ***bold italics***.
Matter removed from current ordinance appears [~~in brackets and struck through.~~]

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CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Gloria McPherson, City Planner

DATE: October 1, 2013

SUBJECT: Proposed Amendments to the Public Capital Facilities Impact Fee Ordinance – Central Business Performance District (CBP)

Recommendations

Accept this report and set a public hearing to adopt the attached amendments to Chapter 29.2, Public Capital Facilities Impact Fee Ordinance, which would create redevelopment incentives for (1) a change of use and (2) the development of market rate housing, within the Central Business Performance (CBP) District, by providing for waivers of impact fees.

The Planning Board voted unanimously to recommend that the City Council adopt amendments to create impact fee waivers and noted that these waivers support the City Council's goal of encouraging redevelopment in the downtown.

Background

The Public Capital Facilities Impact Fee Ordinance was adopted in June 2001 and contains a requirement that any "change of use" as defined in the City of Concord Zoning Ordinance which generates additional traffic shall be subject to an Impact Fee Assessment. A "change of use" differs from a change of occupancy or tenancy. A "change of use" occurs when a new occupancy is classified as a different type of use under Article 28-2-4, Table of Uses, of the Zoning Ordinance. An example of a change of use would be the conversion of a storefront from a retail clothing store (Use H.1) to a restaurant (Use I.1), or the conversion of upper floor office space to residential. The conversion of a storefront from a clothing store to a shoe store would be a change of occupancy, but not a change of use as both uses would fall under the H.1 use classification as retail uses.

If a proposed new use generates less traffic as determined by the Clerk of the Planning Board, no fee is assessed and no credit or reimbursement is given. If a

proposed new use is determined to generate more traffic, then the fee is calculated for the new use, credit is given for the current use and a fee is assessed. With the high turnover and mixed uses found in the Central Business Performance Districts in both Concord and Penacook, especially on the ground floor where residential development is not permitted, this has the potential to result in the repeated assessment of fees every time a new use generates more traffic. These fees would be assessed even if the higher traffic use had been in place in the same location at some point in the past and had been assessed a fee.

The proposed waivers would only apply to existing buildings and would not apply to new construction or building additions within the CBP.

Analysis of Impact Fees Collected since 2008

Over the past five years, the following impact fees have been assessed and collected within the CBP District in Downtown Concord:

<u>Address</u>	<u>Amount</u>	<u>Fee Type</u>	<u>Year</u>
26 North Main Street	\$ 3,806	Traffic	2008
26 North Main Street	\$ 3,735	Traffic	2009
12 North Main Street	\$ 6,250	Traffic	2010
59 South Main Street	\$ 1,170	Traffic	2011
59 South Main Street	\$ 833	Recreation	2011
59 South Main Street	\$ 1,252	School	2011
113 Storrs Street	\$ 1,460	Traffic	2012

The total impact fees collected in the last five years for projects in Downtown Concord is \$16,421, which averages out to \$2737 per year.

New construction would not be eligible to receive a waiver of impact fees. In the past five years, impact fees were also assessed for new construction for the Smile Building at 49 South Main Street and for Menino Place at 51 Storrs Street.

Even though it was new construction, the Bindery Office Building was granted a waiver from impact fees by the City Council in 2012.

Since 2008, the following impact fees have been assessed and collected within the CBP District in Penacook:

<u>Address</u>	<u>Amount</u>	<u>Fee Type</u>	<u>Year</u>
15A Sanders Street	\$ 506	School	2008
15A Sanders Street	\$ 237	Recreation	2008

The total impact fees collected in the last five years for projects in Penacook is \$743, which averages out to \$149 per year.

Proposed Changes

The proposed amendments to the Impact Fee Ordinance are attached.

New paragraph (3) is intended to allow for a "change of use" from one permitted non-residential use, including uses permitted by Special Exception and lapsed uses, to another permitted non-residential use within the CBP District without the payment of a traffic impact fee. This would apply to existing buildings and would not apply to new construction and additions.

New paragraph (4) is intended to allow for the development of "Market Rate Housing" from a permitted residential or non-residential use, including uses permitted by Special Exception and lapsed uses, within the CBP without the payment of a traffic or school impact fee. No waiver has been established for assisted housing given the preponderance of assisted housing in the downtown (over 300 units in the greater downtown area), its inherent subsidy, and the low percentage of market rate housing.

Please note that any use established by variance or that is otherwise not allowed is not eligible for a waiver under either the new section (3) or (4). The Recreation Facilities Impact Fee would continue to be assessed for the development of market rate housing.

Definitions for 'Market Rate Housing' and 'Lapsed Use' are added to support the proposed changes.

Analysis of Potential Loss of Impact Fees

The amount of income derived for non-residential changes of use in Downtown Concord, as described above, is not substantial on a yearly average. A larger potential loss could come from the development of upper floor, market rate residential uses, although one could argue that it is less likely that market rate housing would be developed that could be assessed an impact fee, without the incentive of a waiver of the transportation and school impact fees.

While a number of the downtown upper stories are currently occupied, many of the buildings still have vacant upper stories and any prior use in these buildings will be deemed to have lapsed.

The following examples are used to show the potential impact of the proposed waivers on hypothetical major development projects in the CBP District.

Upper Floor Market Rate Residential Development (assuming 1,000 sq ft per dwelling, including halls and common areas):

<u>Address</u>	<u>Number of Units/SF</u>	<u>Traffic</u>	<u>School</u>
132.5-146 North Main Street	21 units/21,504 SF	\$28,887	\$19,354
2-5 North Main Street	5 units/5580 SF	\$ 6,877	\$ 4,608

Upper Floor General Office Development:

<u>Address</u>	<u>SF of office space</u>	<u>Traffic</u>
132.5-146 North Main Street	21,504 SF	\$34, 836
2-5 North Main Street	5580 SF	\$ 9,040

Discussion

It is anticipated that the majority of market rate housing developed in Downtown would be occupied by empty-nesters or young professionals without children and would put less of a burden on school facilities than other types of housing development throughout the City.

Downtown Concord has a strong retail component, a bus hub and the densest development pattern within the City, capturing residents and customers more likely to walk, and placing less of a burden on transportation facilities than traditional development patterns that require multiple vehicle trips to basic goods and services.

The Downtown Complete Streets Improvement Project will complete many transportation improvements that will positively impact the downtown for decades to come.

The proposed impact fee waivers are additional tools to meet the City Council's priority of redeveloping downtown and stimulating market rate housing production, complementing regulatory measures that are already in place, such as the adoption of the International Existing Building Code, the open air dining program, the implementation of overnight parking and the elimination of all setback and parking requirements in the CBP District.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION ACCEPTING AND APPROPRIATING TEN THOUSAND THIRTY FIVE DOLLARS (\$10,035) FROM THE UNITED STATES DEPARTMENT OF JUSTICE BULLET PROOF VEST PROGRAM FOR A 50% REIMBURSEMENT OF ELIGIBLE COSTS FOR CIP #370.

Page 1 of 2

The City of Concord resolves as follows:

WHEREAS, the Concord Police Department is eligible to receive up to 50% reimbursement from the US Department of Justice Bullet Proof Vest Program (BPV); and

WHEREAS, as of August 31, 2013, \$3,659.77 has been received in excess of anticipated BPV reimbursements; and

WHEREAS, as of August 31, 2013, \$1,823.50 of BPV reimbursements are pending receipt by the City; and

WHEREAS, as of August 31, 2013, there is still a BPV amount of \$1,651 available for reimbursement; and

WHEREAS, it is anticipated that an additional \$2,900 will be available for reimbursement from the 2013 US Department of Justice BVP program; and

WHEREAS, the City portion of the purchase of the bullet proof vests was previously approved as part of CIP #370; and

WHEREAS, this appropriation is for a purpose not included in the FY2014 adopted budget, therefore, Section 37 of the City Charter requires a two-thirds vote of the City Council.

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

- 1) The sum of\$10,035
be and is hereby appropriated as follows:

General Capital Project Fund
 Police Department
 Bullet Proof Vest Program CIP #370.....\$10,035

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION ACCEPTING AND APPROPRIATING TEN THOUSAND THIRTY FIVE DOLLARS (\$10,035) FROM THE UNITED STATES DEPARTMENT OF JUSTICE BULLET PROOF VEST PROGRAM FOR A 50% REIMBURSEMENT OF ELIGIBLE COSTS FOR CIP #370.

Page 2 of 2

2) Revenue is available as follows:

General Capital Project Fund

US Department of Justice BPV Reimbursement Program (CIP #370).....\$10,035

3) These funds shall be expended under the direction of the City Manager.

4) This resolution shall take effect upon its passage.



John F. Duval
Chief of Police

City of Concord, New Hampshire

POLICE DEPARTMENT

35 Green Street • 03301-4299

(603) 225-8600

FAX (603) 225-8519

www.concordpolice.com

TA

To: Honorable Mayor and City Council
From: Chief John F. Duval
Re: Acceptance and Appropriation of \$10,035 from the US Department of Justice
Bulletproof Vest Partnership Program
Date: September 30, 2013

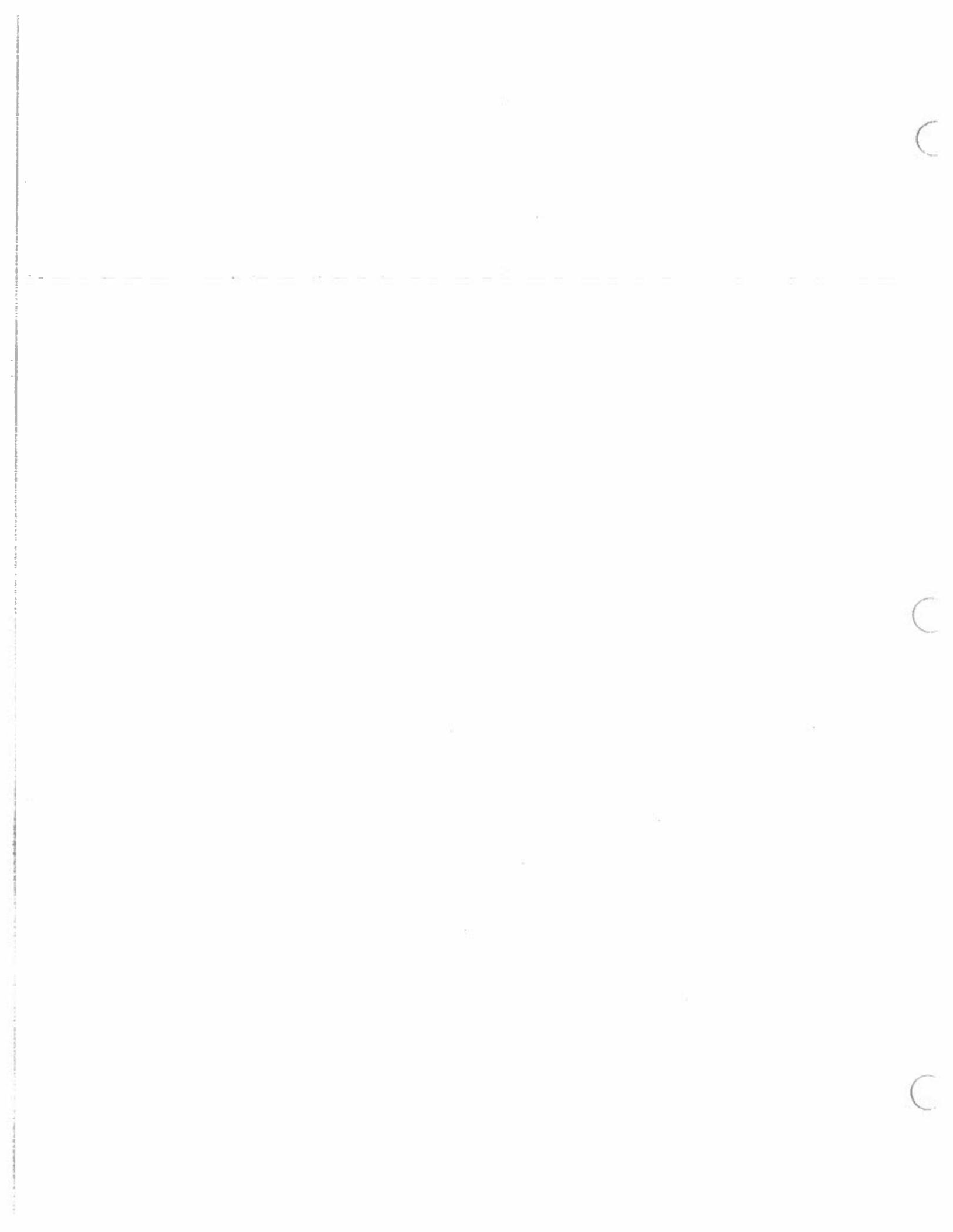
Recommendation

It is recommended that City Council accept and appropriate ten thousand, thirty-five dollars from the United States Department of Justice Bulletproof Vest Partnership Program (BVP) as 50% reimbursement of eligible bulletproof vest purchase costs under CIP #370

Background – The Concord Police Department has participated in the United States Department of Justice Bulletproof Vest Partnership Program for approximately twelve years. This program provides funding of 50% reimbursement for bulletproof vest purchases made by the Department. The remaining 50% cost of bulletproof vests has been provided for in the Department's operating budget. Beginning in Fiscal Year 2011 the Department established CIP #370 for the purpose of supporting the purchase of bulletproof vests. Since that time reimbursement received through the BVP has been applied back to the CIP.

Discussion – As of August 31, 2013, \$3,659.77 has been received in excess of anticipated BVP reimbursement from vests purchased by the police department. In addition, as of August 31, 2013, \$1,823.50 of BVP reimbursements are pending receipt by the City and are still being processed by the BVP. Additionally, the BVP Program currently has \$1,651 available for reimbursement of vest purchases made by the police department, and it is anticipated that an additional \$2,900 will be available for reimbursement from the BVP under the federal 2013 BVP Program.

These above noted funds, either already received from BVP or pending, available, and anticipated available funds, total \$10,035. It is recommended that the City Council accept and appropriate these funds into CIP #370 to allow for future bulletproof vest purchases to be made by the police department.



CITY OF CONCORD

In the year of our Lord two thousand and thirteen

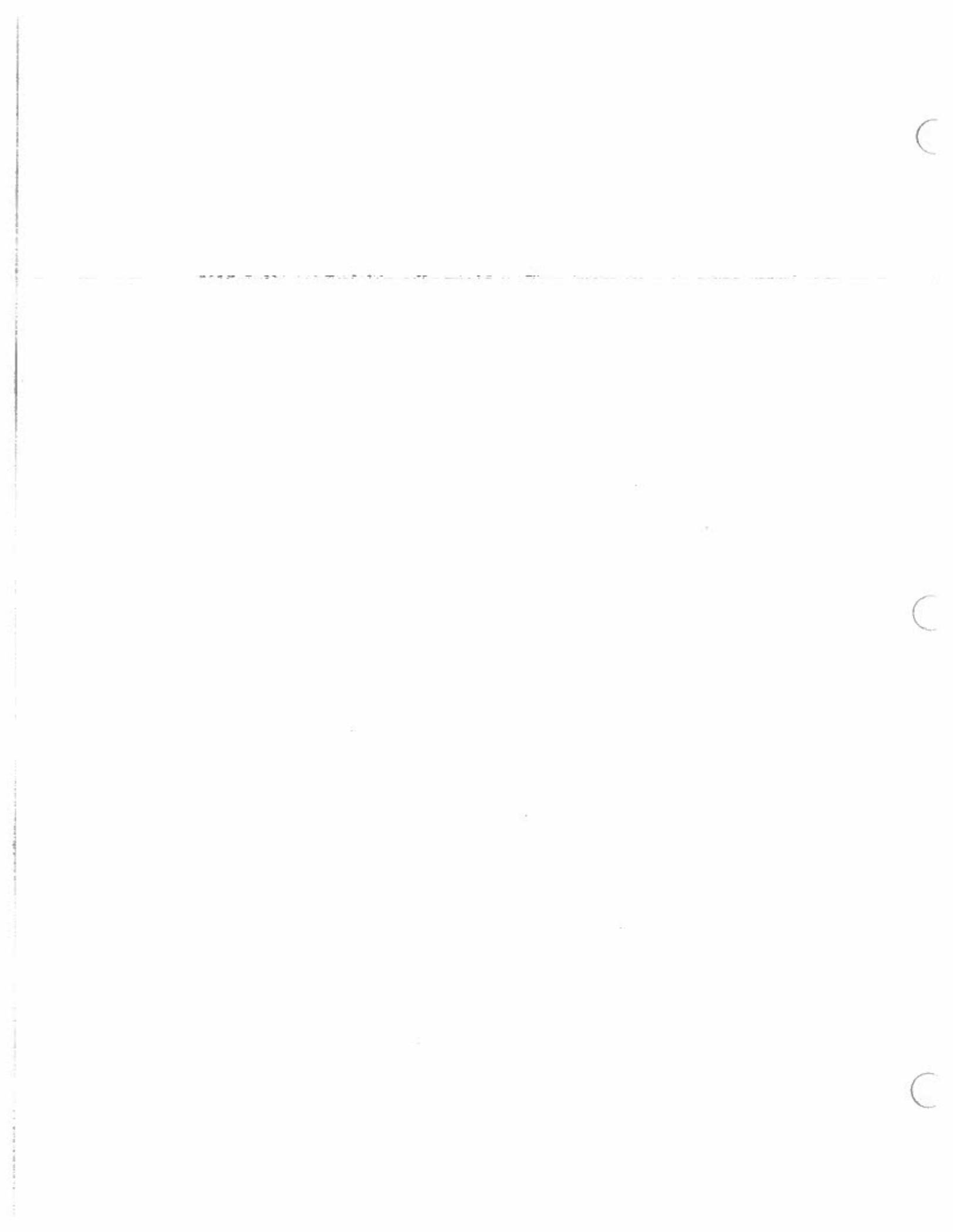
RESOLUTION ADOPTING THE “CONCORD MUNICIPAL AIRPORT MINIMUM STANDARDS 2013” AND REPLACING IN ITS ENTIRETY “THE MINIMUM STANDARDS AND PROCEDURES FOR CONCORD, NEW HAMPSHIRE MUNICIPAL AIRPORT” ORIGINALLY ADOPTED ON MARCH 12, 1984 AND ALL AMENDMENTS THERETO.

The City of Concord resolves as follows:

- WHEREAS,** Minimum Standards govern operations at the Concord Municipal Airport by establishing the minimum expectation of performance; and
- WHEREAS,** The City of Concord on March 12, 1984 adopted the “Minimum Standards and Procedures for Concord, New Hampshire Municipal Airport” [aka the “1984 Standards”]; and
- WHEREAS,** The 1984 Standards were amended on March 9, 1986 and February 8, 2010; and
- WHEREAS,** Nearly three decades have passed since the adoption of the 1984 Standards; and
- WHEREAS,** In that time, pertinent federal, state and municipal policies, practices and regulations governing airports have changed; and
- WHEREAS,** The City of Concord has prepared the “Concord Municipal Airport Minimum Standards 2013” that reflect current airport policies, practices and regulations aka the “2013 Standards”;
- WHEREAS,** The Airport Advisory Committee was given the opportunity to review the proposed 2013 Standards and no substantive objections were raised;

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

1. The “Minimum Standards and Procedures for Concord, New Hampshire Municipal Airport” aka the “1984 Standards” along with any amendments thereto are replaced in their entirety by the “Concord Municipal Airport Minimum Standards 2013.”
2. This resolution shall take effect upon its passage.



TJA



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

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

DATE: September 27, 2013

SUBJECT: Concord Municipal Airport Minimum Standards 2013

Recommendation

Accept this report and set a public hearing to adopt the attached resolution implementing the "Concord Municipal Airport Minimum Standards 2013."

Background

The establishment of "Minimum Standards" is a practice common to airports around the country that codifies the airport owner's baseline expectations for commercial operators on its property. Concord Municipal Airport has an existing set of minimum standards (see attached) that were adopted in 1984. Those standards have been largely unchanged in nearly 30 years despite advances in aviation practices, environmental regulations and FAA and City policies. A new set of Minimum Standards known as the "Concord Municipal Airport Minimum Standards 2013" is, therefore, proposed for adoption (see attached) which would replace the 1984 standards and any amendments thereto in its entirety.

Discussion

With the upcoming issuance of a Request for Proposals (RFP) for a Fixed Base Operator (FBO) at the airport, staff and the City's airport consultant, Jacobs Engineering, concurred that a revised set of Minimum Standards was needed. The current FBO has been in contract with the City for nearly 20 years and the next FBO should be expected to comply with current City, State, and FAA policies via a new set of Minimum Standards.

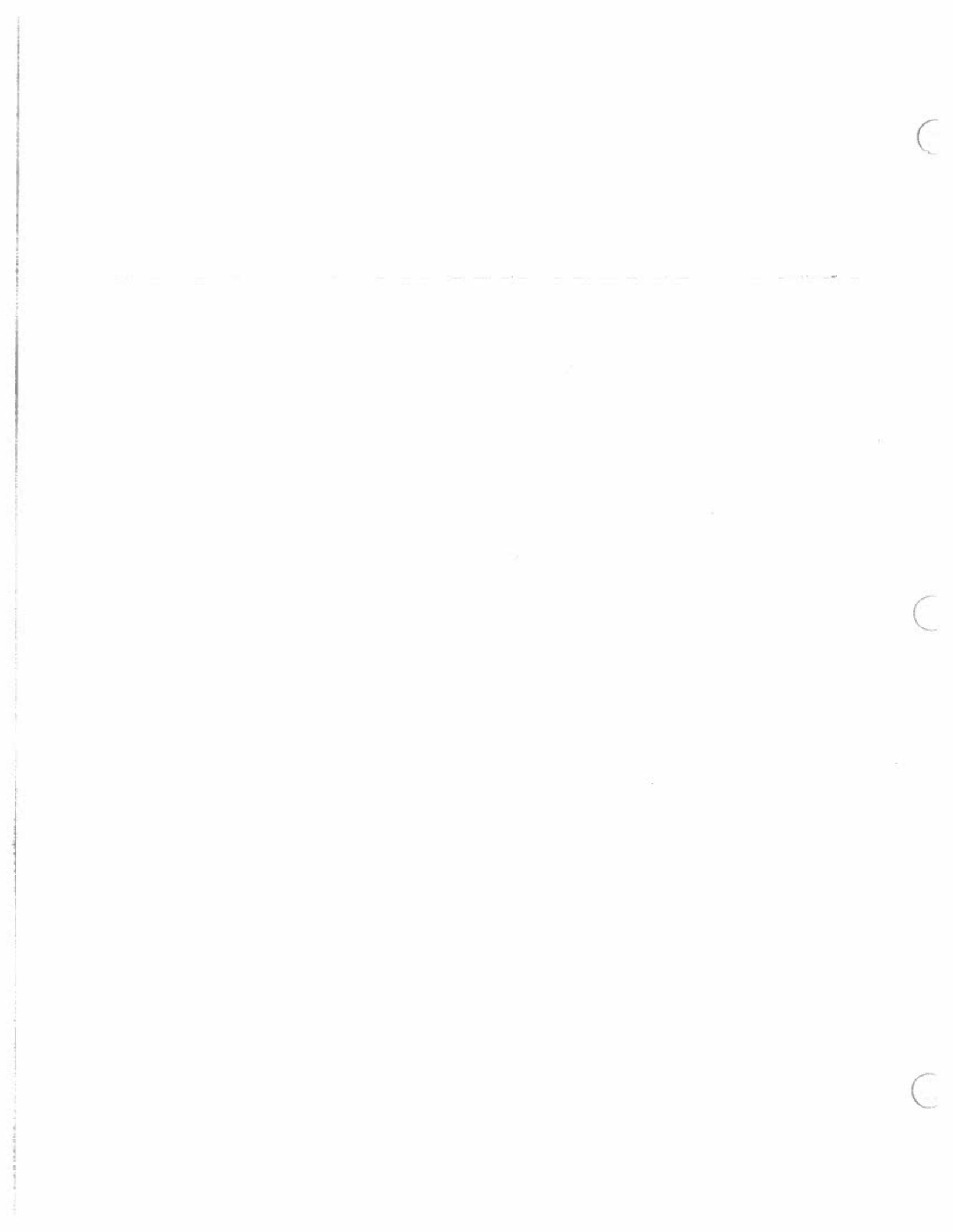
The chart on the next page summarizes the significant differences between the existing standards and those being proposed to the Council.

Existing Minimum Standards	Proposed Draft Minimum Standards
Date originally adopted: 1984	Draft – to be adopted
No reference made to FAA advisory circulars or grant assurances	Reference specific pertinent FAA advisory circulars and grant assurances dealing with Minimum Standards.
	Added numerous definitions
Allowed FBOs to provide a single service	Requires FBOs to provide a minimum of: aircraft fueling, line services, hangar storage & tiedowns, and customer service facilities. Encourages FBOs to provide additional aeronautical services, at their discretion
Defines a number of categories of FBOs.	Does not define different categories of FBO. FBO may offer any number of services above and beyond the minimum services required.
Does not reference or define Specialized Aviation Service Operator (SASO).	Defines SASO (Specialized Aviation Service Operator). A SASO may provide one or two aeronautical services, but may <u>not</u> sell fuel or provide line services (e.g. Craig Avionics and Assist-US would be SASO).
No mention of environmental regulations.	Stipulates compliance with all pertinent environmental regulations, and also specifically references the Conservation Management Agreement.
Specifies minimum square footage for each type of aeronautical use.	Does not specify minimum areas for each type of use. Requires that operators lease or build sufficient space to safely and adequately accommodate anticipated demand for each service offered.
Defines ultralights.	Does not define ultralights – they are approved users of Concord Airport
Defines requirements for auto rental facilities.	Does not define requirements for any non-aeronautical service (rental cars, restaurants, concessions, etc.) - those are (or should be) covered under separate lease and operating agreements.
No reference to self-fueling or self-servicing of aircraft by owners, which is allowed by FAA	Sets standards and guidelines for self-fueling and self-servicing of aircraft by owners, as allowed by FAA
Requires City approval of sublease agreements	Requires City approval of sublease agreements
No requirement for FBO to do marketing or promotions	Requires FBO to develop and fully implement marketing and promotions program
Attached schedule of insurance coverage limits	Did not attach specific schedule of insurance limits although they are referenced in the Standards. The City can determine what insurance requirements it has in place, and that can be attached to the draft Standards.

On September 18th, the Airport Advisory Committee convened to review the proposed Minimum Standards. Unfortunately, the committee was one member short of having a quorum. Despite this, the three members present on the 18th did review the document in detail with City staff and the consultant. The consensus was to support the revision. It is also important to note that the full committee received copies of the revisions well in advance of the 18th and no objections were forwarded to staff prior to or subsequent to the meeting.

The City expects to issue the RFP for the airport FBO the first week of October and interview short-listed firms in December. Any potential responder will be directed to the City's minimum standards and has been advised that the attached draft is pending Council review. It would be expedient to adopt the new set of Minimum Standards in November to allow the shortlisted FBO candidates the ability to properly frame their business expectations.

Per FAA policy, the current FBO will continue to be subject to the provisions of the 1984 standards per their existing agreement with the City until June 30, 2014 (expiration of said agreement).



Concord Municipal Airport
MINIMUM STANDARDS
2013

SECTION 1. INTRODUCTION

1.1 Policy

The City of Concord, NH (the City) owns and operates Concord Municipal Airport (the Airport). The City is committed to open government and strives to consistently meet the community's expectations by providing excellent service in a positive and timely manner and in full view of the public.

The City does hereby establish the following policy concerning the Minimum Standards for conducting business on Concord Municipal Airport. The Minimum Standards are intended to be the threshold entry requirements for all parties and entities wanting to provide commercial aeronautical services to the public. They also ensure that those who have undertaken to provide commercial aeronautical services on the Airport, and who meet these standards, are not exposed to unfair or unprofessional competition.

These Minimum Standards are established based upon the existing conditions at the Airport, the existing and planned facilities at the Airport, and the current and future aviation role of the Airport. All operators and entities providing aeronautical services on the Airport are strongly encouraged to exceed the Minimum Standards.

The Airport is the site of a number of sensitive environmental resources, including state and federally protected wildlife species and habitats. A Conservation Management Agreement (CMA) was executed between the City and various state and federal agencies which designated both conservation and development zones on the Airport. All development and operations conducted on the Airport shall be in full compliance with the CMA and pertinent environmental regulations, as may be amended from time to time.

The uniform application of these Minimum Standards, including the minimum levels of service that must be offered by aeronautical service providers, relate primarily to the public interest in discouraging substandard entrepreneurs, thereby preserving the financial integrity of businesses located on the Airport as well as protecting Airport patrons.

1.2 Purpose and Scope

The purpose and scope of the Minimum Standards include:

- Promoting safety in all Airport activities; and
- Maintaining high quality commercial aeronautical services for all Airport users; and
- Providing financially equitable treatment to all Airport tenants; and
- Defining the minimum operating threshold for existing and prospective commercial operators; and
- Protection of Airport users from unlicensed and unauthorized products and/or services; and
- Promotion of orderly development of Airport property; and
- Providing a formalized, but negotiable, base-line for lease development; and
- Fostering mutually beneficial tenant-landlord relationships.

Concord Municipal Airport
MINIMUM STANDARDS
2013

These Minimum Standards have been prepared in conformance with the following documents:

- FAA Advisory Circular 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities*
- FAA Advisory Circular 150/5190-6, *Exclusive Rights at Federally Obligated Airports*
- FAA Order 5190.6B, *Airport Compliance Manual*
- *FAA Airport Sponsor Assurances*

Further, in conformance with the FAA Airport Sponsor assurances, the City will:

- a. Make the Airport available as an Airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the Airport.
- b. Adopt and enforce provisions requiring all service providers to:
 - (1) furnish their services on a reasonable and not unjustly discriminatory basis to all users of their services and facilities, and
 - (2) charge reasonable and not unjustly discriminatory prices for each service, provided that the Operator may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Ensure that each fixed base operator (FBO) at the Airport shall be subject to the similar rates, fees, rentals, and other charges as are uniformly applicable to all other FBOs making the same or similar uses of such Airport and/or utilizing the same or similar facilities at the Airport. Rates fees, rentals and charges may be adjusted by the Airport to reflect differences in operating and/or financial conditions pertaining to specific aeronautical service providers.
- d. Not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation basing aircraft on the Airport from performing any services [including, but not limited to maintenance, repair, and fueling] on its own aircraft with its own employees that it may choose to perform.
- e. In the event the City itself exercises any of the rights and privileges referred to in these Minimum Standards, the City will provide the services on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the City under these provisions.
- f. Establish such reasonable and not unjustly discriminatory conditions to be met by all users of the Airport as may be necessary for the safe and efficient operation of the Airport.
- g. Prohibit or limit any given type, kind, or class of use of the Airport if such action is necessary for the safe and efficient operation of the Airport, or if it is necessary to serve

Concord Municipal Airport
MINIMUM STANDARDS
2013

the civil aviation needs of the public, and if such limits are specifically approved by the FAA and the New Hampshire Department of Transportation (NHDOT).

i. Permit no exclusive right for the use of the Airport by any person providing, or intending to provide, commercial aeronautical services to the public. However, at the City's sole discretion, if the City chooses to provide one or more commercial aeronautical services it may prohibit other entities from providing a similar aeronautical service(s) at the Airport.

In addition, all Operators providing commercial aeronautical services on the Airport will make their facilities and services available for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical users.

These Minimum Standards may be amended by the City from time to time as conditions require, or to establish Minimum Standards for additional aeronautical services in accordance with applicable FAA and/or NHDOT guidelines and requirements, Airport rules and regulations, and City Ordinances or Codes, as appropriate.

1.3 Applicability

To encourage growth and development of the Airport and to facilitate the development of adequate aeronautical services and facilities for Airport users, the City has established these standards and requirements (the "Minimum Standards") for provision of certain aeronautical services at the Airport.

Pursuant to the requirements established by the City, no person, party, or entity shall conduct any commercial activity or otherwise transact business on the Airport without first obtaining the necessary authorization, approval, or permit as may be required by the City.

These Minimum Standards establish the criteria by which the City shall consider requests from prospective aeronautical service providers to do business on the Airport, as well as the Minimum Standards that aeronautical service providers shall comply with while operating on the Airport.

These Minimum Standards shall apply to all Commercial Aeronautical Service providers, with the exceptions noted below. These Minimum Standards do not apply to:

- The City itself, unless it provides a commercial aeronautical service defined in these Standards.
- Certificated air carriers providing scheduled passenger and/or cargo service operating under a separate lease and/or operating agreement with the Airport;
- Non-aeronautical commercial service providers such as restaurants, rental cars, concessions, taxis, buses, airport shuttles, etc., located on or otherwise serving the Airport;
- Non-commercial Airport tenants, including private aircraft owners and operators operating under 14 CFR Part 91, except as noted in Sections 8 and 9, below.
- Aircraft operators and service providers that are not based at the Airport but that use

Concord Municipal Airport
MINIMUM STANDARDS
2013

the Airport on a transient or itinerant basis and comply with all applicable rules, regulations, and procedures governing such operations.

These Minimum Standards are not intended to be all-inclusive; aeronautical service providers ~~are also subject to all applicable federal, state, and city laws, codes, ordinances, rules, regulations pertaining to Airport operations, as may be amended from time to time.~~

The provisions of the Minimum Standards herein do not supersede any federal, state, or local law, code, ordinance, or regulation; Airport operating rules or regulations; lease, permit, or agreement entered into with the City.

It is intended that the Minimum Standards be consistent with all applicable laws, ordinances, codes, rules, and regulations. In the event of any difference between the Minimum Standards and other applicable laws, ordinances, rules, regulations, agreements, etc., the City reserves the right to amend the Minimum Standards as needed to ensure consistency.

At the time that any existing lease, permit, or agreement is amended, revised, renegotiated, or otherwise updated or changed, a clause will be inserted by the City in each lease, permit, and agreement stating that the lessor and/or permittee will be subject the Minimum Standards in effect at that time and as may be amended by the City from time to time.

These Minimum Standards are subordinate and subject to the provisions of any agreement between the City and the United States Government and the State of New Hampshire relative to the operation and maintenance of the Airport, the execution of which has been, or may in the future be, required as a condition precedent to the transfer of federal and/or state funds or property to the City for Airport purposes, or the expenditure of federal and/or state funds for the development of the Airport in accordance with the provisions of the Federal Aviation Act of 1958, and the NH Statutes Revised, as amended from time to time.

The invalidity or unenforceability of any provision of these Minimum Standards shall not affect the validity or enforceability of any other provision of these Minimum Standards, and the remainder shall be construed and enforced as if the Invalid or unenforceable provision were not included in the Minimum Standards.

1.4 Waivers and Modifications

The City Manager and his or her designee may (but in no event shall be obligated to) waive one or more of the Minimum Standards applicable to an Operator for good cause shown upon written request by the Operator, provided that such waiver would not adversely affect public health or safety, the quality of service provided by the Operator to the public, or City finances or Airport operations, and would not violate any applicable Federal, State, City or other law, statute, ordinance, rule, regulation, or Airport Sponsor grant assurance.

Concord Municipal Airport
MINIMUM STANDARDS
2013

SECTION 2. DEFINITIONS

A&P – Airframe and Powerplant

Abandoned – Any piece of equipment, aircraft, or vehicle that is not operational or is non-airworthy; does not meet State of New Hampshire or FAA requirements for operation (as applicable); has no current registration or airworthiness certificate; and is determined by the City to be a hazard and/or a detriment to the Airport.

ADA – Americans with Disabilities Act

Advisory Circulars (AC) – Federal Aviation Administration Advisory Circulars (AC), as amended or superseded from time to time by the FAA.

Aeronautical Activity - Any activity that involves, makes possible, supports, or is required for the operation of aircraft, or that contributes to or is required for the safety of aircraft operations. Aeronautical activities within this definition commonly conducted on Airports include but are not limited to air taxi and charter (on-demand) operations; pilot training; aircraft rental; aerial photography; aerial surveying and patrol; aircraft and parts sales and service; aircraft storage and tie-downs; sale of aviation petroleum products; provision of line services; repair, maintenance, and overhaul of airframes and powerplants; air ambulance and emergency services; avionics and instrument sales and service; and any other activities that, because of their direct relationship to the operation of aircraft, can appropriately be regarded as aeronautical activities.

Aircraft - Any device used or designed for navigation or flight in the air including, but not limited to, an airplane, sailplane, glider, helicopter, gyrocopter, ultra-light, balloon, or blimp.

Air Charter or Taxi Operation – means the commercial operation of providing air transportation of person(s) or property for compensation or hire by either on a charter basis or as an air taxi (non-scheduled) operator with appropriate FAA certification issued under FAR Part 135 or other appropriate federal regulation and/or operating certificate.

Aircraft Fuel - All flammable liquids composed of a mixture of selected hydrocarbons and non-hydrocarbons, expressly manufactured and blended for the purpose of effectively and efficiently operating piston or turbine engines used by aircraft.

Aircraft Operation - The taxi, takeoff, or landing of an aircraft on the Airport.

Aircraft Owner - A person, company, agency, or entity holding legal title to an aircraft, or any person, company, agency, or entity having exclusive possession and/or control of an aircraft.

Concord Municipal Airport
MINIMUM STANDARDS
2013

Aircraft Parking and Storage Areas - Those locations of the Airport designated by the City for the parking and storage of aircraft.

Aircraft Rental – The commercial operation of renting or leasing aircraft to the public for compensation.

Aircraft Sales – The sale and/or leasing of new and/or used aircraft through franchises, licensed dealership or distributorship, or individually, either on a retail or wholesale basis; and also provides such repair, services, and parts as necessary to meet any guarantee or warranty on new and/or used aircraft sold by the Operator.

Airframe and Powerplant Repair and Maintenance – The provision of one (or a combination of) airframe and powerplant overhaul, maintenance, and/or repair services. Such maintenance services require a certificate issued by FAA under 14 CFR 145, with all FAA ratings, licenses, and relevant experience appropriate to the work being performed.

Airport – Concord Municipal Airport (CON), unless otherwise specifically noted.

Airport Layout Plan - Also ALP Sheet or ALP Set, means a graphic presentation to scale of existing and proposed Airport facilities, their location on the Airport and the pertinent clearance and dimensional information required to show conformance with applicable FAA Airport planning and design standards.

Airport Manager - Under direction of the City Manager and his or her designee, provides management direction and policy implementation for the Airport; proactively manages the airport as a municipal enterprise; directly interfaces with companies, agencies, and individuals that use the Airport; enforces policies on financial systems, as well as property and facility management, in accordance with the policies promulgated by the City Manager and the City Council; addresses specialized issues and/or problems as they relate to the Airport, its tenants, users, and other government agencies; and also performs related duties as required by the City and other appropriate government agencies.

Airport Minimum Standards - A document adopted and formally approved by the City within which are detailed provisions defining the minimum standards acceptable to the City for entities aspiring to conduct commercial or non-commercial operations or activities on the Airport.

Airport Sponsor – The legal entity that owns and is responsible for Concord Municipal Airport, and that is legally encumbered by federal and state airport grant assurances, which is the City of Concord.

Air Operations Area (AOA) – The area that is inside the Airport boundary in which aircraft movements take place as defined by the Federal Aviation Administration, as amended from time to time by the FAA.

Concord Municipal Airport
MINIMUM STANDARDS
2013

Based Aircraft - An aircraft which the owner or operator physically locates at the Airport for a period of time, or which lists the Airport as its "home Airport", and whenever absent from SJC, its owner or operator intends to return the aircraft to SJC for storage.

City - The City of Concord, New Hampshire

CFR - Code of Federal Regulations.

CMA - Conservation Management Agreement (CMA) executed between the City and various federal and state agencies.

Commercial Aeronautical Service - A service which involves, makes possible, or is required for the operation of aircraft, or which contributes to, or is required for the safe conduct and utility of such aircraft operations, and includes those services provided by either a Fixed Base Operator or a Specialized Aviation Service Operator, the purpose of such activity being to secure earnings, income, compensation, or profit, whether or not such objective(s) are accomplished. Commercial aeronautical services other than those listed herein may be provided at the Airport at such time that the Minimum Standards have been updated to include standards for those particular services, and service providers are in full compliance with said standards.

Commercial Aviation Operator - A person or persons, firm, corporation, or other entity engaged in an activity that involves, makes possible, or is required for the operation of aircraft, or which contributes to, or is required for the safety of such aircraft operations, the purpose of such activity being to secure earnings, income, compensation, or profit, whether or not such objective(s) are accomplished. Authorized commercial aeronautical activities on the Airport shall be strictly limited to any one or a combination of the following aeronautical services performed in full compliance with the specific activity standards hereinafter set forth:

- Aircraft and/or Parts Sales (New and/or Used)
- Airframe and Power Plant Repair Facilities
- Aircraft Rental
- Flight Training and associated ground training
- Aircraft Line Services (including but not limited to aircraft towing, external power units, aircraft cleaning, etc.)
- Sale and dispensing of Aircraft Fuels & Oil
- Sale of pilot and aviation-related supplies and products
- Sale, repair, and service of radios, propellers, instruments, and other aircraft accessories
- Aircraft Charter and Air Taxi for compensation or hire under an appropriate federal aviation regulation
- Specialized commercial services including but not limited to aerial survey, filming, construction support, parachuting, agricultural support, banner towing and aerial advertising, etc.
- Storage and tiedown of aircraft

Concord Municipal Airport
MINIMUM STANDARDS
2013

- Aircraft Refurbishing and/or Painting

Controlling Interest - a) ownership of a sufficient number of shares of stock or equity in a company to control company policy; b) ownership of a quantity of shares or equity in a business that is sufficient to ensure control over its direction; c) ownership of 51% or more of the voting stock (shares) that gives the stock owner(s) legal control of a firm.

Employee - means a person who is hired for a wage, salary, fee, or payment to perform work for an employer.

Entity - Any person, persons, proprietorship, association, firm, joint venture, partnership, corporation, company, limited liability company (LLC), other business organization, or any combination of the above.

Environmental Laws - All federal, state, and city laws, statutes, ordinances, regulations, resolutions, decrees, and/or rules now or hereinafter in effect, as may be amended from time to time. It also means all implementing regulations, directives, orders, guidelines, federal and state court decisions interpreting, relating to, regulating or imposing liability (including but not limited to response, removal, remediation and damage costs), as well as standards of conduct and performance relating to industrial hygiene, occupational health, and/or safety conditions, environmental conditions, and exposure to, contamination by, or clean-up of any and all Hazardous Materials, including without limitation, all federal or state superfund or environmental clean-up statutes. The Conservation Management Agreement (CMA) entered into between the City and various state and federal agencies designated both conservation and development zones on the Airport. All development and operations conducted on the Airport shall be in compliance with the CMA, as may be amended from time to time.

Equipment - All machinery, together with the necessary supplies, tools, and apparatus necessary to properly conduct the activity or services being performed.

Exhibit A Property Inventory Map - a map illustrating an inventory of parcels that make up the airport property. The Exhibit 'A' indicates how the land was acquired, the funding source(s) for the land, and if the land was conveyed as Federal surplus or Government Property. Other detached parcels owned by the Airport Sponsor that are dedicated to airport purposes are also shown, as well as all dedicated airport property regardless of the type of funds (AIP, state, local, etc.) used to acquire that property.

FAA - The Federal Aviation Administration of the United States Department of Transportation (USDOT).

FAR - Federal Aviation Regulation.

Federal Grant Assurance - Provision(s) within the sponsor grant agreement promulgated by FAA to which the recipient of federal airport development assistance (the Airport) has agreed

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to comply with in consideration of the assistance provided. Grant assurances are required by federal statute 49 U.S.C. § 47101.

Fixed Base Operator (FBO) - Any entity approved by the City to provide commercial aeronautical services on the Airport for the purpose of: (1) engaging in the retail sale of aviation fuels and oils; (2) performing aircraft line services; (3) providing tiedowns and hangar storage for aircraft; and (4) facilities for pilots and passengers. An FBO may, at its discretion, provide additional commercial aeronautical services.

Flight Training - Any entity engaged in instructing pilots and students in dual and solo flight training, in fixed or rotary-wing aircraft, and/or provides such related ground school instruction. Flight and ground training will include any training in preparation to take any FAA written examination and/or flight check ride for any license, or for any type, class, or category rating, upgrade training, or to maintain currency and proficiency as defined by FAA, whether or not such written exams or check rides are actually taken.

Fueling Agent - An entity licensed by the State of New Hampshire and authorized by the City to accept delivery of fuel from a major oil company or fuel wholesaler at the fuel storage facility or fuel farm. At the fuel storage facility, the fueling agent may dispense fuel from the fuel storage tanks into fuel servicing vehicles which must be affiliated with an approved FBO or the City.

Fuel Servicing Vehicle - Also Fuel Tanker Vehicle, or Refueling Truck/Vehicle, or Mobile Fueler, means any motor vehicle used for transporting, handling, or dispensing aviation fuel, oils, and lubricants on the Airport.

Fuel Storage Area - Also Fuel Farm, means those facilities where Avgas, Jet-A, or other hazardous materials are stored. These facilities must be in areas designated, inspected and approved by the City and State of NH, as appropriate, and meet minimum standards that specifically address the safe storage, handling, and dispensing of fuels or hazardous materials on the Airport, including those promulgated by the National Fire Protection Association (NFPA).

Good Condition - Leasehold areas, facilities, and improvements are maintained in a condition that: a) meet or exceed all federal, state, and city regulations, ordinances, and standards; and b) are consistent with the quality and standards of similar facilities at similar or larger airports. The City shall determine whether leasehold areas, facilities, and improvements are in good condition as defined herein.

Hangar - Any fully or partially enclosed storage space for one or more aircraft.

Hazardous Material - Any and all: (a) substances, products, by-products, waste or other materials of any nature or kind whatsoever which is or becomes listed, regulated or addressed under any Environmental Laws; and (b) any materials, substances, products, by-products, waste or other materials of any nature or kind whatsoever whose presence in and of itself or

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in combination with other materials, substances, products, by-products or waste may give rise to liability under any Environmental Law or any statutory or common law theory based on negligence, trespass, intentional tort, nuisance, strict or absolute liability or under any reported decisions of any state or federal court; and (c) any substance, product, by-product, waste or any other material which may be hazardous or harmful to the air, water, soil, environment or affect industrial hygiene, occupational health, safety and/or general welfare conditions, including without limitation, petroleum and/or asbestos materials, products, by-products or waste.

Improvements - The construction of, or any improvement to, any buildings, structures, facilities, utilities, paved areas (such as parking lots, ramp, walkways, or apron), or other facilities constructed or installed by an Operator or the Airport on its Premises including fencing, signage, and landscaping.

Itinerant Aircraft - Also Transient Aircraft, means any aircraft not "home-based" at the Airport, but transiting the Airport, obtaining fuel or other service(s), or on-loading or off-loading passengers or cargo at the Airport. Itinerant aircraft are "home-based" elsewhere and may park or hangar at the Airport for short periods of time.

Laws - All present and future applicable judicial decisions, statutes, laws, ordinances, regulations, building codes, Airport rules and regulations adopted from time to time, regulations, orders and requirements and policies of all governmental authorities including without limitation city, state, and federal agencies (including the FAA and other federal agencies), and their departments, boards, bureaus, commissions and officials, and such other authority as may have jurisdiction including, without limitation, any regulation or order of a quasi-official entity or body.

LEED - Leadership in Energy and Environmental Design, an internationally-recognized green building certification system developed by the U.S. Green Building Council (USGBC).

Municipal Code - The City Code and Ordinances, as amended from time to time.

NFPA - The National Fire Protection Association.

NHDOT - The New Hampshire Department of Transportation

Non-Aeronautical-Related Commercial Activity - Commercial activity by entities, which by nature of the operation or service, is not directly associated with aeronautical activities. Such activities are allowed provided that they do not adversely affect the usefulness, operation, safety or efficiency of the Airport, and the entity providing such service has a current lease, permit, or agreement with the Airport or the City. Examples of non-aeronautical-related commercial operations include but are not limited to: car rental, taxi, limo, and/or van services; bus service; restaurants, bars, and lounges; retail stores.

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Non-Commercial Aeronautical Activity - Activity by any entity that provides aviation service(s) or operates equipment and/or facilities solely for its own benefit, not for the benefit of the public, nor for any compensation, hire, or profit. Non-commercial aircraft operations shall be conducted under 14 CFR Part 91, unless otherwise required by the FAA.

Normal Business Hours - means those hours during which most similar businesses in the community are open to serve customers, and are generally Monday through Friday, 8:00 a.m. to 5:00 p.m., except for holidays recognized by the City.

Operator - Any Entity doing business on the Airport as a Fixed Base Operator (FBO) or Specialized Aviation Service Operator (SASO).

Owner - The owner of, and which has the legal authority over the Airport, referred to as the City of Concord, NH (or the City), acting by and through the City Council and the City Manager and the manager's designated representatives.

Permit - A temporary conveyance of the right to occupy and use property under the City's authority, or the permission to engage in a specified activity, or the provision of specified service(s) on the Airport.

Permittee - An operator or other entity having a valid permit issued by the City.

Premises - A defined area on the Airport which the City has either leased to an entity or has granted an entity the preferential right to use by permit or other written agreement, in order to operate aircraft and/or provide aeronautical services.

Self-Fueling and Self-Service Aircraft Servicing - The fueling or servicing of an aircraft (including changing the oil, washing aircraft, and maintenance allowed by FAA) by the owner of the aircraft with the owner's own employees and using the owner's own equipment. Self-fueling and self-service aircraft servicing may not be contracted out to another party, nor may fuel or other related products or services be sold or traded by the owner to another entity. Self-fueling entails using fuel obtained by the aircraft owner from the source of his/her preference. Self-fueling differs from using a self-service fuel pump made available by the Airport, an FBO or an aeronautical service provider. The use of a self-service fuel pump made available by the Airport or an Operator is a commercial activity and is not considered self-fueling as defined herein.

Self-Service Fuel - Using a self-service fueling pump made available by the Airport or an FBO. The use of a self-service fueling pump is a commercial activity and is not considered self-fueling as defined above.

SPCC – Spill Prevention, Control and Countermeasure Plan.

Specialized Aviation Service Operator (SASO) - Any Entity approved by the City that

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provides at least one, but not more than two commercial aeronautical services, on the Airport. Aircraft fueling and line service may *not* be performed as a Specialized Aviation Service; only approved Fixed Base Operators will be authorized to perform aircraft fueling and line service.

Sublease - An agreement entered into by an Operator (or its designated representative) with another party or entity that assigns, transfers, or conveys rights or interests in property and/or providing services on the Airport. Sublease agreements may be executed only after review and approval of the sublease agreement by the City. Any amendment to an existing sublease agreement must be reviewed and approved by the City prior to the amendment being executed by the Operator (or its designated representative). As used in these Minimum Standards, sublease does not mean the agreement between an Operator and an airport tenant related to basing an aircraft, or otherwise purchasing one or more aeronautical service(s) provided by the Operator in the normal course of doing business on the Airport as an approved Operator.

SWPPP – Stormwater Pollution Prevention Plan.

RTTF Access – Residential Through The Fence access is defined by the FAA as an aircraft owner and/or operator having aeronautical access to the Airport from residential property located off-airport. The City of Concord does not allow RTTF access to the Airport.

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SECTION 3. GENERAL REQUIREMENTS

3.1 Prior Agreement/Approval

Prior to the commencement of operations, the prospective Operator will be required to enter into a written agreement with the City, which agreement will recite the terms and conditions under which it will operate on the Airport, including, but not limited to: the term of agreement; the applicable rates, fees and charges; the rights, privileges, responsibilities, and obligations of the respective parties; the definition and boundary of the premises and/or improvements subject to the agreement; the specific types and levels of service(s) to be provided; the insurance coverages to be provided by the Operator.

The conditions set forth in these Minimum Standards do not represent a complete recitation of the provisions and covenants to be included in the written agreement between the City and the Operator.

All Operators are required to comply with the provisions of these Minimum Standards as well as their agreement with the City. If an Operator has an existing agreement with the City at the time the Minimum Standards are adopted or amended, and if compliance with the Minimum Standards would create a conflict with the agreement, the agreement shall prevail until such time that it is amended, updated, renegotiated, or a new agreement is negotiated, at which time Operator will fully comply with the Minimum Standards.

3.2 Insurance

The Operator shall procure and maintain, during the full term of their lease, permit, or agreement, insurance of the types and in the minimum limits set forth by the City and presented in the written agreement with the City, for the respective categories of aeronautical services provided.

3.3 Financial Standards

The Operator must provide a notarized statement from a bank or financial institution licensed to do business in the State of New Hampshire, or from such other source that may be acceptable to the City and readily verified through normal banking or financial channels, of evidence of the Operator's financial responsibility. The Operator must also clearly demonstrate the financial capability to initiate operations, construct and maintain all improvements and appurtenances that are required commensurate with the concept of the operation(s) and service(s) to be provided, and shall also demonstrate its ability to provide adequate working capital to successfully continue the contemplated operation(s) once initiated through the full term of the lease, permit, or agreement.

3.4 Environmental Requirements

Each Operator shall strictly comply with all applicable environmental laws, rules, regulations, policies, and procedures adopted by the City, as well as those promulgated by federal, state, and municipal authorities governing aeronautical activities, including the City's Stormwater Pollution Prevention Plan (SWPPP) and Spill Prevention, Control and Countermeasure Plan

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("SPCC"). Each Operator shall comply with the Conservation Management Agreement (CMA) executed between the City and various federal and state agencies. In addition, each Operator shall comply with generally accepted environmental best management practices (BMP) and standards, particularly with regards to the handling, management, and disposal of designated hazardous materials.

3.5 Conduct of Business Operations

The Operator shall conduct all business operations in a safe and professional manner consistent with the degree of care and skill exercised by experienced Operators providing comparable products, services, and activities at similar Airports in like markets. The City expects the Operator to strive to consistently meet (or exceed) its customer's expectations by providing excellent service, in a positive and timely manner, and in full view of the public. Operators are encouraged to exceed Minimum Standards.

3.6 Management Control and Supervision

The Operator shall be responsible for ensuring that it has provided adequate management control and supervision for each service and operation provided on the Airport, during all times when such services are being offered. A minimum of one designated manager and/or assistant manager shall be on duty at all times during times when services are offered and operations are occurring at the Airport. Managers shall also be available after normal business hours in the event of an emergency.

3.7 Personnel Training and Certification

Each Operator shall ensure that all personnel in its employment and/or under its control shall receive all required training and certification necessary to provide each service and conduct operations on the Airport in a safe and efficient manner as required by the City, FAA, and NHDOT. Operator shall ensure that all personnel in its employment and/or control shall have current certifications and badges required to perform services in designated areas of the Airport. Copies of all said certificates and badges shall be provided to the City, including any revisions or amendments thereto.

3.8 Interference with Utilities, Radio, or Navigation Aids

Each Operator shall ensure that it will not interfere with, interrupt, or disrupt any utilities, radio, or navigation aids that are located on or that otherwise serve the Airport. Any and all activities or operations that may potentially interfere with, interrupt, or disrupt any utilities, radios, or navigation aids shall be approved by the FAA, NHDOT, and the City prior to such activities or operations being conducted by the Operator, its employees, or agents.

3.10 Personnel

During all operating hours, each Operator shall employ and have on duty trained and qualified personnel in such numbers and with such relevant experience, certificates, and ratings as are required to meet the Minimum Standards in an efficient manner, for all Aeronautical Services and activities being provided by each Operator. Each Operator shall employ a fully-qualified, competent, experienced full-time onsite manager who shall supervise and direct the

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performance of all Aeronautical Services provided by the Operator, and one or more qualified assistant managers to act for the manager in his or her absence.

Operator's employees shall, at all times, be neat and courteous, and shall carry appropriate identification as required by the City, FAA, and/or NHDOT. Operator's employees may not use, possess, or be under the influence of alcohol, illegal drugs, or controlled substances while on the Airport. Each Operator shall closely monitor its employees to ensure compliance with these provisions, as well as consistent high quality service. The City may, at its sole discretion, direct Operator to remove from employment at the Airport any employee who violates City policy, rules, or regulations, or the terms of Operator's lease, permit, or agreement, or any provision of these Minimum Standards.

3.11 Certificates, Licenses, Permits

Each Operator shall obtain and maintain in full force and effect all FAA and other required certificates, licenses, and permits necessary for the services being provided and the operations being conducted at the Airport. Operator shall provide a copy of each license, certificate, and permit to the City and its designated representatives, if requested by the City, which shall be updated from time to time as required.

3.12 Maintain Leased Premises

Operator shall, at its sole cost and expense maintain, repair, and keep in good condition at all times all of its designated leasehold premises.

3.13 Site Development Standards

1) Location. Operator's facilities may be situated only in those areas of the Airport specified for such use on the approved Airport Layout Plan (ALP) and the Airport Master Plan, and approved by the City.

2) General Requirements. Operators shall meet all applicable FAA requirements, including remaining clear of designated airspace, imaginary surfaces, navigation aid critical areas, and line of sight criteria, as well as applicable building and fire codes, zoning ordinances, and other standards that apply to the particular facilities and/or improvements being constructed.

3) Site Plan. Applicants who propose services as an Operator shall provide building layout and site development plans, to scale and in sufficient detail that demonstrates functional compliance with the applicable Minimum Standards, consistency with the Airport Layout Plan, as well as sufficient facilities and space to adequately, efficiently and safely perform all of the proposed services. Site development plans shall be reviewed and approved by the Concord Planning Board (if applicable) and City Council prior to any construction.

4) Airport Design Criteria. Construction of all improvements and infrastructure by Operator must conform to, and fully comply with, the plans and specifications submitted by Operator to and approved by the City. All facilities and improvements shall meet the FAA, NHDOT, and City's Guidelines, as may be amended from time to time. At the discretion of FAA, NHDOT, and

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the City, any structure or object that violates these requirements shall be subject to removal or remediation at the Operator's expense. The City will have the right to review and approve all plans and specifications for any Improvements to be constructed on the premises to determine compliance with such requirements prior to commencement of such construction. ~~The approval by the City shall not constitute a representation or warranty as to such conformity or compliance, but responsibility therefore shall at all times remain with the Operator.~~

5) Design/Construction Review. Operator shall not construct, install, remove, or modify any improvements on the premises without the prior written approval by the City of Operator's plans and specifications for the proposed project. All plans shall be complete and submitted in accordance with the applicable provisions of the lease, permit, or agreement, and in conformance with the City's Guidelines.

6) Bonds and Insurance. Operator shall provide, or cause to be provided, to the City prior to the commencement of any construction of any improvements, a valid performance bond and payment bond, each in the amount of the maximum estimated hard construction costs, for the successful construction of its improvements. Said bonds shall be maintained and kept in full force and effect until work items called for in the Operator's agreement with the City are complete. The bonds shall be conditioned to ensure performance and payment by the Operator and its construction contractor of all Improvements required and proposed by the Operator, and to stand as security for the successful completion of the built Improvements on the premises and for payment of any valid claim by the City against the Operator or its contractor associated with the construction of the improvements. The bonds shall be in a form acceptable to the City and shall be issued by a surety that complies with the requirements of the State of New Hampshire. If Operator engages any contractors and/or subcontractors to construct improvements on its premises, the contractors and subcontractors must carry appropriate builders risk and commercial general liability policies as is required at that time by the City for construction projects on Airport property.

8) Other Facilities. The Operator shall ensure that other facilities as may be required to meet applicable building or fire codes, zoning ordinances, or FAA requirements, which may include but not be limited to a paved walkway within the leasehold area to accommodate pedestrian access to the Operator's office; a paved aircraft apron with tiedown facilities within the leased area sufficient to accommodate its services and operations are provided.

9) Landscaping. In cases where landscaping of facilities is required by the City, each FBO will be required to provide a plan for landscaping its area to be approved by the City and maintained by the FBO in a neat, clean, and aesthetically pleasing manner.

10) Right of Relocation. The City shall have the right to relocate Operator's premises when necessary to accommodate the Airport development. If relocation becomes necessary, the City shall provide the Operator with a replacement area substantially equivalent in size and amenities. Should Operator disagree with the replacement location, Operator shall have the

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right, within twenty (20) business days of receipt of the City's written notice of impending relocation, to provide written notice to the City that Operator disagrees with the relocation and/or the replacement location. Upon such notice by Operator, the parties shall, for a period not to exceed sixty (60) business days from the date of such notice from Operator, negotiate in good faith in an attempt to resolve the matter to the satisfaction of both parties. However, if for any reason the disagreement is not resolved within sixty (60) business days of notice from Operator, the City shall have the right to decide the matter, and Operator agrees to and shall abide by the City's decision, subject to such rights of termination as Operator may have under its lease, permit, or agreement. If the City requires the Operator to relocate its facilities during the term of the lease, permit, or agreement, the City will reimburse the Operator for all documented actual and reasonable out-of-pocket expenses and costs, including unamortized cost of improvements, as defined in the lease agreement.

11) Ownership of Improvements. Except for 11 a) below, at the City's sole discretion, all right, title, and interest in any improvements constructed by or for an Operator on the Airport shall fully vest in the City upon the end of the term of the Operator's lease, permit, or agreement. If requested by the City, the Operator shall execute and deliver to the City such documents as may be required to evidence the City's ownership of such improvements. As may be consistent with the provisions of the lease, permit, or agreement, Operator will have the first right of refusal to lease the improvements after ownership has been transferred, for a term to be negotiated with the City.

- a) Should the City determine that it has no interest in maintaining the improvements constructed by or for an Operator on the Airport at the end of the term of the Operator's lease, permit or agreement, the Operator shall be responsible for removing the improvements from the Airport within 90 days of termination of the lease, permit or agreement at the Operator's expense. The site of the improvements shall be returned to its condition prior to the improvements.

3.14 Time for Performance

Each Operator shall begin construction of leasehold improvements as presented in the approved Site Plan and in conformance with the City's guidelines within a reasonable period of time or as defined in the lease, permit, or agreement. Completion of work on improvements must be accomplished within the time frame presented in the Site Plan and approved by the City. If the Operator requires additional time to either begin construction, or to complete construction of improvements, it must obtain written approval from the City prior to such deadlines being reached.

3.15 Airport Security

Each Operator, its employees, agents, and contractors, shall:

- fully comply with the City's Rules and Regulations as they pertain to airport security, as may be amended from time to time;
- successfully complete any security training that may be required by the City, the FAA, NHDOT, and/or the TSA, prior to gaining access to operational areas of the Airport;

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- successfully complete a background check and security threat assessment (STA) as may be required by the City, or state or federal agencies, and provide all necessary documentation to the City prior to allowing access of such personnel to secured areas of the Airport;

Operator shall control their Premises so as to prevent unauthorized access to the Airport.

The Operator must use City approved access control system and/or vendor to secure access portals on the Operator's leasehold area. The cost of the access control system installation and maintenance of all equipment on Operator's leasehold will be borne by the Operator. The City reserves the right to change vendors from time to time, and the Operator will use the City approved vendor for all installation and maintenance needs. The Operator may request to install an independent access control system, subject to City approval.

Operator shall submit a construction security plan for all major construction activity occurring inside the Airport, or affecting Airport security. The plan must be submitted in writing and approved by the City before beginning construction activity.

3.16 Equipment and Vehicles

Each Operator shall ensure that on-Airport transportation of personnel and equipment using the Operator's facilities and services is conducted solely in the Operators vehicles. The Operator-owned or operated motor vehicles driven on the Airport shall do so only in strict accordance with City Rules and Regulations, applicable federal, state and municipal laws, ordinances, codes, or other similar regulatory measures now in existence or as may be hereafter modified or amended.

The Operator shall equip each motor vehicle with a functioning aeronautical mobile two-way radio capable of operating at a minimum on the following frequencies: 122.7 MHZ, 132.32 MHZ, 121.5 MHZ, 127.35 MHZ, and any other specific frequency designated by the City, or NHDOT, or FAA. Each vehicle will also be equipped with an operating rotating beacon or FAA-approved flag, or such other equipment as FAA, NHDOT, or the City shall require. The City may, at its discretion, impose vehicle training and licensing requirements on the Operator.

3.17 Provide Public Access

All Operators providing commercial aeronautical services on the Airport will make their facilities and services available for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical users.

3.18 Marketing and Promotions

Each Operator shall develop and fully implement a marketing and promotional program to effectively advertise and market its business as well as Concord Airport on a regional, and ideally, a national basis. Each operator shall maintain and keep its company website current and up-to-date, as well as use other marketing techniques and media that are appropriate for the business type and target markets.

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SECTION 4. APPLICATION REQUIREMENTS

4.1 Application

To provide one or more Aeronautical Services at the Airport, each Entity (prospective Operator) shall submit a written application to the City, which shall at a minimum include the following information and, thereafter, shall provide such additional information as may be requested by the City.

An application to provide Aeronautical Service(s) at the Airport may be submitted in response to a request issued by the City. At its sole discretion, the City may accept and consider unsolicited applications to provide Aeronautical Service(s), but if it chooses to do so it will post public notices that such unsolicited applications have been submitted to the City and that the City will accept additional applications for similar aeronautical services.

- 1) **Intended Type of Operator.** The prospective Operator must clearly state whether it is applying for designation by the City as an FBO or as a SASO.

- 2) **Intended Scope of Services.** The prospective Operator must submit a detailed description of the scope of the proposed operation, and the means and methods to be employed to accomplish the contemplated operation, including, at a minimum, the following:
 - a) The legal name, physical address, telephone number, and email address of the applicant. If the applicant is a corporation, include the legal name, physical address, telephone number, and email address of each of the corporations' officers and directors. If the applicant is a partnership, provide the legal name, address, telephone number, and email address of all general partners. Also provide the legal name, physical address, telephone number, and email address of any person that holds a controlling interest, directly or indirectly, in the applicant. Applicant must disclose if any officer, director, partner, or Person having a controlling interest in applicant is also an officer, director, partner, or a Person holding a controlling interest in any other Commercial Aeronautical Service provider at the Airport.
 - b) The legal structure of company and attach all documents pertinent to said legal structure, including but not limited to incorporation papers, where the company is incorporated and/or licensed, when it was incorporated, where the company headquarters is located, as appropriate.
 - c) The proposed date for commencement of the aeronautical service(s), and the requested term of conducting the same.
 - d) The specific aeronautical service(s) to be offered.
 - e) The amount (expressed in square feet and acres), and specific location(s) of land required, fully considering the minimum requirement stipulated herein.
 - f) The size, type, and location of the building(s) to be constructed and/or leased.
 - g) The number and type of aircraft to be parked, serviced, or provided (as applicable based on the service(s) to be provided).
 - h) The number of persons to be employed (including the names, titles, addresses, and

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- qualifications of key employees).
- i) The specific hours of proposed operation, fully considering the minimum requirements stipulated herein.
 - j) A list of material assets, goods and equipment necessary or required to perform the proposed services that are owned, leased, or under purchase contract by the applicant. Copies of such leases and contracts shall be provided to the City upon request.
 - k) Copies of pertinent licenses, certifications and permits possessed by the applicant, or its key employees to be based at the Airport, that are necessary or required to perform the proposed services.
 - l) Certificates of Insurance demonstrating proof of minimum coverage as required by the City.
 - m) Such other additional information as may be required in these Minimum Standards, or that the City may reasonably require to evaluate the application.
 - n) List and describe any and all outstanding liens, lawsuits, or legal judgments issued against the company, entity, or party, including any of its owners and/or directors, within the previous five (5) calendar years. Also describe the current status of any liens, lawsuits, or judgments filed against the company and/or its owners and/or directors within the previous five calendar years.
- 3) **Financial and Managerial Responsibility and Capability.** The prospective Operator must provide an audited financial statement, satisfactory to the City, as evidence of its financial responsibility from a recognized financial institution or from such other source that may be acceptable to the City and readily verified through normal banking channels. The prospective Operator shall provide all pertinent financial documents (acceptable to the City) that have been produced within the previous five fiscal years, including audited financial statements. In addition, the prospective Operator shall provide SEC Form 10-K, and/or other appropriate financial documentation, including annual reports, for the previous five fiscal years if such documents exist. If the prospective Operator has not prepared (or had prepared for them) such documents in the normal course of business, then the City may require other appropriate financial documentation from the prospective Operator for the previous five fiscal years. The prospective Operator must also demonstrate financial capability to initiate operations, to construct proposed improvements, and to provide working capital to carry out the contemplated operations throughout the term of the lease, permit, or agreement. The demonstration of financial and managerial capability shall include a cash flow and a profit and loss projection for the first five fiscal years of the proposed operation.
- 4) **Relevant Experience and Professional Reputation.** The prospective Operator shall furnish the City with a statement of its qualifications and prior relevant experience in providing the proposed aeronautical service(s), together with a statement that it or its principals have the managerial training, relevant experience, and capability to perform the selected service(s). The prospective Operator shall clearly demonstrate applicable

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relevant experience at airports similar to or larger than the Airport within the previous three calendar years. The prospective Operator shall provide a minimum of three current references (including names, titles, addresses, phone numbers, and email addresses) of airport managers or directors who oversee facilities where the prospective Operator has provided similar relevant services. The City will consider the professional reputation of the prospective Operator based on the information provided by the references. The prospective Operator shall provide current resumes of its key employees to be engaged in the management and operation of the proposed aeronautical services at the Airport.

The City shall consider the application after the prospective Operator has submitted a complete application. The City shall not unreasonably deny or delay consideration of an application. A delay to request additional pertinent information from the applicant by the City is not, by itself, unreasonable.

4.2 Grounds for Denial of an Application.

Grounds for denial of an application may include the following:

- 1) The applicant does not, for any reason, fully meet the qualifications, standards, and/or requirements established in the request for proposals issued by the City, and/or these Minimum Standards.
- 2) The applicant's proposed operation or construction would create a safety hazard on the Airport.
- 3) The granting of the application will require the City to expend funds, or supply labor or materials, in connection with the proposed activity or operation that the City is unwilling to spend or supply, or the proposed activity or operation will result in a financial loss to the City.
- 4) The proposed operation, development, or construction does not comply with the Airport Master Plan or Airport Layout Plan.
- 5) The proposed operation, development or construction will result in congestion of aircraft or buildings, or will result in undue interference with the operations of any present Operator at the Airport, or with adequate access to a present Operator's leased premises.
- 6) The applicant has misrepresented or omitted any material fact in the application or supporting documents, or has failed to make full disclosure in the application or supporting documents.
- 7) The applicant, or any officer, director, key employee, or Person having a controlling interest in the applicant, has a record of: (a) violating the laws, rules and regulations applicable to the Airport or any other airport, including but not limited, to FAA regulations; (b) having defaulted in the performance of a lease, license, permit, or similar agreement at the Airport or any other Airport.
- 8) The applicant, in the opinion of the City, has not provided verified evidence of adequate financial responsibility and/or does not exhibit the relevant experience to undertake the proposed operation or activity based on the information provided with the application.
- 9) The applicant cannot provide the required performance and other bonds, security

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deposits, or other acceptable surety in the amount required by the City for the proposed operation, activity or construction.

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SECTION 5. FIXED BASE OPERATOR (FBO)

5.1 Introduction

Each FBO shall comply with the Minimum Standards and requirements contained in this section, as well as for each aeronautical service provided on the Airport. Each FBO is encouraged to exceed the Minimum Standards.

5.2 Scope of Activity

Each FBO shall provide as a minimum: aircraft fueling services, aircraft line services, aircraft parking (tiedown) and hangar storage, as well as aircraft pilot and passenger support facilities including a waiting room, public restrooms, flight planning area, break room, and other pertinent customer support facilities. The FBO may, at its discretion, also provide any or all of the following commercial aeronautical services.

- Aircraft and/or Parts Sales (New and/or Used)
- Airframe and Power Plant Repair Facilities
- Aircraft Rental
- Flight Training and associated ground training
- Sale, repair, and service of radios, propellers, instruments, and other aircraft accessories
- Aircraft Charter and Air Taxi for compensation or hire under an appropriate federal aviation regulation
- Specialized commercial services including but not limited to aerial survey, filming, construction support, parachuting, agricultural support, banner towing and aerial advertising, etc.
- Aircraft Refurbishing and/or Painting

* Flight training and aircraft rental may be combined as a single aeronautical service if designated by FBO.

Each FBO shall conduct its business and activities on and from the leased/assigned premises in a safe and professional manner consistent with the degree of care and skill exercised by experienced FBOs providing comparable products, services, and activities from similar Airports in like markets.

Each FBO will make their facilities and services available for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical users.

5.3 FBO Minimum Services

Each Fixed Based Operator shall provide the following minimum services:

Aircraft Fueling Services. Each FBO shall provide into-aircraft retail delivery of a recognized brand of aviation fuel (including, but not limited to, Avgas and jet fuel), motor oil, and lubricants as required by the types of aircraft normally utilizing the Airport. Recognized brand means a fuel producer and/or wholesaler or supplier that meets (or exceeds) all applicable federal and state standards and guidelines, and that demonstrates a

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record of providing aviation fuel in New Hampshire. The Operator shall provide proper fuel dispensing equipment to service aircraft, including mobile fuel dispensing trucks to service aircraft operating at the Airport. A minimum of one mobile fueler must have minimum 500 gallon capacity for 100 low lead Avgas, and at least one other mobile fueler must have a minimum of 1,000 gallon capacity for Jet A fuel. ~~Larger capacity trucks and/or additional mobile fuelers~~ may be required to adequately serve users of the FBO's premises, in which case adequate mobile fueler capacity will be provided by the FBO. Separate dispensing pumps for each grade of fuel are required. Fuel may only be stored in approved storage tanks. All fuel handling and storage facilities, equipment and procedures shall strictly comply with all applicable Federal, State, and City laws, rules, ordinances, and regulations, including without limitation, the most current rules and regulations promulgated by the City, the State of New Hampshire, U.S. Environmental Protection Agency, and the FAA, as well as facilities and procedures promulgated by the NFPA. All fueling and line service personnel shall be properly trained and qualified to perform their assigned duties. The Operator shall ensure that only clean fuel, free of water or other contaminants, is delivered into the aircraft serviced. The Operator shall maintain current fuel reports on file and available for review at any time by the City, or appropriate state or federal official. Operator shall develop and maintain current a fuel quality control and best management practices plan, and shall provide the City a copy of said plan for review and approval, as well as any amendments or updates.

All FBO fueling services and systems shall be subject to inspection for fire and other hazards by the City and its designated representatives, as well as by appropriate State and City fire and safety officials.

The FBO shall adopt and maintain a current spill prevention and countermeasure (SPCC) plan in accordance with applicable federal, state, city, and City laws, rules and regulations, which shall be consistent with the City's current SPCC Plan. Each FBO shall also develop and maintain Standard Operating Procedures (SOP) for fueling and line services. FBO's SOP shall at a minimum include a training plan, fuel quality assurance procedures, record keeping, best management practices, Airport security procedures, and emergency response procedures for fuel fires and spills. An FBO SOP shall also address bonding and fire protection; public protection; control of access to fuel storage facilities and vehicles; and marking and labeling of fuel storage tanks and refueling vehicles. A prospective FBO shall submit its SOP to the City for review, comment, and approval no later than 60 days before commencing activities at the Airport.

Each Operator shall comply with the following standards, codes, and requirements applicable to fueling services, as may be amended or updated from time to time:

- National Fire Protection Association (NFPA) 407, *"Standard for Aircraft Fuel Servicing"*
- FAA Airport Circular AC 150/5230-4A, *"Aircraft Fuel Storage, Handling and Dispensing on Airports"*
- FAA Advisory Circular 00-34A *"Aircraft Ground Handling and Servicing"*

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- Applicable State of New Hampshire requirements, and City of Concord Land Development Regulations, as well as City Building and Fire Codes
- Develop, maintain, and fully comply with an approved and current SPCC Plan, which must be fully consistent with City's SPCC plan.
- Develop, maintain, and fully comply with an approved and current Standard Operating Procedures (SOP) and Emergency Response Plan
- All employees involved in fueling and line services must successfully complete fuel handling, training, and licensing requirements, including NH Department of Environmental Services Underground Storage Tank (UST) Training and Certification

Reporting The FBO shall maintain on file, and submit to the City, current fuel reports. The FBO shall report all fuel delivered to the approved FBO's fuel storage facility as well as Permittee's Aircraft during each calendar month. The FBO shall submit a summary report along with appropriate fees and charges due the City on or before the 10th day of the subsequent calendar month. The FBO shall, during the term of the Permit and for three (3) years thereafter, maintain records identifying the total number of aviation fuel gallons purchased, delivered, and transferred into owners aircraft. Records (and meters) shall be made available for audit by the City or designated representatives of the City. In the case of a discrepancy, the FBO shall promptly pay, in cash, all additional rates, fees, and charges due the City, plus annual interest, calculated daily, on the unpaid balance at the lesser of 18% or the maximum rate allowable by law from the date originally due.

Aircraft Line Services. Each FBO shall offer and/or provide suitable hard surface aircraft maneuvering, parking, and hangar storage facilities; adequate tie-down facilities and equipment, including ropes, chains and other types of restraining devices, and wheel chocks for the typical number and type of aircraft simultaneously using the Airport during peak periods; and adequate loading, unloading and towing equipment to safely and efficiently move and store aircraft in times of all reasonably expected weather conditions. The FBO shall also offer and/or provide adequate ground service equipment, including but not limited to, ground power and starting equipment, fire extinguishers, portable compressed air, towing equipment, recover disabled equipment, washing and cleaning facilities, and such other equipment, supplies and spare parts as may be reasonably required to service general aviation aircraft at the Airport in accordance with aircraft manufacturers recommendations.

Aircraft Tiedowns and Hangar Storage. The FBO shall offer paved aircraft tiedowns (including appropriate restraints) and hangar storage of sufficient size and layout to accommodate the types and sizes of general aviation aircraft that typically use the Airport.

5.4 Leased Premises

The FBO shall lease from the City the amount of land and existing buildings, or construct new buildings, of sufficient size and condition to adequately and efficiently accommodate: (a) FBO offices, public restrooms, customer waiting area and/or conference facilities, equipment storage area, flight planning room for customer use, kitchen and/or break room, and other

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space needed to accommodate the services provided; (b) the safe and efficient parking, storage, and movement of the type and class of aircraft that use the Airport, including paved ramp area for aircraft parking; (c) hangar(s) for aircraft storage with a (combined) minimum of 10,000 square feet gross storage area, which may include associated offices and equipment storage area; (d) the movement, parking, and storage of all ground service equipment (GSE); (e) if the Operator is providing any other services, sufficient additional land and buildings to provide such service(s) and necessary equipment; and (f) sufficient paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis during peak periods. Improvements shall meet all applicable federal, state, and city building and fire codes, as well as federal and state access requirements, including the Americans with Disabilities Act (ADA), as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with all applicable City, NHDOT, and FAA specifications and requirements.

5.5 Licenses, Permits, and Certifications

Each FBO shall obtain and maintain in current condition all necessary licenses, permits, and certifications applicable to the services being provided. Each FBO shall provide a copy of each license, permit, and certificate to the City, if requested by the City, including any renewal, update, or modification thereto.

5.6 Insurance

Each FBO shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

5.7 Fuel Storage Facilities

Each FBO shall construct and maintain, or lease from the City, adequate fuel storage facilities to meet reasonably anticipated demand. Fuel storage facilities (tanks) must be a permanent installation (i.e. no skids or other temporary installation), and must provide a minimum storage capacity of 10,000 gallons for 100 low lead Avgas and 10,000 gallon capacity for Jet A. The FBO shall ensure sufficient fuel storage capacity to reasonably limit the number of deliveries by the wholesale fuel supplier. Into aircraft fueling may not be conducted from wholesale fuel mobile vehicles. The FBO is responsible for ensuring that all fuel storage and dispensing facilities meet all current and applicable federal, state, and City codes and regulations, including NFPA.

5.8 Fueling Equipment

Each FBO shall provide and maintain the equipment and facilities required to service the types of general aviation aircraft normally frequenting the Airport. All equipment and facilities shall comply with all applicable city, state, and federal requirements.

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5.9 Other Equipment

Each FBO shall provide and maintain other equipment required to service the types of general aviation aircraft normally frequenting the Airport, including but not limited to tugs, power carts, tow bars, etc. All equipment shall comply with all applicable city, state, and federal requirements.

5.10 Personnel

During all operating hours, the FBO shall employ and have on duty trained personnel in such numbers with appropriate certificates and licenses as are required to meet reasonably anticipated demand in an efficient manner, for all services being provided by the FBO, including appropriate supervisory and managerial personnel. The FBO shall also have trained personnel available on an on-call basis at all times for emergency services.

5.11 Hours of Activity

The FBO must be open for business a minimum of twelve (12) hours per day, seven (7) days per week, to provide aircraft fueling and line services, as well as make their facilities available for customer access. Other aeronautical services will be provided during the periods specified in the following Sections for each service.

5.12 Subcontracting Services

The FBO may subcontract or use third party operators to provide any of the aeronautical services identified in Section 5.2, provided that each subcontractor meets all of the requirements of these Minimum Standards, has been prior-approved by the City in writing, and operates from the Fixed Base Operator's premises. Additionally, the FBO shall be fully responsible and liable for all of the acts, conduct, omissions, and errors of the subcontractor or third party while acting under agreement to the FBO on the Airport.

5.13 Aircraft Removal

Recognizing that aircraft removal is the responsibility of the aircraft owner/operator, the FBO shall be prepared to lend assistance upon request by the City in order to maintain the operational readiness of the Airport. The FBO shall prepare an aircraft removal plan and have the equipment readily available that is necessary to remove the types of General Aviation Aircraft that normally use the Airport.

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SECTION 6. OTHER COMMERCIAL AERONAUTICAL SERVICES

6.1 Applicability

All Operators providing the commercial aeronautical services described below must meet, and are encouraged to exceed, the Minimum Standards prescribed for each service. Operators providing more than one commercial aeronautical service may meet the Minimum Standards by combining certain requirements (e.g. office space, rest rooms, conference rooms, etc.) to accommodate multiple services.

However, at a minimum, the facilities provided must adequately and reasonably accommodate the anticipated peak demand of any one or combination of multiple services provided.

Additionally, all services and facilities must be consistent with, or exceed, the quality and standards of similar services and facilities at similar or larger airports. The City shall determine whether services and facilities meet the condition defined herein. Any combination of Minimum Standards must be approved by the City prior to initiating service.

A Fixed Base Operator (FBO) approved by the City may, at its discretion, provide any or all of the following commercial services in addition to fuel sales, line services, and aircraft tiedown and hangar storage, and may provide as many of the following aeronautical services as it decides.

A Specialized Aviation Service Operator (SASO) is an Operator engaged in the business of providing at least one, but not more than two of the following aeronautical services on the Airport. A SASO is prohibited from providing aircraft fueling services or line services at the Airport; only an approved FBO can provide aircraft fueling services and line services. A SASO shall comply with all of the standards and provisions contained in this section. In addition, a SASO shall meet the minimum standards for each aeronautical service provided, as described in these Minimum Standards.

Each FBO and/or SASO must lease sufficient area of contiguous land on the Airport for the provision of any one of these services, or any combination of services, as may be necessary to adequately, safely, and efficiently provide such service(s).

Each Operator (FBO and SASO) will make their facilities and services available for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical users.

6.2 Aircraft Charter/Air Taxi

6.2.1 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate existing and/or future buildings and facilities with sufficient space for; (a) offices, flight planning, equipment storage, public restrooms, waiting and/or conference facilities for customer use, (b)

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aircraft storage and maneuvering to accommodate the make and model of aircraft used, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable local and state building and fire codes, as well as applicable federal, state, and city access provisions, including applicable Federal Aviation Regulations, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City and State's specifications and requirements.

6.2.2 Licenses, Permits, and Certifications

The Operator must hold a valid current FAA Air Charter and Taxi Operations Certificate Issued under 14 CFR Part 135 or other appropriate Federal Aviation Regulation, with appropriate ratings and licenses as required by the FAA, and amended from time to time, for the services to be provided at the Airport.

6.2.3 Personnel

All pilots providing air taxi or charter services must be employed by the Operator, be fully qualified, current, and certificated by FAA for the particular air charter and air taxi service provided in each aircraft, as required by the FAA and amended from time to time. All management personnel shall have the relevant experience, licenses, and all other qualifications required by the FAA to serve in each specific management position. The Operator shall also have available sufficient trained personnel for checking in passengers and handling luggage or cargo.

6.2.4 Equipment

The Operator must own or lease, and have available under its exclusive control, a minimum of one FAA-certificated and airworthy, all-weather aircraft, that is specifically identified on the Operator's FAA Part 135 operating certificate. Operator shall also own or lease sufficient ground and support equipment to safely, properly, and efficiently handle each aircraft it operates on the Airport.

6.2.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide air taxi charter services during normal business hours, five (5) days per week. The City may allow variations of that requirement. The Operator shall also have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.2.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

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6.3 Aircraft and Parts Sales (New & Used)

6.3.1 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, public restrooms, and waiting or conference facilities for customer use, (b) aircraft and parts storage and maneuvering, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.3.2 Licenses, Permits, and Certifications

The Operator must hold all valid current licenses, certificates, and permits, as may be required to for the sale of new and/or used aircraft and parts. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.3.3 Personnel

The Operators management personnel shall have the relevant experience, licenses, and all other qualifications required to serve in each specific sales position. The Operator shall have available sufficient trained personnel for demonstrating and servicing (as necessary) the aircraft and parts being offered for sale. If flight demonstrations and/or aircraft checkouts are offered as part of the aircraft sales service, then the Operator will have in its employment a sufficient number of suitably licensed and current pilots with the proper experience and licenses to demonstrate aircraft, and/or check out customers in each aircraft.

6.3.4 Equipment

The Operator shall own or lease sufficient equipment to properly and efficiently handle and operate each aircraft being offered for sale.

6.3.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide aircraft and parts sales and service during normal business hours, five (5) days per week. The City may allow variations of that requirement The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

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6.3.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.4 Aircraft Rental

6.4.1 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, flight planning, equipment use and storage, public restrooms, as well as training classrooms and facilities for customer use, (b) aircraft storage and maneuvering, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.4.2 Licenses, Permits, and Certifications

The Operator must hold valid current licenses, certificates, and permits, as may be required for the rental of aircraft to the public. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.4.3 Personnel

The Operators management personnel shall have the relevant experience, licenses, and all other qualifications required to serve in each specific management position. The Operator shall also have available sufficient trained personnel for customer demonstrations, pilot check out, and servicing (as necessary) of each aircraft being offered for rent or lease. If flight demonstrations and/or pilot checkouts are offered as part of the aircraft rental service, then the Operator will have in its employment a sufficient number of suitably licensed and current certified flight instructors, with the proper experience to demonstrate aircraft, and/or check out customers in each aircraft.

6.4.4 Equipment

All aircraft offered for rent shall be licensed and certificated by the FAA, and also be continuously maintained in an airworthy condition as prescribed by FAA. The Operator shall own or lease sufficient equipment to properly and efficiently handle and operate each aircraft being offered for rent or lease.

6.4.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide aircraft rental and lease services during normal business hours, five (5) days per week. The City may allow

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variations of that requirement. The Operator shall also have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.4.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.5 Aircraft Painting, Refurbishing, and Restoration

6.5.1 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, workshops, equipment storage, restrooms, and waiting or conference facilities for customer use, (b) performing aircraft painting, refurbishment, or restoration, including maneuvering aircraft and equipment indoors, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, including applicable Federal Aviation Regulations, as well as be in full compliance with Section 3, above. Aircraft restoration, painting, or refurbishment shall be conducted indoors in properly equipped and licensed hangars and facilities. All painting, refurbishing, and restoration activities and services must be conducted in full compliance with all appropriate City, State, and Federal environmental laws and regulations. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.5.2 Licenses, Permits, and Certifications

The Operator must hold a valid current FAA Certificate, with appropriate ratings and licenses as required by the FAA, and amended from time to time, applicable to the service(s) to be provided at the Airport. In the case of aircraft painting, the Operator shall obtain and maintain current all permits and approvals to safely and efficiently conduct that service in full compliance with applicable federal, state, and city environmental laws, regulations, and ordinances and have and maintain in current status all pertinent environmental licenses, permits, and approvals. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.5.3 Personnel

All management personnel shall have the relevant experience, licenses, and all other qualifications required by the FAA to serve in each specific position. The Operator shall have available in their employ sufficient trained, licensed, and experienced personnel to adequately perform each service being offered.

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6.5.4 Equipment

Operator shall own, lease, or otherwise control sufficient equipment to properly and efficiently provide the services being offered. In the case of aircraft painting, the Operator shall own or lease all of the equipment necessary to safely and efficiently conduct that service in full compliance with applicable federal, state, and city law, regulations, and ordinances.

6.5.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide these services during normal business hours, five (5) days per week. The City may allow variations of that requirement. Any aircraft restoration and/or painting that is required to be accomplished outdoors can only be performed in areas designated and approved by the City, and only during normal business (daylight) hours on weekdays. Such services may only be performed at other times and/or in different locations with prior written approval by the City. Such activities may only be conducted in full compliance with all applicable environmental permits, requirements, conditions, or restrictions. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.5.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.6 Aircraft Storage Hangars

6.6.1 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate hangar buildings, associated facilities (such as offices, equipment storage space, etc.) with sufficient space for; (a) aircraft storage and maneuvering, (b) offices, equipment storage, and rest rooms, as appropriate for the type of hangar (b) paved apron in front of hangar doors; (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable building and fire codes, including fire sprinklers or other suppression systems as determined by the City and/or state; and meet all applicable federal, state, and city access provisions, including the Americans with Disabilities Act (ADA), as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.6.2 Licenses, Permits, and Certifications

The Operator must hold valid current licenses, certificates, and permits, as may be required and applicable for the rental and/or lease of hangar space to the public. At the request of the

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City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.6.3 Personnel

The Operator's management personnel shall have the relevant experience, licenses, and all other qualifications required to serve in each specific position. The Operator shall have available sufficient trained and experienced personnel for moving and storing aircraft and associated equipment safely and efficiently. Operator shall not allow personnel to move, park, or store aircraft in hangar(s) unless the personnel are: in the Operator's employ; have been adequately trained in aircraft maneuvering, parking, and storage; demonstrated necessary competency to maneuver, park, and store aircraft and the associated equipment; and meet all of the requirements specified by the commercial insurance policy covering the Operator.

6.6.4 Equipment

The Operator shall own or lease sufficient equipment to properly and efficiently handle and maneuver each aircraft being stored in each of Operator's hangar.

6.6.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to ensure that each hangar is available so that aircraft owners and operators have access to their aircraft 24 hours per day, seven days per week. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.6.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.7 Airframe and Powerplant (A&P) Maintenance

6.7.1 Leased Premises

The Operator shall lease, or sublease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, workshops, equipment storage, public restrooms and waiting areas for customer use, (b) performing airframe and powerplant maintenance, overhaul, and repairs, including maneuvering aircraft and equipment indoors, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. Operator's facilities shall meet all applicable building and fire codes, as well as all applicable federal, state, and city access provisions, including applicable Federal Aviation Regulations, as well as be in full compliance with Section 3, above. Airframe and powerplant maintenance, overhaul, and repairs shall be conducted indoors in properly equipped hangars or other facilities on Operator's leasehold area, except when such services, such as engine run-ups, are required to be accomplished outdoors. All facilities, grounds, and Improvements shall

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be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.7.2 Licenses, Permits, and Certifications

The Operator must hold a valid current FAA certificates issued under 14 CFR Part 145, or other appropriate federal aviation regulation, with appropriate ratings and licenses as required by the FAA, and amended from time to time, for the maintenance and repair services to be provided at the Airport. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.7.3 Personnel

All management and maintenance personnel shall have the relevant experience, licenses, and all other qualifications required by the FAA to serve in each specific position. The Operator shall have available in their employ sufficient trained, licensed, and experienced personnel to adequately perform each maintenance and repair service being offered, as well as adequate on-site management personnel.

6.7.4 Equipment

The Operator must own or lease sufficient equipment to properly and efficiently provide airframe and powerplant maintenance and repair services.

6.7.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide these services during normal business hours, five (5) days per week. The City may allow variations of that requirement. Any aircraft and/or powerplant maintenance, overhaul, or repair services, such as engine run-ups, that are required to be accomplished outdoors, can only be performed in areas designated and approved by the City, and only during normal business (daylight) hours on weekdays. Such services may only be performed at other times and/or in different locations with prior written approval by the City. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.7.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.8 Avionics/Aircraft Instrument Maintenance and/or Sales

6.8.1 Leased Premises

The Operator shall lease, or sublease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices and workshops for performing

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avionics and aircraft instrument sales, maintenance, overhaul, and repairs, (b) equipment storage, public restrooms and waiting or conference facilities for customer use and (c) maneuvering aircraft and equipment indoors (as appropriate), (d) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, including applicable federal aviation regulations, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.8.2 Licenses, Permits, and Certifications

The Operator must hold valid and current FAA certificates issued under appropriate federal aviation regulations, with appropriate ratings and licenses as required by the FAA, and amended from time to time, for the specific services to be provided at the Airport. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.8.3 Personnel

All management personnel shall have the relevant experience, licenses, and all other qualifications required by the FAA to serve in each specific position. The Operator shall have available in their employ sufficient trained, licensed, and experienced personnel to adequately perform each service being offered.

6.8.4 Equipment

The Operator must own or lease sufficient equipment to properly and efficiently perform avionics and instrument sales and repairs.

6.8.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide avionics and instrument sales and repair services during normal business hours, five (5) days per week. The City may allow variations of that requirement. Any maintenance or repair services that are required to be accomplished outdoors can only be performed in areas designated and approved by the City, and only during normal business (daylight) hours on weekdays. Such activities may only be performed at other times and/or in different locations with prior written approval by the City. Such activities may not interfere with or disrupt any communications or navigation facilities, or any other electronic activity, at the Airport. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

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6.8.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.9 Flight Training and/or Ground Training

6.9.1 Leased Premises

The Operator shall lease, or sublease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, flight planning, ground school training, public restrooms, and waiting or conference facilities for customer use, (b) training aircraft storage and maneuvering, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. Operator's facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, including applicable federal aviation regulations, as well as be in full compliance with Section 3, above. If flight simulators are used, sufficient space and power supplies must be available to safely accommodate all flight simulators. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.9.2 Licenses, Permits, and Certifications

The Operator must hold valid current licenses, certificates, and permits, as may be required to for the training of pilots. Operator may be certified by the FAA and operate under the provisions of 14 CFR Chapter 141, Pilot Schools, or operate under 14 CFR Part 61, Certification: Pilots, Flight Instructors, and Ground Instructors, at its discretion. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.9.3 Personnel

The Operators management personnel shall have the relevant experience, licenses, and all other qualifications required to serve in each specific management position. The Operator shall have available in its employment a sufficient number of suitably licensed and current certified flight and ground instructors, with the proper and appropriate experience, licenses, and ratings, to adequately and safely conduct the training services being offered.

6.9.4 Equipment

The Operator shall own or lease sufficient equipment to properly handle and operate each aircraft being offered for flight training, as well as ground training, including simulators. All equipment will be maintained in such a manner as to be fully operational and in compliance with appropriate guidelines and recommendations, and meet all applicable requirements set by the FAA and as may be amended from time to time.

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6.9.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide flight and ground training services during normal business hours, five (5) days per week. The City may allow variations of that requirement. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.9.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.10 Specialized Commercial Flying Services

6.10.2 Introduction

For the purpose of these Minimum Standards, "Specialized Commercial Flying Services" are specialized commercial flying services, which may include aerial filming, aerial patrol (such as powerlines, gas lines, environmental surveys, etc.), construction support, medical transportation, agricultural support/application, parachuting, banner towing, and other specialized services that may be identified by an Operator or the City. All specialized commercial flying services defined herein, or that may be identified by an Operator in the future, must be approved by the City before such services may be offered. The City may impose any conditions or restrictions on any such specialized flying services as may be necessary for the safe and efficient operation of the Airport.

6.10.3 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, flight planning, equipment storage, restrooms, and waiting or conference facilities for customer use, (b) aircraft storage and maneuvering, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. Operator's facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, including applicable federal aviation regulations, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.10.4 Licenses, Permits, and Certifications

The Operator must hold valid current licenses, certificates, and permits, as may be required to for the conduct of each specialized flying service as required by the FAA and State of NH. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

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6.10.5 Personnel

The Operator's management personnel shall have the relevant experience, licenses, and all other qualifications required to serve in each management position for the specific service being offered. The Operator shall have available in its employment a sufficient number of suitably licensed and current certified pilots and support staff, with the proper experience, licenses, and ratings, to safely, adequately and efficiently conduct the specialized services being offered.

6.10.6 Equipment

The Operator shall own or lease sufficient equipment to properly handle and operate each aircraft and other equipment appropriate for each specialized flying service offered. All equipment will be maintained in good or better condition, and meet all applicable requirements set by the FAA and as may be amended from time to time.

6.10.7 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide specialized flying services during normal business hours, five (5) days per week. The City may allow variations of that requirement. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.10.8 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

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SECTION 7. AERONAUTICAL SERVICE PROVIDERS SUBLEASING FROM ANOTHER

Aeronautical service providers, including FBO and SASO, as defined in these Minimum Standards, may sub-lease or sub-contract services and/or facilities to another Commercial Aviation Operator, under the following conditions:

- a) The sub-lessee and/or the sub-contractor will fully comply with all of the provisions of these Minimum Standards, as well as all applicable rules, regulations, ordinances, leases, permits, agreements, and other requirements established by the City, State of NH, the FAA, or other agency that may govern the Operator and its services.
- b) The City will be notified in writing of any proposed sub-lease or sub-contract, or other similar agreement, a minimum of 30 days before such sub-leases, sub-contracts, or other similar agreements may be entered into or executed by the Operator. The City reserves the right, at its sole discretion, to review and approve such agreement. If the City does not approve the proposed sub-lease or sub-contract or similar agreement, said agreement may not be entered to by the Operator.
- c) The sub-lessee, and/or the sub-contractor will be responsible for making all payments and fulfilling all other financial obligations between the Operator and the City.
- d) The sub-lessee, and/or the sub-contractor maintains in effect and full force all of the insurance coverages and liabilities which the Operator is required to maintain, including holding the City harmless.
- e) The Operator is fully responsible and liable for all actions, conduct, statements, errors, and omissions by the sub-lessee and/or the sub-contractor.
- f) The Operator shall provide the City with a minimum of sixty (60) day notice in writing prior to any change in the sub-lease and/or sub-contract agreement. The City may, at his or her discretion, review and/or approve any proposed change to any sub-lease or sub-contract agreement in writing prior to any change being executed.

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SECTION 8. NON-COMMERCIAL PRIVATE/CORPORATE OPERATOR

8.1 Definition

Non-commercial private/corporate operator means any aeronautical activity by an entity that provides aviation service(s) or operates equipment and/or facilities on the Airport solely for its own benefit, not for the benefit of the public, nor for any compensation, hire, or profit. Non-commercial and non-profit aircraft operations shall be conducted under 14 CFR Part 91, General Operating and flight Rules, unless otherwise required by the FAA.

8.2 Scope of Activity

Non-commercial private/corporate activity may include but not be limited to any non-commercial activities and services classified by FAA as general aviation activity. Such activities may include, but not be limited to, non-profit flying clubs, non-profit aviation organizations, corporate aircraft shuttle services, etc.

8.3 Leased Premises

The non-commercial Operator shall lease, or sublease a sufficient amount of land and/or buildings in areas designated by the City to adequately accommodate the intended service and/or activity being conducted on the Airport. All facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, including applicable federal aviation regulations, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

8.4 Licenses, Permits, and Certifications

Each Operator shall obtain and maintain in current condition all necessary licenses, permits, and certifications applicable to the services being provided. If requested by the City, each Operator shall provide a copy of each license, permit, and certificate to the City, including any renewal, update, or modification thereto.

8.5 Hours of Activity

No minimum hours of operation are required for this particular service. However, the Operator shall have management personnel available on an on-call basis at all times in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

8.6 Personnel

During all operating hours, the Operator shall have on duty trained personnel in such numbers with such certificates and ratings as are required to meet reasonably anticipated demand in an efficient manner, for all services being provided by the Operator, including appropriate supervisory and managerial personnel.

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8.7 Subcontracting Services

The Operator may subcontract or use third party operators to provide any of the aeronautical services, provided that each subcontractor meets all of the requirements of these Minimum Standards, has been prior-approved by the City in writing, and operates from the Operator's premises. Additionally, the Operator is fully responsible and liable for all of the acts, conduct, omissions, and errors of the subcontractor or third party while acting under agreement to the Operator on the Airport.

8.8 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

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SECTION 9. SELF-FUELING AND SELF-SERVICE AIRCRAFT SERVICING

9.1 Permit/Approval

No aircraft owner or operator, party, company, or entity shall engage in aircraft self-fueling and/or self-servicing, including constructing, installing, or leasing fuel tanks, or dispensing fuel into an aircraft, unless a valid Self-Fueling Permit authorizing such activity has been obtained from the City. The Permit shall include specific limitations and requirements for self-fueling and/or self-service aircraft servicing, and the Permit shall not reduce or limit Permittee's obligations with respect to these Self-Fueling minimum standards, which shall be included in the Permit by reference.

Prior to issuance and subsequently upon request by the City, Permittee shall provide evidence of ownership and/or control of any aircraft being operated (under the full control of) and fueled and/or serviced by Permittee, and that said aircraft are based on the Airport.

Permittee may acquire fuel from an FBO on the Airport in lieu of constructing its own storage facilities, if a written agreement has been reached with the FBO on the Airport, and submitted to the City for review and approval.

9.2 Licenses, Certifications, and Permits

Permittee shall obtain and maintain in full force all federal, state, and local licenses, certificates, and permits that are required to conduct self-fueling and/or self-service aircraft servicing activities on the Airport. Permittee shall provide to the City evidence of all such licenses, certificates, and permits, including any amendments or revisions to same.

9.3 Limitations

The Permittee shall not sell, trade, barter, or otherwise dispense any fuels to any other based or transient Aircraft for commercial or other purposes. The Permittee shall not dispense any fuels to and/or service any based or transient aircraft that are not owned by or under the full control of Permittee. Any such selling, trading, bartering, dispensing or aircraft servicing shall be grounds for revocation of the Permit by the City.

9.4 Reporting

Permittee shall maintain on file, and submit to the City, current fuel reports. Permittee shall report all fuel delivered to the approved Permittee's fuel storage facility as well as Permittee's Aircraft during each calendar month. Permittee shall submit a summary report along with appropriate fees and charges due the City on or before the 10th day of the subsequent calendar month. Permittee shall, during the term of the Permit and for three (3) years thereafter, maintain records identifying the total number of aviation fuel gallons purchased, delivered, and transferred into owners aircraft. Records (and meters) shall be made available for audit by the City or designated representatives of the City. In the case of a discrepancy, Permittee shall promptly pay, in cash, all additional rates, fees, and charges due the City, plus annual interest, calculated daily, on the unpaid balance at the lesser of 18% or the maximum rate allowable by law from the date originally due.

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9.5 Design and Operating Standards

Each Permittee intending to self-fuel and/or self-service their aircraft shall comply with the following standards, codes, and requirements applicable to self-fueling service and self-service aircraft servicing, as may be amended or updated from time to time:

- National Fire Protection Association (NFPA) 407, "*Standard for Aircraft Fuel Servicing*"
- FAA Airport Circular AC 150/5230-4A, "*Aircraft Fuel Storage, Handling and Dispensing on Airports*"
- FAA Advisory Circular 00-34A "*Aircraft Ground Handling and Servicing*"
- Applicable State of New Hampshire requirements, and City of Concord Land Development Regulations, as well as City Building and Fire Codes, as may be amended from time to time
- Develop, maintain, and fully comply with an approved and current SPCC Plan, which must be fully consistent with City's SPCC plan.
- Develop, maintain, and fully comply with an approved and current Standard Operating Procedures (SOP) and Emergency Response Plan
- All employees involved in fueling and line services must successfully complete fuel handling, training, and licensing requirements, including NH Department of Environmental Services Underground Storage Tank (UST) Training and Certification

All facilities and improvements constructed, leased, or operated by the Permittee shall also be in full compliance with Section 3, above. Permittee's security system must fully comply with the City's specifications and requirements.

9.6 Fuel Products and Hours of Operation

Permittee shall acquire, store, and dispense only fuel and other products that comply with appropriate federal and state standards and guidelines. Permittee is not subject to minimum number of hours of operation or times of operation. However, Permittee must operate in accordance with any procedures or limitations established by the City.

9.7 Fuel Storage

If Permittee installs and operates its own fuel storage facilities, it shall arrange and demonstrate to the City, to the City's satisfaction, that satisfactory arrangements have been made for the delivery and storage of fuel in fuel storage tanks located on the Permittee's leasehold area, and approved by the City. Permittees shall lease sufficient land to install adequate fuel storage facilities, including vehicle access, parking, setbacks, etc., as may be required, in the designated fuel storage area approved by the City. Permittee shall ensure that all fuel storage facilities are in full compliance with all applicable federal, state, and city regulations, ordinances, and guidelines. Permittee shall construct, install, or lease fuel storage facilities of sufficient capacity to ensure that deliveries by the fuel supplier (wholesale) ground vehicles are limited to a reasonable number.

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Permittee shall adopt and maintain a current spill prevention controls and countermeasures plan in accordance with applicable federal, state, city, and City laws, rules and regulations, which shall be consistent with the City's current SPCC Plan.

Permittee shall develop and maintain Standard Operating Procedures (SOP) and Emergency Plan for fueling and ground handling. Permittee's SOP shall include a training plan, fuel quality assurance procedures, record keeping, best management practices, Airport security procedures, and emergency response procedures for fuel fires and spills. Permittee's SOP shall also address bonding and fire protection; public protection; control of access to fuel storage facilities and vehicles; and marking and labeling of fuel storage tanks and refueling vehicles. Permittee's SOP shall be submitted to the City for review, comment, and approval.

9.8 Hours of Activity

No minimum hours of operation are required for this particular service. However, the Permittee shall have management personnel available on an on-call basis at all times in order to respond to requests from government agencies, as well as emergency response, with Permittee response time not to exceed 60 minutes.

9.9 Permittee Liability and Responsibility

Permittee shall be liable and indemnify the City for all leaks, spills, or other damage that may result through the handling and dispensing of fuel and/or other products. Permittee shall be liable and responsible for all cleanup and remediation activities and costs that may be required by federal, state, and city agencies. Permittee shall be responsible for ensuring that all fuel delivered shall be clean, bright, pure, and free of microscopic organisms, water, or other contaminants.

9.10 Fueling Equipment

The Permittee shall provide proper fuel dispensing equipment to service aircraft, including mobile fuel dispensing trucks to service owner's aircraft based at the Airport. In addition, Permittee shall have available all equipment necessary for the collection of any fuel spill or dispersal of other contaminants. If more than one grade of fuel is dispensed, separate dispensing pumps for each grade of fuel are required. Fuel may only be stored in approved storage tanks. All fuel handling and storage facilities, equipment and procedures shall strictly comply with all applicable federal, state, city and local laws, rules and regulations, including without limitation, the most current rules and regulations promulgated by the federal, state, and city agencies.

9.11 Personnel

All fueling personnel shall be properly trained and qualified to perform their duties. Records of successful completion of said training, including certificates, etc., shall be maintained by the Permittee, and submitted to the City. All fueling personnel shall document that they have received appropriate training in, and are fully familiar with, all pertinent Airport operating rules and regulations, in particular those dealing with Airport access; Airport security; emergency response; communications; and any other information required by the City. Permittee is

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responsible for ensuring and documenting that all fueling personnel have successfully completed the appropriate background and security checks as required by the City, FAA, and TSA, and that all personnel have received the appropriate badges and/or any other approvals from the City that may be required to access the Permittees fuel tank(s) and aircraft on the Airport.

9.12 Insurance

The Permittee shall carry and maintain throughout the term of their lease, permit, or agreement with the Airport the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

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MINIMUM STANDARDS AND PROCEDURES
FOR CONCORD, NEW HAMPSHIRE
MUNICIPAL AIRPORT

**MINIMUM STANDARDS AND PROCEDURES FOR CONCORD, NEW HAMPSHIRE
MUNICIPAL AIRPORT**

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**MINIMUM STANDARDS AND PROCEDURES FOR CONCORD, NEW HAMPSHIRE
MUNICIPAL AIRPORT**

SECTION 1. PURPOSE, INTENT AND REQUIREMENTS

- 1.1 The purpose of these Standards and Procedures is: to allow for the establishment and orderly development of a sound economic base upon which the Airport will thrive and experience a stable growth pattern; to insure that the public receives reliable, safe, adequate and non-discriminatory service from Operators conducting commercial activities at or from the Airport; to insure that Operators conducting aeronautical activities at the Airport receive fair, equitable and non-discriminatory treatment as compared to others conducting the same or similar activities at the Airport; and to permit, consistent with the foregoing, the public to establish non-commercial leaseholds at the Airport for aeronautical purposes as, for example, the construction or purchase of individual aircraft storage.
- 1.2 The intent herein is to categorically identify those minimum standards and procedures by which all persons, firms or other legal entities conducting commercial (revenue producing) or non-commercial aeronautical or non-aeronautical activities at the Airport shall conduct their respective operations.
- 1.3 The requirements set forth in these Standards and Procedures are intended to ultimately protect the public health, safety and other interests; and, to foster and promote the continued development of the Airport in a safe and efficient manner.
- 1.4 Any provisions contained herein to the contrary notwithstanding, it is not intended that these Standards and Procedures be applicable to a scheduled or certificated or scheduled commuter airlines operating under FAR Part 121 or 135 and such are specifically exempted from these Minimum Standards and Procedures.

SECTION 2. IMPLEMENTATION AND APPLICATION

- 2.1 The implementation and application of these Standards and Procedures shall be accomplished by the City of Concord, through its City Manager.
- 2.2 These Standards and Procedures shall be published and appended to all current lease and operating agreements and shall be considered a part of all lease and operating agreements which the City of Concord may enter into relating to Concord Municipal Airport.

- 2.3 Any person, firm or legal entity wishing to become an Operator or a Non-Operator Tenant on the Airport shall make written application to the Owner in the manner and form prescribed herein and as may be further prescribed by the Owner. In every case the Applicant shall submit the following information, as applicable:
- a. Applicant's legal name and address.
 - b. Applicant's primary business.
 - c. Applicant's express purpose in applying to become an Operator or a Non-Operator Tenant on the Airport.
 - d. Applicant's express intent for utilization of land and facilities to be occupied and the services, if any, intended to be provided to the public.
 - e. Applicant's estimate of costs to be incurred for the development and improvement of the leasehold applied for.
 - f. Applicant's schedule for commencement of lease term and construction and operation of leasehold improvements.
 - g. Applicant for Operator shall provide qualified references attesting to his financial responsibility and technical ability as related to his proposed business.
 - h. Applicant shall provide, prior to commencement of leasehold, the names and addresses of personnel responsible for the security and day-to-day use of the leasehold. Applicant for Operator shall provide additionally, prior to commencement of operation, the names, addresses and qualifications of those key (management) personnel who will be involved with the day-to-day operation of the business intended.
 - i. Applicant for Operator shall, when the Owner deems it necessary, provide a paved taxiway to accommodate aircraft movement from the Operator's facilities to the existing Airport taxiway system.

**SECTION 3. GLOSSARY OF TERMS-FOR THE PURPOSES OF THIS DOCUMENT
CERTAIN TERMS AND WORDS SHALL BE INTERPRETED AS FOLLOWS:**

- 3.1 Owner, the City of Concord.
- 3.2 Airport, the land, and developments designated by the City as Concord Municipal Airport shall include, but not necessarily be limited to, all runways, taxiways, rights of way, control tower(s), ramps, aprons, aircraft and vehicle parking improvements, utilities, facilities or other real property designated by the City as part of the Airport.
- 3.3 Aircraft, any and all contrivances now or hereafter used for the navigation of, or flight in air or space, including but not necessarily

limited to airplanes, airships, dirigibles, helicopters, gliders, amphibians and sea planes.

- 3.4 Applicant, a person, firm, or legal entity desiring to acquire use of a portion of the Airport, to establish or use any facility on the Airport for any aeronautical activity or other purpose, or to operate Through The Fence; and who shall apply in writing in the manner and form prescribed for the right to do so.
- 3.5 Operator, a person, firm, or legal entity who has applied for and received written permission to engage in a commercial activity, on or from the Airport; and, has entered into and executed the required lease and operating agreement. An Operator shall in all cases be a Tenant or an approved Through The Fence Operator, and the term Operator as used throughout these Standards and Procedures shall include both Tenant Operators and Through The Fence Operators.
- 3.6 Tenant, a person, firm or legal entity who has applied for and received written permission to establish a leasehold at the Airport whether for commercial activity or not. The term Tenant as used throughout these Standards and Procedures shall include Operators, except Through The Fence Operators, and Non-Operator Tenants.
- 3.7 Commercial Activity, any on-going activity conducted at, on, or from the Airport, offered to the public or part thereof, and intended to result in monetary gain. Use of the Airport by a business for its own purposes, such as basing of corporate aircraft, would not constitute commercial activity in the sense of the term as used in these Standards and Procedures.
- 3.8 Aeronautical Activities, any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.
- 3.9 Standard Construction Specifications, shall include, but not necessarily be limited to:
- a. Federal Aviation Administration "Standards for Specifying Construction of Airports."
 - b. All other applicable Federal, State, Local and Owner building codes or other rules and/or regulations controlling construction on public Airports.
- 3.10 A Fixed Base Operator, hereafter referred to as "FBO", shall be any Operator located on the Airport and performing any one or more of the following "FBO" categories and functions:
- a. FBO, Category I, Fuel Sales: this Operator shall provide line services to include the sale and into-plane delivery of recognized brands of aviation fuels, lubricants and other related aviation petroleum products. This FBO function shall include, in addition to the above, the necessary ramp assistance in the parking of such aircraft as may require the above services.

- b. FBO, Category II, Flight Instruction: this Operator shall provide flight training and instruction of pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provide such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the category or categories of pilot's licenses and ratings involved.
- c. FBO, Category III, Aircraft Charter and Air Taxi: this Operator shall be engaged in the business of providing air transportation (person or property) to the general public for hire, either on a charter basis (Commercial Operations) as defined in the Federal Aviation Act and FAR Part 135 as amended or replaced, or otherwise.
- d. FBO, Category IV, Aircraft Sales: this Operator shall be engaged in the sale of new or used aircraft through franchises, licensed dealerships or distributorships (either on a retail or wholesale basis) or otherwise; and provide such repairs, services, and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by him.
- e. FBO, Category V, Aircraft Rentals: this Operator shall be engaged in the rental of Aircraft (fixed or rotary wing) for operation by student pilots or other pilots not employed by the Operator.
- f. FBO, Category VI, Aircraft Airframe and Powerplant Repair and Maintenance: this Operator shall be engaged in the maintenance and repair of airplanes, power plants, propellers and accessories, and shall employ at least one person currently certificated by the FAA with ratings appropriate to the work being performed. This category shall include the sale of aircraft parts and accessories.
- g. FBO, Category VII, Aircraft Painting and Repair of Interiors: this Operator shall be engaged in the business of providing a shop for either or both the painting of aircraft and the repair, rehabilitation, or renovation of aircraft interiors.
- h. FBO, Category VIII, FAA Authorized Repair Station for Avionic Sales and Service: this Operator shall be engaged in the business of and providing a shop for the repair of aircraft radios, instruments, and accessories for general aviation aircraft. This category shall include the sale of new or used aircraft radios, instruments, and accessories.
- i. FBO, Category IX, Aircraft Parking and Storage: this Operator shall be engaged commercially in the business of either or both the temporary and permanent parking or storage of aircraft at the Airport.
- j. FBO, Category X, Specialized Commercial Flying Services: this Operator shall be engaged in the air transportation for hire for the purpose of providing the use of aircraft for the following

activities:

1. Nonstop sightseeing flights that begin and end at the same Airport.
 2. Cropdusting, seeding, spraying, and bird chasing.
 3. Banner towing and aerial advertising.
 4. Aerial photography or survey.
 5. Fire fighting.
 6. Power line or pipe line patrol.
 7. Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.
- k. FBO, Category XI, Ultralights: this Operator shall be engaged in sales, service, rental and operations of Ultralight Vehicles.
- l. FBO, Category XII, Multiple Services: this Operator shall be engaged in any two (2) or more of the FBO categories hereinbefore defined.

3.11 Leasehold Improvements, shall include, but not necessarily be limited to any modification, alterations or repairs, either of a structural or architectural nature, performed by the Tenant at his sole cost and expense. Any such improvements shall be accomplished only after the Owner has approved the Tenant's written application requesting same. In all instances, unless provided otherwise in the lease or operating agreement, upon the termination or natural expiration of a lease or operating agreement, title to such improvements shall revert to and vest with the Owner, at the option of the Owner.

3.12 Ultralight Vehicle: any vehicle as defined in SECTION 103.1 of Federal Aviation Regulations Part 103.

SECTION 4. STATEMENT OF POLICY

- 4.1 It is the policy of the Owner to grant leases, operating rights, or a combination of leases and operating rights on the Airport to those qualified Applicants who have duly made application in the manner and form prescribed.
- 4.2 Upon the consideration of the Applicant, the Owner shall determine whether or not the Applicant meets the standards and qualifications as herein set out and whether or not such application should be granted in whole or in part, and if so, upon what terms and conditions.

- 4.3 It is the Owner's intent to have prepared, and make available, an Airport Layout Plan which will be a scaled, dimensional layout of the entire Airport property, indicating in general current and proposed usage for commercial and noncommercial uses.
- 4.4 All present Tenants and Operators conducting operations on the Airport prior to the effective date of these Standards and Procedures may be allowed to continue operations without fully complying with the portions of these Standards and Procedures relating to the number of categories and to the physical requirements of land and buildings so long as the Owner determines that the continuation of such an operation is in the public interest and does not conflict with any FAA requirement, or if the Owner determines that it would be an extreme hardship, financial or otherwise, for such an Operator to fully comply with said portions of these Standards and Procedures. When an existing lease of any present Tenant, who in accordance with this sub-section is not made to fully comply with these Standards and Procedures, expires, such Tenant shall at the time of expiration of such existing lease be required to comply as nearly as possible with all the provisions of these Standards and Procedures.
- 4.5 All Applicants shall meet the Standards recited herein which pertain to their respective categories.
- 4.6 It is the intent of the Owner to examine each Applicant's qualifications. Each Applicant shall be responsible to provide satisfactorily evidence to the Owner of his respective technical ability and financial responsibility, including the capability to meet the insurance requirements as stated herein.
- 4.7 The Owner may review these Standards and Procedures from time to time and may enact such revisions or amendments as shall be deemed necessary properly to protect the health, safety and interest of the public. Upon enactment of such amendments, all Operators and Tenants shall be required to conform to such amended standards.
- 4.8 In addition to the requirements of the FAA, the Owner may establish and implement such rules and regulations as may be required for the (i) safe and orderly operation of the Airport (ii) the safe and orderly operation of aircraft in the Airport traffic area and airspace surrounding the Airport, and (iii) the safe and orderly operation of aircraft on the ground.
- 4.9 A person, firm or legal entity shall not act as an Operator or Tenant or conduct any commercial activity of any kind or nature whatsoever on the Airport until such time as that person, firm or legal entity has (i) applied for and received permission to so act, and (ii) has entered into and executed a lease or lease and operating agreement with the Owner. Each successful Applicant shall, within thirty (30) business days after having received written approval of his application, be ready, willing and able to enter into a written lease or lease and operating agreement with the Owner, in a form and manner prescribed by the Owner. In the case of an air charter operation which is not based at the Airport but which operates to and from the Airport, the

payment of all applicable landing, parking or other levied fees by the non-based air charter operation shall be deemed sufficient to meet the requirements of this paragraph.

- 4.10** Rights and privileges granted under these Standards and Procedures shall not be exclusive.
- 4.11** It is the intention of the Owner to enter into and execute a lease or lease and operating agreement with the approved Applicant as soon as possible after such application is approved.
- 4.12** No applications approved or lease or operating agreement executed under these Standards and Procedures shall be transferrable, nor shall any sublease be executed, without the prior written consent of the Owner. Sale of the majority of the voting stock of a corporation shall be deemed a transfer to which consent cannot unreasonably be withheld.
- 4.13** All lease and operating agreements shall contain a covenant reciting the Operator's or Tenant's obligation to pay an amount for the annual rental of agreed space.
- 4.14** With regard to land having access to the Airport runway/taxiway system, it is the intent of the Owner to restrict the amount of land leased to any Operator or Tenant to the minimum area reasonably required for the specific aviation purposes which the Operator or Tenant agrees to conduct on the leased premises within two (2) years of the effective date of the lease. The Owner will reserve in each lease the right to terminate the rights of any Operator or Tenant on any leasehold, or any portion thereof, on which the Operator or Tenant has not made agreed improvements or conducted an agreed activity within the two years.
- 4.15** Each Operator shall provide within the lease area adequate auto parking space to accommodate all of the Operator's employees and customers and provide a paved walkway to accommodate pedestrian access to the Operator's office and facilities.
- 4.16** Through The Fence Operation activities are authorized in accordance with City Council Resolution #5665, dated April 11, 1983, and are subject to Standards established in Section 17.

SECTION 5. STANDARDS AND PROCEDURES FOR PBO - CATEGORY I - FUEL SALES

- 5.1** The Operator shall lease from the Owner an area of not less than 40,000 square feet of ground space on which shall be erected a building to provide at least 5,000 square feet of floor space for aircraft storage and maintenance and at least an additional 1,000 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

The Operator shall provide a paved aircraft apron and a paved taxiway

within and without the leased area to accommodate aircraft movement from the Operator's facilities to the existing Airport taxiway system.

- 5.2 The Operator shall provide at least two ten thousand gallon fuel storage tanks at the Airport and maintain an adequate supply, if available, of aviation gas in one tank and jet fuel in the other. If in the judgement of the Owner, public demand requires it, the Operator shall provide a third ten thousand gallon fuel storage tank and maintain in it an adequate supply of a second grade of aviation gas at all times. The Operator shall provide metered, filter-equipped dispensers, fixed or mobile, for dispensing required grades of fuel. Separate dispensing pumps and meters are required for each grade of fuel.

The Operator shall provide such minor repair service that does not require a certificated mechanical rating, and cabin services, to general aviation aircraft as can be performed efficiently on the ramp or apron parking area, but only within the premises leased to the Operator.

The Operator shall procure and maintain tools, jacks, and such equipment as necessary to provide for aircraft towing, repairing and inflating aircraft tires, servicing oleo struts, changing engine oil, washing aircraft and aircraft windows and windshields, and for recharging and energizing aircraft batteries and starters. All equipment shall be maintained and operated in accordance with Federal, State and Local requirements

- 5.3 In conducting refueling operations, every Operator shall install and use adequate grounding facilities at fueling locations to eliminate the hazards of static electricity and shall provide fire extinguishers or other equipment, approved by the National Fire Protection Association, of such types and in such numbers as are commensurate with the hazards involved in refueling and servicing aircraft.
- 5.4 The Operator shall provide for the adequate and sanitary handling and disposal, away from the Airport, of all trash, waste, and other materials, including but not limited to used oil, solvents, and other waste. The piling or storage of crates, boxes, barrels, and other containers will not be permitted within the leased premises.
- 5.5 The Operator shall have the premises open for aircraft fueling and oil dispensing service during daylight hours seven (7) days a week. The Operator shall make provision for such service during hours of darkness on a call basis.
- 5.6 The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner. Said personnel shall be trained in operating the fire fighting equipment specified in 5.3 above.

SECTION 6. STANDARDS AND PROCEDURES FOR FBO - CATEGORY II - FLIGHT INSTRUCTION

- 6.1 The Operator shall lease from the Owner an area of not less than

40,000 square feet of ground space and on which shall be erected a building to provide at least 5,000 square feet of floor space for aircraft storage and at least an additional 1,000 square feet of floor space for office, classroom, briefing room, pilot lounge and rest rooms, which shall be properly heated and lighted, and shall provide telephone facilities for customer use.

- 6.2 The Operator shall have available for use in flight training, aircraft either owned or under written lease to Operator. The aircraft shall be equipped consistent with the types of flight instruction offered.
- 6.3 The Operator shall provide adequate mock-ups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction.
- 6.4 The Operator shall have a flight instructor who is properly and currently certificated by the Federal Aviation Administration to provide the types of training offered.

SECTION 7. STANDARDS AND PROCEDURES FOR FBO - CATEGORY III - AIRCRAFT CHARTER AND AIR TAXI

- 7.1 The Operator shall lease from the Owner an area not less than 40,000 square feet of ground space on which shall be erected a building to provide at least 5,000 square feet of floor space for aircraft storage and at least an additional 1,000 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted, and shall provide telephone facilities for customer use. The Operator shall provide adequate auto parking space within the leased area to accommodate all of the Operator's employees and customers.
- 7.2 The Operator shall provide, either owned or under written lease to Operator, not less than one (1) four-place aircraft which must meet the requirements of the air taxi commercial Operator certificate held by the Operator, including instrument operations.
- 7.3 The Operator shall provide on-call service on a 24 hour basis.
- 7.4 The Operator shall have in his employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than at least one (1) pilot appropriately rated by Federal Aviation Administration to permit the flight activity offered by the Operator.

SECTION 8. STANDARDS AND PROCEDURES FOR FBO - CATEGORY IV - AIRCRAFT SALES

- 8.1 The Operator shall lease from Owner an area of not less than 40,000 square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at least 5,000 square feet of floor space for aircraft storage, and at least an additional 1,000 square feet of floor space for office, customer lounge, and rest rooms, which shall be properly heated and lighted,

and shall provide telephone facilities for customers use.

- 8.2 An Operator shall not sell new aircraft unless he has a sales or distributorship franchise from a recognized aircraft manufacturer of new aircraft or is operating under a written agreement with a distributor or sales franchisee.
- 8.3 The Operator shall provide necessary and satisfactory arrangements for repair and servicing of aircraft, but only for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a repair shop Operator at the Airport. The Operator shall provide an adequate inventory of spare parts for the type of aircraft for which sales privileges are granted.
- 8.4 The Operator shall provide current, up-to-date specifications and price lists for types and models of aircraft sold.
- 8.5 The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner, but never less than one (1) person having a current, private pilot certificate and minimum hour requirement as specified by FAA for type and category of aircraft to be demonstrated for sale.

SECTION 9. STANDARDS AND PROCEDURES FOR FBO - CATEGORY V - AIRCRAFT RENTALS

- 9.1 The Operator shall lease from the Owner an area not less than 40,000 square feet of ground space on which shall be erected a building to provide at least 5,000 square feet of floor space for aircraft storage and at least an additional 1,000 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted, and shall provide telephone facilities for customer use.
- 9.2 The Operator shall have available for rental, either owned or under written lease to Operator, properly certificated and currently airworthy aircraft.
- 9.3 The Operator shall have on hand, at all times, proper check lists and operating manuals for each and every aircraft available for rental.
- 9.4 The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner, but never less than one (1) person having a current, effective FAA private pilot certificate with single-engine rating and instructor rating.

SECTION 10. STANDARDS AND PROCEDURES FOR FBO - CATEGORY VI - AIRCRAFT AIRFRAME AND POWERPLANT REPAIR AND MAINTENANCE

- 10.1 The Operator shall lease from the Owner an area of not less than 40,000 square feet of ground space on which shall be erected a

building to provide at least 5,000 square feet of floor space for airframe and power plant repair services, including sufficient hangar space to provide housing for any aircraft being serviced, all meeting with Federal, Local, and State industrial code requirements and at least an additional 1,000 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft awaiting repair or maintenance or delivery after repairs have been completed, and a paved taxiway to provide for aircraft movement from the Operator's facilities to the existing Airport taxiway system.

- 10.2 The Operator shall provide adequate shop space to house all equipment, and shall keep on hand at all times adequate equipment and machine tools, jacks, lifts and testing equipment to perform top overhauls as required for the Federal Aviation Administration certification on all single engine land and light multi-engine land general aviation aircraft.

It is understood that the required major machine shop work involved in the top overhaul procedure on such aircraft may be subcontracted by the Operator to a major FAA repair station. However, Operator shall provide personnel properly licensed in accordance with Section 10.4 below capable of preparing the engine components for shipment to the subcontractor and to reconstruct the engine when the components are returned. Said personnel are to be capable of certifying the completed overhaul in accordance with FAA requirements.

- 10.3 The Operator shall have the premises open and services available eight (8) hours daily, five (5) days each week.

- 10.4 The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner, but never less than one (1) person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed and who holds an airframe, power plane or an aircraft inspector ratings, and one (1) other person not necessarily rated.

SECTION 11. STANDARDS AND PROCEDURES FOR FBO - CATEGORY VII - AIRCRAFT PAINTING AND/OR REPAIR OF INTERIORS

- 11.1 The Operator shall lease from the Owner an area of not less than 40,000 square feet of ground space on which shall be erected a building to provide at least 5,000 square feet of floor space to hangar at least two (2) aircraft; to house all equipment, supplies and materials; and to provide an office, customer lounge and rest rooms, all properly heated and lighted; and shall provide telephone facilities for customer use. If applicable, a segregated painting area meeting all Federal, State and Local code requirements shall be

provided within said building.

The Operator shall provide a paved walkway within the leased area to accommodate aircraft waiting repair or maintenance or delivery after repairs have been completed.

- 11.2 The Operator shall have in his employ, and on duty during the specified business hours, appropriate trained personnel in such numbers as are required to meet the minimum standards set forth for this category in an efficient manner.

SECTION 12. STANDARDS AND PROCEDURES FOR FBO - CATEGORY VIII - FAA AUTHORIZED REPAIR STATION FOR AVIONIC SALES AND SERVICE

- 12.1 The Operator shall lease from Owner an area of not less than 20,000 square feet of ground space on which shall be erected a building to provide at least 1,000 square feet of floor space to hangar at least one (1) aircraft, to house all equipment, and to provide an office, shop, customer lounge and rest rooms, all properly heated and lighted; and shall provide telephone facilities for customer use.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft awaiting repair or maintenance or delivery after repairs have been completed.

- 12.2 The Operator shall have the premises open and services available a minimum of 40 hours a week.
- 12.3 The Operator shall have in his employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than one (1) person who is a Federal Aviation Administration rated repair technician.

SECTION 13. STANDARDS AND PROCEDURES FOR FBO - CATEGORY IX - AIRCRAFT PARKING AND STORAGE

- 13.1 The Operator shall lease from the Owner an area of not less than 20,000 square feet of ground space for aircraft parking and storage and other uses in accordance with the services to be offered, and on which shall be erected a minimum of five (5) "T" hangars, or a single, large storage hangar or multi plane hangar with a total of not less than 5,000 square feet of floor space.

SECTION 14. STANDARDS AND PROCEDURES FOR FBO - CATEGORY X - THE CONDUCT OF SPECIALIZED COMMERCIAL FLYING SERVICES

- 14.1 The Operator shall lease from the Owner an area of not less than 40,000 square feet of ground space on which shall be erected a building to provide at least 5,000 square feet of floor space for aircraft and other storage and at least an additional 1,000 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

In the case of crop dusting, aerial application, or other commercial use of chemical, Operator shall provide a centrally drained, paved area of not less than 2,500 square feet for aircraft loading, washing and servicing. Operator shall also provide for the safe storage and containment of noxious chemical materials. Such facilities will be in a location on the Airport which will provide the greatest safeguard to the public.

- 14.2 The Operator shall provide and have based on his leasehold, either owned or under written lease to Operator, not less than one (1) aircraft which will be airworthy, meeting all the requirements of the Federal Aviation Administration and applicable regulations of the State of New Hampshire with respect to the type of operations to be performed.

In the case of crop dusting or aerial application, Operator shall provide tank trucks for the handling of liquid spray and mixing liquids. Operator shall also provide adequate ground equipment for the safe handling and safe loading of dusting material.

- 14.3 The Operator shall provide, by means of an office or a telephone, a point of contact for the public desiring to utilize Operator's services.

- 14.4 The Operator shall have in his employ, and on duty during appropriate business hours, trained personnel and such numbers as may be required to meet minimum standards herein set forth in an efficient manner, but never less than one (1) person holding a current Federal Aviation Administration commercial certificate, properly rated for the aircraft to be used and the type of operation to be performed and one (1) other person to assist in the loading and servicing of aircraft.

SECTION 15. STANDARDS AND PROCEDURES FOR FBO - CATEGORY XI - ULTRALIGHT OPERATIONS

- 15.1 The Operator shall lease from the Owner, or sublease from another Operator with the written approval of the Owner, an area of suitable size for storage, maintenance and assembly, with an area of not less than 300 square feet to be used as an office for Ultralight Operations and to include properly heated and lighted restrooms and telephone facilities for customer use. The Operator shall also construct and maintain a 500 foot runway at a location approved by the Owner and the FAA.
- 15.2 The Operator is hereby authorized to collect a Landing Fee. Fees shall apply to all full stop Ultralight vehicle landings. The amount of the fee charged shall be established in the lease or operating agreement between the Owner and the Operator.
- 15.3 The Operator shall have an Ultralight available for use in flight training, either owned or under written lease to Operator. The Ultralight shall be equipped consistent with the types of flight instruction offered.

- 15.4 The Operator shall require all Ultralight Pilots, examiners, and vehicles to be registered with the FAA approved AOPA Air Safety Foundation Ultralight registration programs. The vehicles shall be marked in accordance with ASF's program. Registration with any other Ultralight safety program will only be accepted after FAA approval.
- 15.5 An Operator may sell new Ultralight vehicles if he has a sales or distributorship franchise from a recognized Ultralight manufacturer.
- 15.6 The Operator shall provide necessary and satisfactory arrangements for repair and services of Ultralight vehicles. Servicing facilities maybe provided through written agreement with a repair shop Operator at the Airport.
- 15.7 The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner.

SECTION 16. STANDARDS AND PROCEDURES FOR FBO - CATEGORY XII -MULTIPLE SERVICES

- 16.1 The Operator shall lease from the Owner ground space at least equal in area to the highest of the minimum square footage requirements set forth for the several services to be provided. A building shall be erected on the leased area, and such building shall at least meet the largest of the minimum floor area requirements for the several services to be provided. The Owner reserves the right to require the leased area and/or building floor space to be greater than the aforementioned minimum if, in the Owner's opinion, such increased requirements are necessary or desirable to properly accommodate the multiple services to be provided. In no case will the Owner require the leased land area to be greater than the sum of the requirements for same as specified for the several services to be provided.
- 16.2 If Flight Instruction is one of the multiple services offered, the Operator shall provide classroom and briefing room facilities in the aforementioned building.
- 16.3 If crop dusting, aerial application, or other commercial use of chemicals are part of the multiple services offered, the Operator shall provide a centrally drained, paved area of not less than 2,500 square feet for aircraft loading, washing and servicing. Operator shall also provide for the safe storage and containment of noxious chemical matters. Such facilities will be in a location of the Airport which will provide the greatest safeguard to the public.
- 16.4 The Operator shall provide a paved aircraft apron within the leased area.
- 16.5 The Operator shall comply with the aircraft requirements set forth herein for each aeronautical service to be provided.

- 16.6 Multiple uses may be made of all aircraft except aircraft used for crop dusting, aerial application, or other commercial use of chemicals.
- 16.7 The Operator shall provide the equipment and services required to meet the minimum standards as hereinbefore provided for each aeronautical service the Operator is performing.
- 16.8 The Operator shall adhere to the hours of operation required for each aeronautical service being performed.
- 16.9 The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards for each aeronautical service Operator is performing as hereinbefore provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the Operator, except such multiple responsibilities may not be assigned to a Federal Aviation Administration certificated radio repair station or aircraft repair shop personnel.

SECTION 17. STANDARDS AND PROCEDURES FOR THROUGH THE FENCE OPERATIONS

- 17.1 An Operator who wishes access to the Airport to facilitate his performing one or more of the listed FBO Categories and functions from his property contiguous to the Owners land shall establish the same facilities as required by all FBO's offering the same service.
- 17.2 The Operator shall apply to Owner for permission to conduct Through The Fence operation. Before permission is granted, the Operator must secure all required approvals and licenses from Federal, State and Local Agencies.

SECTION 18. STANDARDS AND PROCEDURES FOR NON-OPERATOR TENANTS

- 18.1 The Owner recognizes the need or reasonable preference of potential Non-Operator Tenants to lease land for non-commercial aeronautical purposes, and, to the extent compatible with orderly commercial development, intends, through its Airport Layout Plan and as otherwise appropriate, to make land available either for lease exclusively by Non-Operator Tenants or for lease either by Operators or Non-Operator Tenants (as potentially, for example, in the case of land designated for aircraft storage).
- 18.2 The Non-Operator Tenant shall be permitted to lease the minimum amount of land needed for such Tenant's aeronautical purposes, consistent with the Airport Layout Plan, these Standards and Procedures, and other applicable law and regulation. The standards of construction and maintenance of structures shall be reasonable, shall be consistent with the plan and purpose of the Airport and the needs of the Tenant, and shall be agreed in writing between the Owner and the Tenant.

SECTION 19. STANDARDS AND PROCEDURES FOR AUTOMOBILE RENTAL OPERATORS

- 19.1 Any person, firm or other legal entity wishing to provide automobile rental at the Airport shall make application to the Owner in the manner hereinbefore prescribed. No automobile rental business shall be conducted on the Airport except in the Terminal Building. The Operator shall lease not less than twenty-five (25) square feet of space in the Terminal Building from the Owner for the sole purpose of operating his automobile rental business.
- 19.2 The Operator shall have available, either at the Airport or at a reasonably proximate off-Airport location, a reasonable number of passenger vehicles for rental. Said vehicles shall not be used as taxicabs, nor shall they be used as chauffeur-operated vehicles from the Airport to points within Merrimack County. The Operator shall provide prompt, convenient transportation for all of Operator's automobile rental customers to convey said customers to and from the location where Operator's rental vehicles are stored, unless the vehicle is being picked-up or dropped-off by the customer at a parking space not more than 1,000 feet from the Terminal Building.
- 19.3 The Operator shall lease from the Owner a minimum of two (2) ready car spaces in Owner's vehicle parking lot at the Terminal Building. Said ready car spaces shall be for the sole use of the Operator for the return of rental cars by customers. The Operator shall not store rental vehicles in the Owner's parking lots or elsewhere on the Owner's property except in the ready car spaces or in other areas specifically leased to Operator.
- 19.4 The Operator shall furnish, install and maintain one (1) sign, advertising Operator's automobile rental business, in the area leased to Operator in the Terminal Building. The location, design, and character of said sign shall be subject the Concord Zoning Ordinance. The sign shall not include any advertisement of Operator's automobile rental rates or charges.
- 19.5 The Operator shall obtain, and maintain at all times, insurance policies of the types and in the amounts required by the Owner.
- 19.6 The Operator shall furnish, install and maintain small signs, acceptable to the Owner, at the ready car spaces leased to Operator for the purpose of restricting the use of such spaces to the Operator.
- 19.7 The Operator shall keep his automobile rental business open for such periods each day and on such days of each week throughout the year, as may be required by Owner to meet reasonable demands for the services provided by Operator.

SECTION 20. STANDARDS AND PROCEDURES FOR FLYING CLUBS

- 20.1 The following requirements apply to all Flying Clubs desiring to base their aircraft on the Airport.

Each club must be a non-profit New Hampshire corporation or partnership or demonstrably affiliated with same. Each member must be bona fide owner of the aircraft or a stockholder in the corporation or, in the case of a parent corporation or institution, each member must be currently employed by or enrolled in same.

20.2 The club's aircraft will not be used by other than bona fide members for rental and by no one for hire, charter, or air taxi.

20.3 In the event that the club fails to comply with these conditions, the Owner will notify the club in writing of such violations. If the club fails to correct the violation in fifteen (15) days, the Owner may revoke the club's right to operate on the Airport.

SECTION 21. BASIC LEASE AND OPERATING AGREEMENT TERMS AND CONDITIONS

21.1 Operator covenants to conduct his business on the premises for the use and benefit of the public.

21.2 Operator shall furnish good, prompt, and efficient service adequate to meet all the demands for its service at the Airport.

21.3 Operator shall furnish said service on a fair, equal, and non-discriminatory basis to all users thereof.

21.4 Operator shall charge fair, reasonable, and non-discriminatory prices for each unit of sale or service but may make reasonable and non-discriminatory discounts, rebates, or other similar price adjustments to volume purchasers.

21.5 The Owner reserves the right to further develop or improve the landing area of the Airport as it sees fit, regardless of the desires or view of the Tenant, and without interference or hindrance.

21.6 Owner reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstruction, together with the right to prevent Tenant from erecting, or permitting to be erected, any building or other structure on the Airport which, in the opinion of the Owner, would limit the usefulness of the Airport or constitute a hazard to aircraft.

21.7 Any lease or operating agreement shall be subordinate to the provisions of any existing or future agreement between Owner and the United States, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of Federal funds for the development of the Airport.

21.8 Owner reserves the right but shall not be obligated to Tenant or Operator to maintain and keep in repair the landing area of the

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A Schedule of Minimum Insurance Requirements For Operators, Tenants and Through The Fence Operators shall be established by the City Manager. The City Manager may revise the schedule from time to time and shall apply its requirements in a uniform and nondiscriminatory manner. A copy of the current schedule shall be appended hereto. Each Operator, Tenant and Through The Fence Operator shall provide the types and amounts of insurance required by the Schedule. A Certificate of Insurance evidencing the same and the required coverage, including coverage for liability under 21.15 hereof, shall be delivered to the City Manager prior to the effective date of the Lease and Operating Agreement. The Certificate of Insurance shall also provide that the City Manager will be notified by the insurance company, in writing, thirty (30) days in advance of any cancellation of such insurance. Such insurance policies shall remain in force and effect during the term of the Lease and Operating Agreement and any renewal policies shall be filed with the Owner not less than thirty (30) days before the expiration date of such policies.

Airport and all publically owned facilities on the Airport, together with the right to direct and control all activities of Tenant or Operator in this regard.

- 21.9 The Tenant or Operator, his agents and employees will not discriminate against any person or class of persons by reason of age, race, color, religion, sex, handicap or national origin in providing any services or in the use of any of its facilities provided for the public, in any manner prohibited by Title 49, Part 21.5 of the Code of Federal Regulations.

The Tenant further agrees to comply with such enforcement procedures as the United States might demand that the Owner take in order to comply with the Sponsor's Assurances.

- 21.10 It is clearly understood by the Tenant or Operator that no right or privilege has been granted which would operate to prevent any person, firm or corporation operating aircraft on the Airport from performing any services by its own regular employees (including, but not limited to, maintenance and repair) that it may choose to perform outside of the premises of Tenant or Operator.
- 21.11 Landscaping of facilities is required. Each Tenant and Operator will be required to provide a plan for landscaping his area, to be approved by the Owner and maintained by the Tenant or Operator in a neat, clean and aesthetically pleasing manner.
- 21.12 Each Tenant and Operator shall provide for the adequate and sanitary handling and disposal, away from the Airport, of all trash, waste, and other materials, including, but not limited to, used oil, solvents, and other waste. The piling or storage of crates, boxes, barrels, and other containers will not be permitted within the Tenant's or Operator's premises.
- 21.13 All leasehold improvements by Operator or Tenant shall be made in strict conformance with the City Codes. All signs shall comply with the City's sign code.
- 21.14. Each Operator, Tenant and Through the Fence Operator shall provide the types of insurance in such amounts as may be required by law or rule of the Aeronautics Commission of the State of New Hampshire. The City of Concord shall be an additional named insured in any such policy, and a certificate of insurance evidencing the same and the required coverage shall be delivered to the City Manager prior to the effective date of the lease and operating Agreement. The certificate of insurance shall also provide that the City Manager will be notified by the insurance company, in writing, thirty (30) days in advance of any cancellation of such insurance. Such insurance policies shall remain in full force and effect during the term of the lease and operating agreement between the Tenant and the Owner, and any renewal policies shall be filed with the Owner not less than thirty (30) days before the expiration date of such policies.

SEE SCHEDULE ENTITLED MINIMUM INSURANCE REQUIREMENTS-
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- 21.15 Each Operator, Tenant, or Through the Fence Operator agrees to indemnify and hold harmless the Owner, its agents and employees against loss or expense, including attorney's fees, for damage because of bodily injury or on account of damage to property arising out of or in consequence of activities at the Airport.
- 21.16 No construction of any kind at the Airport shall be done without the prior written approval of the:
- a. Federal Aviation Administration.
 - b. New Hampshire Aeronautics Commission.
 - c. City of Concord Planning Board under Chapter 28-10, Large Scale Development and Chapter 28-11-6, Airport District of the Concord Zoning Ordinance.
 - d. City Manager certifying that a lease which conforms to the Concord Airport Master Plan is signed.
 - e. City of Concord Code Enforcement Director in the form of a Building Permit.
 - f. No construction shall be commenced that is not in conformity with the latest approved Master Layout Plan for the development of the Airport.
 - g. Once written approval has been granted, construction shall be completed within one (1) year of the date of such written approval.
- 21.17 The Operator agrees not to assign the lease or sublet the premises in whole or in part except with written permission of the Owner.
- 21.18 All ramp space not specifically leased to an Operator or Tenant shall be for general public use. An Operator or Tenant shall not be permitted the exclusive use of any portion of public ramp space or to use any of the public ramp space as a parking or tie-down area.
- 21.19 On thirty (30) days' written notice from the Owner, the current Operator or Tenant shall, at his own expense, remove all non-airworthy aircraft from the Airport unless Owner shall grant a waiver at the request of such Operator or Tenant. This provision is set forth herein for insurance purposes.
- 21.20 In the event of any conflict between these Basic Lease and Operating Agreement Terms and Conditions or any other provisions of these Standards and Procedures and the terms of any lease and operating agreement executed pursuant thereto, the terms of the lease and operating agreement shall be controlling provided they are not less stringent than those set forth herein.

21.21 Nothing in these Standards and Procedures shall be construed to confer an exclusive privilege or right to do business on the Airport, even though an existing agreement between the Owner and Tenant may purport to do so. Any subsequent grant of Federal funds, administered by the FAA, requires the Owner to agree not to permit the establishment of an exclusive right to engage in any aeronautical activities in the future and to terminate any existing agreement which permits such an exclusive right as soon as possible.

SECTION 22. FEES

22.1 The collection is hereby authorized of a fuel flowage fee by the Owner from all parties dispensing aviation fuel at the Airport. The fuel flowage fee shall be paid to the Owner in the method described as follows: The wholesale cost shall be the price which the Category I, FBO pays for this fuel from a supplier. At the end of each calendar month the FBO dispensing aviation fuel at the Airport shall submit copies of his delivery slips for that month. Flowage fee shall be determined periodically between FBO and Owner. Flowage fee shall be paid to the Owner by the FBO, 60 days after each monthly purchase summary is reported to the Owner.

22.2 When the Concord Airport Advisory Committee determines that additional Airport fees are appropriate, it will recommend such fees to the City Council for their consideration.

SECTION 23. ARBITRATION

23.1 In the following limited instances, binding arbitration may be jointly used by the Owner and a Tenant as a means of dispute resolution:

23.2 Arbitration may be used where there is disagreement over the application or interpretation of any specific provision of these Standards and Procedures or of a lease and operating agreement.

23.3 In the event that more than one Tenant wishes to submit the same or similar eligible issues to arbitration as provided above, the Owner may require at its option that these same or similar eligible issues be combined as one joint arbitration submission by all the interested Tenants before one arbitrator or arbitration panel, in which case all the interested Tenants will act as one in the choosing of any arbitrator or arbitration panel.

New
Adopted

MINIMUM INSURANCE REQUIREMENTS
SECTION 21.14 CONTINUED

TYPE OF INSURANCE	CATEGORY OF OPERATIONS POLICY MINIMUM LIMITS
1. Airport Liability Insurance Comprehensive Form Bodily Injury Property Damage, Completed Operations	Section 5 through 18 plus Section 20 \$1,000,000 Single Limit Aggregate at least \$1,000,000
2. Hangar Keepers Legal Liability Ins.	Section 5 through 17 plus Section 20 \$1,000,000 one aircraft \$1,000,000 per occurrence
3. Student and Renters Liability	Section 6 (Category II) Section 9 (Category V) Section 17 Section 20 \$100,000 Single Limit
4. Motor Vehicle Liability Comprehensive for Bodily Injury and Property Damage	All Operators and Non Operator Tenants \$1,000,000 Single Limit
5. Through the Fence Operators and Non Operator Tenants Worker's Compensation	All Operators and Non Operating Tenants Statutory
6. Ultralight Vehicle Liability Bodily Injury and Property Damage	Each Ultralight Vehicle \$500,000 Single Limit

CITY OF CONCORD
NEW HAMPSHIRE

**AMENDMENT TO THE
MINIMUM STANDARDS AND PROCEDURES FOR
CONCORD, NEW HAMPSHIRE MUNICIPAL AIRPORT**

CONCORD CITY COUNCIL

**ADOPTED:
FEBRUARY 8, 2010**

I. Amend by adding new Section 24:

SECTION 24. STANDARDS AND PROCEDURES FOR AIRCRAFT SELF-SERVICING

24.1 Aircraft owners, by themselves or through their employees, are permitted to service their own aircraft.

II. This amendment shall take effect immediately upon adoption by the Concord City Council after a duly noticed public hearing.

C

1. The first part of the document is a list of names and addresses of the members of the committee.

C

C



CITY OF CONCORD

TJA

REPORT TO MAYOR AND THE CITY COUNCIL

DATE: October 1, 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

JOHN J. PREVE
401 ALTON WOODS DRIVE - Home
117 MANCHESTER STREET SUITE 5B - Mail
CONCORD, NH 03301
(603) 225-6745 - HOME (603) 225-1222 - FAX EMAIL - Thepreev@usa.net

September 3, 2013

Chief John Duval
Concord Police Dept
35 Green Street
Concord, NH 03301

Dear Chief Duval,

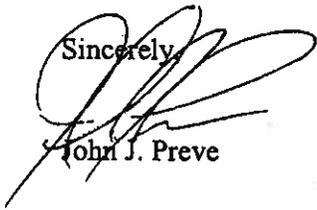
I want to commend to you the fine work of two of your officers, Matthew Casey and Andrew Sargent.

I am a paraplegic and I live at the Alton Woods apartment complex. This past Saturday, my handcycle was stolen from the carport where I have it stored. I have lived here for over six years and have never had any issues. I called the department late Saturday afternoon, and within about 20 minutes an officer Craig (I apologize that I do not remember his last name) arrived to take my statement. He too, was so very professional and kind. He was sympathetic to my issue but did not give me much hope that my bike would be recovered.

This morning, around 6AM, Officer Casey arrived at my apartment and told me that my bike had been found and asked me to come to Arnie's parking lot on Loudon Road to identify it. Once there, I met Officer Sargent and was able to identify that it was my handcycle. They told me what had happened and how they had discovered it and were very sure that the gentleman that had it did not own it. After checking the reports, they went back to the apartment and got it for me. And if that wasn't enough already, when they realized that I would not be able to transport it myself back to my apartment, Officer Sargent went and got a pick-up truck from the station and returned my bike to my apartment.

I am so thankful for all the effort and kindness they did for me today. Their professionalism was extraordinary and their thoroughness to make sure that all was ok with me greatly touched my heart. I know that they have much more important work to do for our city, but I wanted to let you know that I am one very grateful citizen for what they did for me in returning to me a piece of equipment that I would have had great difficulty to replace.

Sincerely,


John J. Preve

RECEIVED

SEP 04 2013

CONCORD, N.H. POLICE
DEPARTMENT

September 30, 2013

Dear Chief Duval:

Around 1:30 P.M. today, I was crossing the street at the corner of Centre and Main while the walk symbol and the "NO RIGHT TURN ON RED" sign were flashing. As usual, an SUV made a right turn from Main to Bridge Street as I was crossing. Luckily, a conscientious police officer (license plate # 716 14) was stopped at the light and promptly took off after the SUV.

At a time when walkers and bike riders around the state are being hit by motor vehicles, it's great to see Concord PD looking out for pedestrians. And the officer did the SUV driver a favor as well, although I'm sure the person didn't see it that way - better to get a citation now and be more careful in the future than to be arrested for hitting someone. Keep up the good work!

Grateful Concord Citizen

OFFICER Ben Mitchell

RECEIVED

OCT 02 2013

CONCORD, N.H. POLICE
DEPARTMENT

Stevens, Suzanne

From: Andrus, Dan
Sent: Thursday, September 19, 2013 2:03 PM
To: Stevens, Suzanne
Subject: Positive Citizen Comment

Good Afternoon, Sue:

I am very pleased to share this note from the State's Bureau of Emergency Communications regarding the treatment of one of their employees. I am very proud of the crew from the Heights Station and will forward this to them as well.

The crew members were

Lt. Bobby Silvestriadis
Firefighter Paramedic Ian Butman
Firefighter Jim Cournoyer
Firefighter Michael Souther
Firefighter Todd Beall

Thank you!

Dan

From: David Rivers [<mailto:drivers@e911.nh.gov>]
Sent: Thursday, September 19, 2013 12:54 PM
To: Andrus, Dan
Subject: Incident at IPOC 9/18/13

Good morning Chief,

Yesterday morning at @0800 we requested the Concord ambulance for an employee that appeared to be having a severe allergic reaction to a new medication. Your department responded with an ambulance and an engine company. As I was driving home last night I was thinking of the calm, caring, and professional manner in which your staff dealt with the situation. It's rare for people today to take the time to commend behavior. It seems in our busy world if we are offended or angered we make the time to complain. I decided last night to "make the time" today to express my appreciation of your staff. If you would be so kind as to pass along my personal thanks and the Bureau's to Ian Butman, Bobby Silvestriadis and the others that I don't know by name, we would appreciate it.

Thank you,
Dave

David A. Rivers
Chief of Operations
New Hampshire Department of Safety
Bureau of Emergency Communications
33 Hazen Drive
Concord, NH 03305
Tel. 603 271-6911
1-800-806-1242 FAX 603 271-6609

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

Results based on total comment cards received for September 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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Our staff was:	courteous (3)	knowledgeable (3)	professional (3)
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Other:

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

Comments and suggestions:

- 1) Friendly, very helpful and efficient! Thank you!

Results based on total surveys received for September 2013

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

I received services related to (circle all that apply): (Total surveys completed: (11)

City Council	Elections	Vital Records	Dog Licensing
(1)	()	(7)	(1)

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

Were you greeted promptly and friendly?

(Worst)	1	2	3	4	5	6	7	(Best)
	()	()	()	()	()	()	(11)	

Was your wait for service reasonable?

(Worst)	1	2	3	4	5	6	7	(Best)
	()	()	()	()	()	()	(11)	

Was the staff person knowledgeable?

(Worst)	1	2	3	4	5	6	7	(Best)
	()	()	()	()	()	()	(11)	

Was your transaction complete and accurate?

(Worst)	1	2	3	4	5	6	7	(Best)
	()	()	()	()	()	()	(11)	

Comments and suggestion

“We came in from out of state to apply for a marriage license. Staff could not have been more lovely! Thanks!”

“No suggestions. Went smoothly.”

“The service here was wonderful! This woman deserves a raise!”

“Thank You!”

“No suggestions. Cheaper prices.”



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

10-13

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 \$1,995.81 as
 Provided for Under the Preauthorization Granted by City Council
DATE: September 30, 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	\$502.00	Fees paid by patrons to replace lost and damaged library materials from 08/27/2013 through 09/30/2013
Concord Library Book Sale	\$1,243.81	Revenue from sale of used and donated books, audio materials and videos from 08/27/2013 through 09/30/2013
Concord Education Association	Passes valued at \$250.00	McAuliffe-Shepard Discovery Center passes valid October 1, 2013 to September 30, 2014.
TOTAL	\$1,995.81	

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

C

There are a number of things that you should know about the way that the world is changing.

C

C



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council
FROM: David Gill, Park and Recreation Director

RE: Authorization to accept monetary donations in the amount of \$10,487.38

DATE: September 20, 2013

Recommendation

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

Donor	Amount	Purpose	G/L Account
Grappone Companies	\$500	Weekend On the Water Sponsorship	GRTRECMISC 2910 Weekend On the Water
Concord Housing	\$500	Weekend On the Water Sponsorship	GRTRECMISC 2910 Weekend On the Water
H.L. Turner Group	\$500	Weekend On the Water Sponsorship	GRTRECMISC 2910 Weekend On the Water
MacCallums Boathouse	\$500	Weekend On the Water Sponsorship	GRTRECMISC 2910 Weekend On the Water
Lincoln Financial	\$1,500	Weekend On the Water Sponsorship	GRTRECMISC 2910 Weekend On the Water
Dragon Boat Team Registrations	\$5,910	Weekend On the Water	GRTRECMISC 2910 Weekend On the Water
Kona Ice	\$190	Weekend On the Water Donation	GRTRECMISC 2910 Weekend On the Water
Brian's One to One	\$387.38	Weekend On the Water Donation	GRTRECMISC 2910 Weekend On the Water
USTA	\$500	Marketing of Tennis Programs	GRTRECMISC 2910 Tennis

Background

1. The purpose of the gifts listed above is consistent with, and presents no conflict or obstacle to, the accomplishment of City Council goals, the Code of Ordinances, or the operating functions of the Parks and Recreation Department.
2. A letter of thanks on behalf of the City Council and the citizens of the City of Concord have been sent to donors listed above.

Discussion

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





John F. Duval
Chief of Police

City of Concord, New Hampshire

POLICE DEPARTMENT
35 Green Street • 03301-4299
(603) 225-8600
FAX (603) 225-8519
www.concordpolice.com

10-15

TJA
CA

To: Honorable Mayor and City Council
From: Lieutenant Gregory S. Taylor
Re: Authorization to accept revenue of \$4,934.65 as provided for under the pre-authorization granted by City Council.
Date: September 16, 2013

Recommendation

It is recommended that City Council approve the acceptance of the below cited revenue.

Revenue Source	Amount	G/L Account
2013 National Night Out Revenue	\$4,934.65	2910-16-77_35080
TOTAL	\$4,934.65	

Background

1. Funds are requested to be accepted under the authority established pursuant to Resolution #8120, adopted December 10, 2007.
2. The purpose of the acceptance of these funds 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 Police Department.
3. No City match is required.
4. Funds have been received by the City of Concord, except as noted.

Discussion

The Concord Police Department National Night Out event was held on August 6, 2013 at Rollins Park. During this event, revenue of \$4,934.65.00 was generated through the sales of food and drink (\$3,834.65) and through registration fees for the Badge Ball Tournament (\$700.00). In addition to the revenue from the food and drink and Badge Ball Tournament, \$400 in start-up funds is also being returned. The Department seeks to use this revenue to off-set any outstanding costs associated with this year's event, and any remaining balance will be used to help fund the National Night Out events to be held during the summer of 2014.

Cc: City Manager
Deputy City Manager for Finance
City Clerk

C

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C



John F. Duval
Chief of Police

City of Concord, New Hampshire

POLICE DEPARTMENT
35 Green Street • 03301-4299
(603) 225-8600
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www.concordpolice.com

CA

To: Honorable Mayor and City Council
From: Chief John F. Duval
Re: Authorization to accept a grant from the New Hampshire Highway Safety Agency in the amount of \$4,492.80 as provided for under the pre-authorization granted by City Council¹
Date: September 30, 2013

Recommendation

It is recommended that City Council approve the acceptance and expenditure of the above cited grant from the New Hampshire Highway Safety Agency in the amount of \$4,492.80 for the purpose of participating in the "Operation Safe Commute" Campaign, occurring between October 2013 and September 2014, by the Concord Police Department.

Background

1. Funds are requested to be expended under the authority established pursuant to resolution # 8120 adopted December 10, 2007.
2. This grant required no application to be submitted by the City and was awarded by the State of New Hampshire Highway Safety Agency of its own accord.
3. The purpose of this grant as stated above is a condition of the grantor and 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 department.
4. No city match is required.
5. The New Hampshire Highway Safety Agency has accepted the authority granted by the City Council for the City Manager to enter into a grant or other agreement pursuant to the resolution cited in number one (1) above.
6. The Finance Director has approved the agreement providing for reimbursement of funds extended in advance by the City.
7. A copy of this communication has been sent to the grantor for their information and with the thanks of the City Council and the citizens of the City of Concord.

Discussion

Operation Safe Commute is an enforcement campaign designed to encourage all motor vehicle operators to focus their attention on the task of driving and operating their vehicles safely. Funds obtained through this grant will allow the Concord Police Department to fund, on an overtime

¹ Reimbursements of expenses can be credited to the account charged. Cash should be deposited upon receipt. Small individual dollar amounts (usually less than \$50) can be combined and reported monthly or quarterly using the process described herein.

basis, one officer per patrol date to work distracted driving patrols in three hour shifts during the morning and afternoon commute hours. These overtime patrols will occur one day per month during the grant award period. In addition to enforcement, these patrols will contribute to increased public awareness regarding the danger of distracted driving. Operation Safe Commute is a statewide initiative designed to decrease the occurrence of motor vehicle crashes during the morning and evening commuting hours.



City of Concord, New Hampshire

POLICE DEPARTMENT

35 Green Street • 03301-4299

(603) 225-8600

FAX (603) 225-8519

www.concordpolice.com

1/2A

John F. Duval
Chief of Police

To: Honorable Mayor and City Council
From: Lieutenant Gregory S. Taylor
Re: Authorization to accept a grant of \$1,000 as provided for under the pre-authorization granted by City Council.
Date: August 7, 2013

Recommendation

It is recommended that City Council approve the acceptance of the above cited grant, provided through the Target Grant Program, with the value of \$1,000.00, for the purpose of providing supplemental funding for the National Night Out Program being administered by the Police Department.

Revenue Source	Amount	G/L Account
Target Grant Program -- National Night Out 2013	\$1,000.00	Project to be developed
TOTAL	\$1,000.00	

Background

1. No funds are requested to be expended under the authority established pursuant to resolution #8120 adopted December 10, 2007
2. The grant application for the purpose specified was approved by City Council per resolution #8662 adopted June 10, 2013.
3. The purpose of this grant as stated above is a condition of the grantor and 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 department.
4. No city match is required.
5. Funds have been received by the City of Concord, except as noted.

Discussion

The Concord Police Department has been awarded a \$1,000.00 grant through the Target Grant Program intended by the grantor to assist with funding for the Department sponsored National Night Out which occurred on August 6, 2013. This program is designed to heighten crime and drug prevention awareness, generate support and participation in local anticrime programs, strengthen neighborhood spirit and police-community partnerships, and send a message to criminals letting them know that neighborhoods are organized and fighting back. These funds

will be used to help offset costs associated with sponsoring, developing, and running this program.



John F. Duval
Chief of Police

City of Concord, New Hampshire

POLICE DEPARTMENT
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FAX (603) 225-8519
www.concordpolice.com

TJA

To: Honorable Mayor and City Council
From: Chief John F. Duval
Re: Authorization to accept a gift of one Tasco 3 MP Trail Camera.
Date: September 30, 2013

Recommendation

It is recommended that City Council approve the acceptance of the above cited gift, provided by Walmart, with the value of approximately \$50.00. This video camera equipment will be used to assist with Departmental investigations including investigations involving the epidemic of graffiti that has plagued the downtown area of Concord.

Background

1. No funds are requested to be expended under the authority established pursuant to resolution number 8120 adopted December 10, 2007
2. The purpose of this gift as stated above is a condition of the grantor and 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 department.
3. No city match is required.
4. A copy of this communication has been sent to the grantor for their information and with the thanks of the City Council and the citizens of the City of Concord.

Discussion

Over the last two years the downtown area of Concord has seen an explosion in the numbers of graffiti incidents. The "tags" are no longer limited to bridge abutments, and frequently cover store fronts, privately owned buildings, utility structures. The City of Concord and property owners have already spent thousands of dollars cleaning and covering paint. Graffiti makes neighborhoods less attractive and lowers property values. This camera will assist the Concord Police Department by allowing for a tool to monitor hard hit areas when there are no officers available. The camera will also be available for future investigations as needed by the Department. Walmart has offered to donate this camera with no matching costs to the Department.

TJA



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

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

DATE: September 24, 2013

SUBJECT: Report from the Traffic Operations Committee in response to a referral from City Council regarding a communication from Kathleen Dunn requesting consideration of traffic flow improvements in the vicinity of Centre Street and Main Street.

Recommendation

Accept this report.

Background

On April 20, 2013, Kathleen Dunn, an area commuter, submitted a communication to City Council regarding a concern with traffic operation and safety on Centre Street between N. Main Street and N. State Street. Her particular concern involved left-turns in and out of the driveways to both the Prescription Centre and the TD Banknorth drive-through exit, and the safety and operational problems these turns cause due to conflicts with standing traffic queues waiting for the signal at N. Main Street. City Council referred this request to the Traffic Operations Committee (TOC) on May 13, 2013. Engineering Services followed up by investigating traffic operations and accident history and reaching out to the Main Street design team as well as business operators. TOC further discussed this request at its September 17, 2013 meeting.

Discussion

At issue is a motorist concern on traffic safety regarding left-turning traffic movements to/from the TD Banknorth and Prescription Center driveways on Centre Street. Full-directional turning access is allowed at these driveways, but left-turn movements conflict with standing traffic queues waiting for the nearby signalized Main/Centre/Loudon intersection. Driveway left turns occur in gaps in the standing traffic queues resulting in safety concerns and traffic operation impacts.

Police Department crash data for this area of Centre Street since January 2010 indicates seven reported crashes. The resulting rate of about two crashes per year is notable for driveways but not excessive. Five of the seven crashes involved a vehicle turning left from Centre Street into the Prescription Center being impacted by an eastbound Centre Street vehicle traveling in the far-right lane. This situation may reflect left turns being 'waved

through' by eastbound Centre Street drivers queued in the left through-lane and leaving a gap for them; traffic moving eastbound in the right-most lane may not be able to see a left-turner crossing between the stopped cars, with potential for a crash being elevated.

Staff observations during the busy lunchtime traffic period include traffic queues from the signal at N. Main Street commonly extending well beyond the driveway locations. Queued traffic often left gaps for the left-turners to cross, although a number of turning drivers used barge-and-block maneuvers to force their way through the traffic queues. An adverse operational effect of letting left-turns occur through the standing eastbound traffic queue is that it commonly occurs at the start of the Centre Street eastbound green phase at the signal. Centre Street traffic, blocked by the left-turning vehicle, is unable to proceed in a timely manner to the intersection resulting in inefficient use of the green signal time with resulting longer eastbound queues and delays.

Removal of these left-turn conflicts would be best done by extending the existing raised median on Centre Street further westward from the Main Street signal to physically restrict left-turns; restriction by signage alone would be less effective in this location. Such a median extension might require removal of several on-street parking spaces on the north side of Centre Street. However, due to the current one-way design of the TD Banknorth drive-through exit, the potential restriction of left-turn egress from the TD Banknorth driveway could be problematic. Exiting drivers would only be able to turn right onto Centre Street westbound, with access back to Main Street only via a looping route using other local streets. Without reconstruction of the drive-through exit, there appears to be no way for drivers to U-turn back into the TD Banknorth site in order to access Main Street from the driveway at Pitman Street. Lack of left-turn access to the Prescription Center from Centre Street could be replaced by use of the narrow alley to Park Street, although this area can be constricted at times due to parked vehicles and delivery trucks.

TOC feels that restriction of left turns at both Centre Street driveways is an appropriate long-term improvement goal due to the increasingly heavy traffic demands along Centre Street. However, access issues related to the two subject businesses are a consideration given their current site layouts. Staff discussed this request and the option of restricting left-turn access at Centre Street with a representative of The Prescription Center who indicated strong concern regarding any changes in driveway access. It may be that the next realistic opportunity to address driveway access changes would be in conjunction with the redevelopment of either site. Staff will continue to monitor.

RJM/rjm

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



CITY OF CONCORD

10-20

FAA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: David Gill, Parks and Recreation Director
DATE: October 3 2013
SUBJECT: 90 year olds playing golf at Beaver Meadow

Recommendation

Review and accept this report.

Discussion:

At their September meetings the Parks and Recreation Advisory and the Beaver Meadow Golf Course Advisory Committee discussed the referral requesting consideration for people over 90 years be allowed free golf at the Beaver Meadow Golf Course.

Staff recommended the following options for consideration:

Option 1: Treat all seniors 60 years and older the same. Once someone turns 60 years old or older and wishes to play golf they will be able to choose from the approved membership levels annually and pay the approved fees. The Beaver Meadow Golf Course and the City of Concord would treat everyone equally - no matter their age. This procedure would be the similar to other golf courses around the state.

Option 2: Concord residents (living within the City limits) attaining the age of 90 years shall be granted playing privileges associated with the mid-week, 5 day a week Senior Membership provided they have been a member in good standing for the prior five years and submit a written request to the Golf Course Manager by March 1 annually. In the event someone turns 90 years old during the season they will be granted a partial refund of their paid membership, once application has been approved by the Golf Course Manager. In the event they would like to become a full 7 day a week member they will have to pay the difference between their 5 day a week Senior Membership and a Full Membership. All other fees and charges will apply (cart rentals, tournaments, guest fees etc.)

Both committees recommended and approved the following:

The City grant City of Concord residents, who are 90 years old, membership privileges, Mondays through Fridays, consistent with Senior 1 memberships, with a tracking system to be determined by golf course staff.

In line with both committees' votes I recommend the following be in place for the beginning on the 2014 golf season.

Recommend Option Concord residents (living within the City limits) attaining the age of 90 years shall be granted playing privileges associated with the mid-week, 5 day a week Senior Membership provided they submit a written request to the Golf Course Manager annually. In the event someone turns 90 years old during the season they will be granted a partial refund of their paid membership, once application has been approved by the Golf Course Manager. In the event they would like to become a full 7 day a week member they will have to pay the difference between their 5 day a week Senior Membership and a Full Membership. All other fees and charges will apply (cart rentals, tournaments, guest fees etc.).

10-21
TJA



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

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

DATE: September 27, 2013

SUBJECT: Changing of the Customer Service Hours in Code Administration

Recommendation

Accept this report outlining a change in Code Administration office hours to better serve customers.

Background

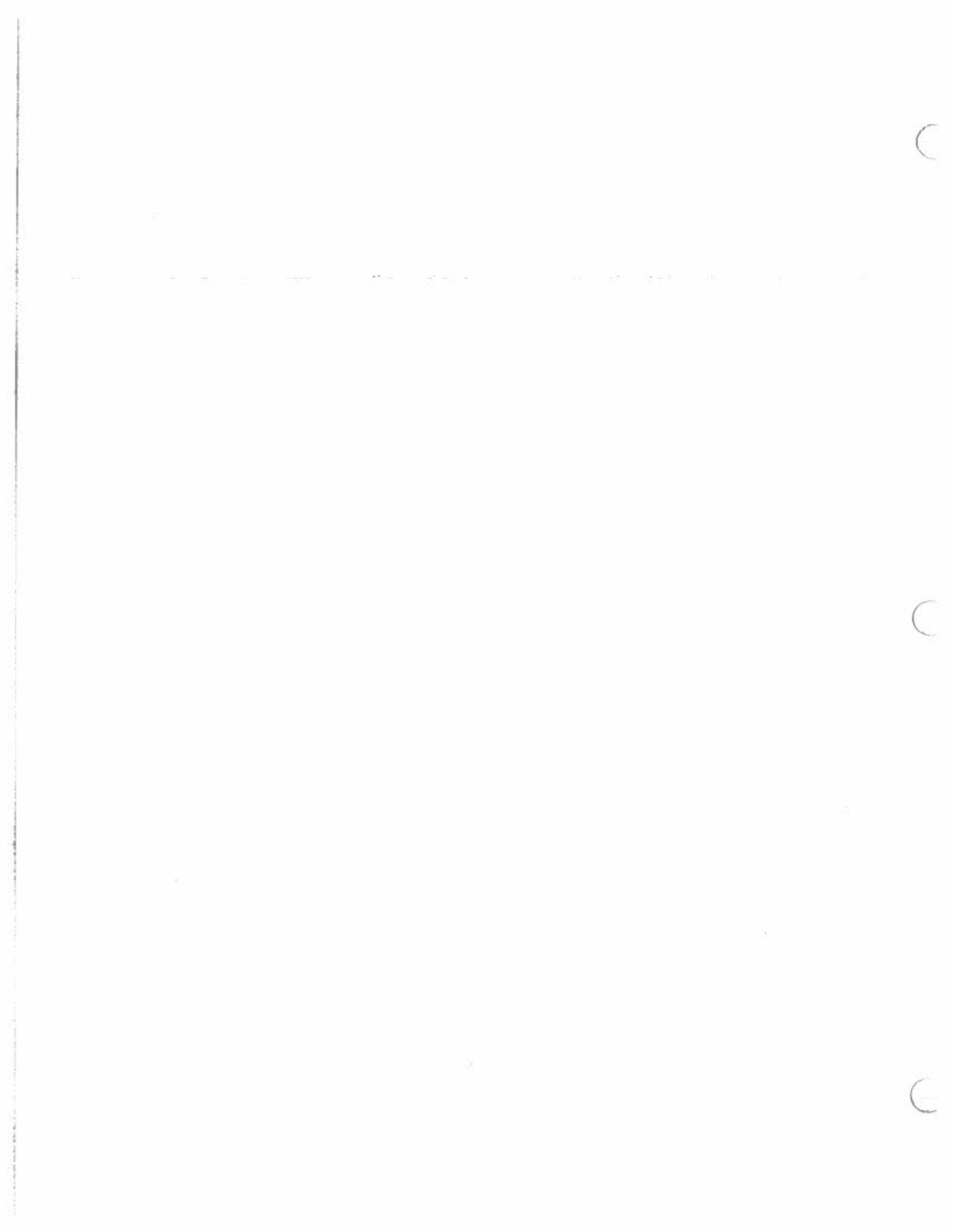
Unlike other offices on the City Hall complex that deal primarily with residents, the Code Administration office experiences a significant amount of walk-in visits from the contracting community. These are largely for building or trade permit matters. Current office hours are from 8:00 to 4:30 p.m. Monday through Friday. A number of contractors have historically asked if the Code office could open earlier to allow them to address their permit needs prior to arriving at job sites making for a more efficient use of their work time.

Discussion

In an effort to quantify the pattern of customer usage in Code, the office tracked customer walk-in numbers over a three week period in August. The data showed that the majority of the general public (non-contractors) visited the office from approximately mid-day to 3:30 p.m. while the contracting community's utilization was predominantly in the morning. Only five customers made use of the office after 4 p.m. over the period in question.

In addition to tracking usage, the Code office also surveyed walk-in customers over one week in August as to their opinion of a possible 7:30 a.m. to 4:00 p.m. schedule. Fifty-two customers responded to the survey with 49 in favor of the change and 3 expressing no opinion.

Based on the above, the Code Administration office is planning to institute a pilot office schedule of 7:30 a.m. to 4:00 p.m. Monday through Friday effective November 4th. Notice of the change will be posted at the office and on-line. This pilot will be in place for one year to account for seasonal cycles. A follow-up report will be sent to City Council prior to the conclusion of the pilot to recommend to Council that the change be made permanent, discontinued or modified.



10-22
TAA



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

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

DATE: September 27, 2013

SUBJECT: Application for “Moose” plate funds for the installation of tree filters as part of CIP #35.

Recommendation

Accept this report.

Background

The City was recently contacted by the Merrimack County Conservation District with an opportunity to partner on an application for “Moose” plate grant funds for the installation of tree filters as part of the Penacook Village streetscape improvements (CIP #35). The installation would provide an opportunity to demonstrate to the public an innovative Best Management Practice for storm water management. The application is also consistent with the City’s goals to improve the quality of storm water runoff and incorporate low impact development into the storm water infrastructure.

This grant program is administered by the State Conservation Committee and the grants are awarded annually to environmental projects that foster stewardship and the sustainability of New Hampshire’s natural environment. This specific grant would be used to purchase and implement Best Management Practices for improving storm water quality by reducing the discharge of total suspended solids into the Contoocook River. Once the tree filters are installed and operational, this project would be used as a demonstration site for a larger project the Merrimack County Conservation District is coordinating with the New Hampshire Association of Conservation Districts that will host a Storm Water/Low Impact Development educational series that would take place in Concord.

Discussion

The actual grant application is being completed by the Merrimack County Conservation District. The City was asked to provide a letter of support for the application. Unfortunately, the deadline for the submittal of the letter was incompatible with City Council’s schedule. We advised the County Conservation District of this fact but, in an effort to not forsake this opportunity, City staff issued the letter but clearly qualified our support upon ultimate City Council review and approval should an award be made. A copy of the letter is attached for your reference.



CITY OF CONCORD
NEW HAMPSHIRE
Community Development Department
Administration

City Hall • 41 Green Street • Concord, NH 03301 • tel. 603/225-8595 • fax 603/228-2701

Carlos P. Baia
Deputy City Manager
Development

September 27, 2013

Stacy Luke, District Manager
Merrimack County Conservation District
10 Ferry Street, Suite 211
Concord, NH 03301

Re: "Moose Plate" Grant Application

Dear Ms. Luke:

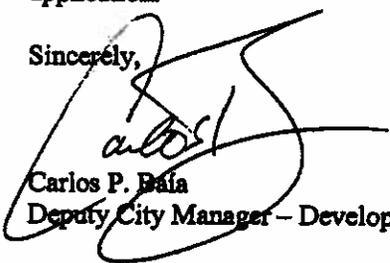
The City of Concord Community Development Department supports the proposed partnership between the City and the Merrimack County Conservation District (MCCD) to apply for Moose Plate Grant funds for the installation of tree filters as part of the Penacook Village streetscape improvements. The installation will provide an opportunity to demonstrate to the public an innovative Best Management Practice for storm water management. The application is also consistent with the City's goals to improve the quality of storm water runoff and incorporate low impact development into the storm water infrastructure.

It is my understanding that this grant program is administered by the State Conservation Committee and the grants are awarded annually to environmental projects that foster stewardship and the sustainability of New Hampshire's natural environment. This specific grant would be used to purchase and implement Best Management Practices for improving storm water quality by reducing the discharge of total suspended solids into the Contoocook River. Once the tree filters are installed and operational, this project would be used as a demonstration site for a larger project you are coordinating with the New Hampshire Association of Conservation Districts that will host a Storm Water/Low Impact Development educational series that would take place in Concord.

Concord City Council would typically need to authorize a City grant application. Due to the pending grant deadline and its incompatibility with our Council schedule, this is not possible in this case. Therefore, I am exercising an administrative exception based on exigent circumstances. Please be advised, however, that if awarded, the City Council will need to approve the acceptance of grant funds for the installation of the tree filters.

We appreciate the opportunity to work with the Merrimack County Conservation District on this application.

Sincerely,


Carlos P. Baia
Deputy City Manager - Development

TJA



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Jennifer Kretovic. Chair, Public Transportation Committee
 Transportation Policy Advisory Committee

DATE: August 12, 2013

SUBJECT: Concord Area Transit (CAT) FY2013 Annual Progress Report and Performance Indicator Report

Recommendations:

The Transportation Policy Advisory Committee (TPAC) and the Public Transportation Committee (PTC), recommends that City Council accept this report.

Background:

On May 10, 2010, the City Council accepted a report and two recommendations from the TPAC Public Transportation Committee (PTC) for implementation by Concord Area Transit (CAT). The recommendations were set forth as a means of ensuring the community that CAT is working to improve the overall bus system based on recommendations from the 2010 Comprehensive Transit Study. The recommendations were:

- CAT will provide City Council a Service Indicator Report each quarter.
- CAT will provide City Council an updated Status Report of Program Goals

This is the Annual Report for FY 2013.

Status of Operations:

- CAT and the PTC have been working on refining the route schedules to mitigate timing issues and improve customer service throughout FY2013, culminating in the launch of revised routes and time schedules on February 11, 2013.
- System ridership for FY2013 was down from FY2012. The Fixed Route ridership dropped by 6%; Paratransit dropped by 13% and Senior Transit dropped by 17%.
- The FY2013 Saturday Service began November 3, 2012 and ran through January 5, 2013. Ridership was down approximately 10% compared to the previous year on the Heights and 18% on the Penacook Routes for this Holiday service, despite stronger advertising efforts.

- CAT in cooperation with CNHRPC performed a Boarding & Alighting survey on November 13-15, 2012. Preliminary findings were presented to the Subcommittee indicating Fixed Route ridership is down slightly from the November 2011 survey.

Status of Program Goals:

1. Expand management staff

- As of September 12, 2012, CAT hired a new Travel Trainer, Rosa Burtt. Rosa speaks three languages and is a certified language arts teacher in the State of New Hampshire. She does tutoring for Spanish with a wide variety of students in the Concord, NH area. She attended the Easter Seals Project Action Travel Trainer Certification Program in October 2012.
- In an effort to meet the available funding reductions by NHDoT, Community Action Program Belknap-Merrimack Counties, Inc. (CAPBMCI) removed the position of Transportation Director from their FY2014 funding request. Should funding at the Federal or State level increase, CAPBMCI will requesting funding for the position in the future.
- CAT continues to hire drivers as needed.

2. Performance standards

- a. Monthly and quarterly meetings and reporting have occurred.
- b. Goals have been reviewed and reported quarterly.

3. System design changes/fare structure and passes

- The Boarding & Alighting survey was performed November 13-15, 2012 in cooperation with CNHRPC.
- Concord Area Transit designed the new route schedule in house in order reduce the expense of developing a schedule.
- CAT held a public hearing on January 3, 2013 to present proposed route and schedule changes. Public feedback at the hearing was positive, prompting CAT to move forward with the changes. The route changes went into effect February 11, 2013 smoothly.
- CAT received positive feedback regarding the route changes which were effective February 11, 2013, with one exception, the elimination of the Hospital leg on the Crosstown Route. This leg was eliminated for two reasons. First, the timing of the Crosstown Route made coordination at the transfer points difficult (Crosstown time was 75 minutes versus Penacook and Heights 60 minutes.). Second, the Penacook serves the Hospital and service duplication needed to be removed wherever possible to save money.
- ARRA Projects

- The new website designed by CNHRPC for CAT went live on July 16, 2012. Updates to the Facebook page have been successful. On August 15, 2012, a CAT Transportation Overview Video was posted to the website.
- The bus stop schedule sign holder installation has been completed to what the CAT Staff has been able to do. CAT worked with General Services to schedule the moving and replacement of posts that are either missing or in need of repair.
- CAT is working with the Friendly Kitchen and City staff to formalize and complete the process for a bus stop and shelter at the intersection of South Commercial Street and Constitution Drive. CAT is working to gain permission to install shelters on private property within their service area.

4. Other Activities

- **Customer Compliments:**
 - 7/2012- One customer wrote a comment card to say that Mohamed was a very friendly, courteous and helpful driver. The writer thanked CAT for having such a good driver on the bus and suggested that CAT hire more like Mohamed.
 - 7/2012- One customer wrote a comment card to say that Karyn was very nice, cheerful and knew most of her regular riders by name. The customer wanted CAT to know what a good driver Karyn was.
 - 8/2012- One customer wrote a comment card to say that Tammy was a very nice person, a good bus driver and was kind enough to wait when she saw the customer hurrying to catch the bus.
 - 10/2012- "Good driver. Coming in time and giving help."
 - 2/2013- A resident from Penacook called to inquire about bus service. This caller wants to be more "green" and would like to take the bus instead of his car. After receiving information, he thanked CAT staff and said he thought it was great that CAT provided this alternative transportation for the area.
 - 4/2013- A customer living at Horseshoe Pond Place emailed me to let me know that the new route schedule is working out well for her and her sister. She states that the new times are great and allow them to go to Market Basket first thing in the morning whenever they need to. She wrote that the Senior bus is working better as well.
 - 6/2013- A customer complimented Ann and Tim and marked that the quality of the service was excellent.
 - 6/2013- A customer emailed to follow up on a request made in May. The customer thanked us for keeping a bus with a bike rack on the Penacook route and said how much he appreciated being able to use both the bus and his bike to get back and forth to work every day.
 - 6/2013- A customer who wrote a suggestion also stated that all of the CAT people were basically great, helpful people.
- **Suggestions:**
 - 7/2012- One customer wrote a comment card to suggest that the Crosstown bus turn around at Christian Avenue.
 - 9/2012- One potential customer called to inquire about bringing a bike on the bus. He was hoping to be able to bring his bike into the bus itself without using

the bike rack. CAT staff explained that there was not enough empty floor space on the bus to accommodate this. Folding bikes are acceptable as long as it folded to the size of a fold up stroller and could be stowed between the seats to be secure.

- 9/2012- One customer wrote a comment card to suggest that free 10-ride passes be made available to individuals that cannot afford the regular bus fare.
 - 10/2012 - One person emailed to request that we extend service out to Manchester Street. This person reports that they have a disability and cannot get to doctor appointments or other destinations because they cannot get to the closest bus stop which is on Airport Road.
 - 10/2012 - One customer emailed with a request for Seasonal Saturday Schedules and a question about how to use the Saturday Service to get to Walmart from Commercial Street.
 - 12/2012 - A customer wrote a comment card to request that the driver have a step stool on the demand response bus for people who have a hard time stepping up on the first step.
 - 1/2013- A customer suggested that CAT print the locations where customers can purchase multi-ride passes on the back of the passes so that they have easy directions on where to go to get more passes.
 - 1/2013- A customer called to request the new CAT map and schedule in large print and to make two other suggestions. CAT staff promised to deliver the map at a previously scheduled meeting with the customer. The customer also requested that we not take the Crosstown bus away from the hospital and that we create a large workshop/training event for people with disabilities about how to ride the bus.
 - 1/2013- A customer called to ask about the new times for the Concord Trailways bus stop. He requested that CAT provide a later stop time for the Concord Trailways bus stop so that he could get a ride home when he got off of the evening bus from Manchester.
 - 4/2013- On the Heights bus, a customer commented that would like the bus to go to the Early Headstart building on Old Loudon Road after leaving Walmart.
 - 5/2013- A customer called to suggest that CAT provide a reduced fare for customers who are taking the bus in and out from the same stop on the same run.
 - 5/2013- A customer emailed a request that there be a bus with a bike rack on the Penacook route every day so he can bicycle to his job after he exits the bus. When the bus does not have bike rack his commute becomes very difficult. CAT staff forwarded his message to the CAT director to see if they could make sure that a bus with a bike rack was on the Penacook route as often as possible.
 - 6/2013- A customer wrote a comment card to suggest a new stop. K stated that it would be helpful to have a stop at Health South on the way through the Concord Hospital complex to provide access for people needing to visit for PT.
 - 6/2013- A customer wrote on a comment card "To get new buses. Bus need to run on Saturday".
- **Concerns:**
 - 11/2012 - One customer wrote a comment card to report that the "old" schedule was better, that CAT should do a survey of customers to find out what kind of

route changes that they wanted, and the Penacook drivers were good drivers, but that they needed to have breaks in town not out in the "boonies".

- 2/2013- A customer called once and wrote a comment card to report that he was not happy about the new map and schedule. He wants to see the Crosstown bus continue to serve Concord Hospital. He wants a shuttle service to Concord Hospital. He wants funding to make Saturday service permanent and he wants to have a large conference/training for people with disabilities on how to ride the bus.
- 3/2013- A customer called twice to report that he was not happy about the new map and schedule. He wants to see the Crosstown bus continue to serve Concord Hospital. He wants a shuttle service to Concord Hospital. He wants funding to make Saturday service permanent and he wants to have a large conference/training for people with disabilities on how to ride the bus.
- 3/2013- A customer called to report that he had gotten into a verbal confrontation with rowdy teens on the Heights bus. He stated that he told them to settle down and the teens followed him off the bus at the next stop and yelled insults at him. CAT staff requested in future, the customer alert the bus driver in these situations and let the driver deal with the situation. The driver reported the incident to the CAT Director saying the customer had addressed the teens before the driver could do so. The driver did not leave the stop until he was sure the teens had moved off and the customer was not in any danger.
- 4/2013- A customer left a comment card on the bus stating that her bus pass was falling apart. She suggested that the drivers use a smaller hole punch on the cards or x or initial the circles instead of punching them.
- 4/2013- A customer left a suggestion on a comment card on one of the buses. "Don't announce the names of passengers over the radio." CAT Director will review the policy about not using customer names on the radio with dispatch and drivers.
- 5/2013- A customer called twice to report the Heights bus was running 4 minutes early and the Crosstown bus was running 5 minutes early. Dispatch contacted drivers to reaffirm they are using cell phone times to run on time. The CAT Director reminded the drivers to pay close attention to arrival and leaving times for all major stops.
- 6/2013- Customer sent email stating a cover on one schedule boxes on the Penacook route was bowing out. Cover fixed by CAT staff.

- **Complaints:**

- 8/2012 - Customer commented card to report that they were still not satisfied with the new time schedules. Stated the Penacook route did not arrive to downtown Concord early enough for riders to get to work. Also stated the schedule was bad for the drivers and did not allow the Penacook drivers to have a decent place to take a break.
- 9/2012- Two customers wrote letters to Councilor Grady with complaints about the length of time that they had to wait to get from Horseshoe Pond Place to Walmart on the Cat system. They also commented on having a difficult time booking rides on the CAT Senior bus. Contact was made with these customers to

discuss their issues and follow up was made by letter that was also forwarded to the PTSC.

- 9/2012- The daughter of a customer on the CAT Senior transit service called to report that the bus had not only been late to pick up her mother that day, but that the driver had gotten lost on the way to her destination making her mother 45 minutes late for her program. CAT staff investigated and discovered that day was the first day of a new driver on the route. Each demand response driver now receives additional training on routes and travel areas.
- 10/2012 - One customer emailed to report that the driver on the morning Penacook bus had braked very hard unexpectedly and that she was thrown forward in her seat with her belongings sliding off the seat.
- 11/2012 - One customer called to report that she had missed the bus because it left Washington Street two minutes early, requiring her to take a taxi to work. CAT staff explained importance of arriving at stop 5 minutes prior to expected bus arrival. The customer acknowledged that she should have been there earlier but was still upset that she had to pay for a taxi to get to work. She also mentioned that she was concerned about one of the drivers on the Penacook route. She stated that on several occasions the driver had almost missed bus stops or had to stop abruptly which caused passengers to be slide around on the bus. This information was passed on to the CAT Director.
- 1/2013- Two customer complained about service on the ADA paratransit bus. One customer was upset because her ride request for Saturday was changed to Friday because of expected inclement weather and one customer called to complain about not have a requested time slot on Wednesday allowed. CAT Director made arrangements for the customers that suited their needs going forward.
- 1/2013- A customer called to state he had been treated rudely by a driver when asking about the new schedule and its effect his travel plans. The driver reported to the CAT Director that the customer was holding up the bus for an extended period of time with questions. The driver suggested the customer to contact the Mobility Manager or CAT Director for more information, giving contact information for both people. CAT staff followed up, answering questions. Customer was encouraged to call Mobility Manager directly in the future with any questions or issues.
- 1/2013- A customer called to report that he missed his connection to the Crosstown bus today because the Penacook bus was running 5 minutes late. CAT staff suggested that he should let the driver know when he needs to make a connection and the driver will radio ahead to hold the other bus. He stated that this was not his responsibility and that the driver should just know enough to do that anyway.
- 2/2013- A resident called to report that the CAT Senior bus was blocking the sidewalk on Warren Street when picking up a customer. CAT staff apologized and explained to the customer that because of the narrow street and the large amount of snow it was the only safe way to pick up wheelchair bound customer. CAT staff also explained the bus would take 5 or so minutes to load the customer and move down the street and that CAT was doing its best to ensure customer safety when they board the bus. The caller stated that it was not OK for CAT to do this, that it was illegal and not fair for anyone else trying to use the sidewalk.

He stated that if CAT continued to block the sidewalk he would report it to the State Police.

- 2/2013- An anonymous comment card was left on bus 7112 stating: I do not like that the Crosstown bus does not go to the hospital anymore.
- 3/2013- An anonymous comment card was left on a bus stating: I do not like that the Crosstown bus does not go to Concord hospital anymore.
- 5/2013- A customer called to inquire as to why the Heights bus is not pulling into the Concord Bus station on the outbound trip. She reports that she needs that connection and wondered why we changed it. CAT staff encouraged her to request the driver deviate to the bus station on the outbound trip. She also wanted to know why the Concord Senior bus only took people 60+ years old. She said that AARP states that you are a senior at age 50 and she thinks that CAT should honor that.
- 5/2013- A customer called to report that there were no pens or pencils on the bus. CAT policy is to make sure that there are at least two pens or pencils on each bus every morning, but that they sometimes disappear very quickly. Anyone can request a pen or pencil from the driver to fill out a card if there was not one available in the box.

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CITY OF CONCORD

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REPORT TO MAYOR AND CITY COUNCIL

FROM: Matthew R. Walsh, Director of Redevelopment, Downtown Services, & Special Projects

DATE: September 26, 2013

SUBJECT: Consent Report: CIP #508 Former Allied Leather Tannery: Petroleum Fund Reimbursement from the State of New Hampshire

Recommendation:

Accept this consent report.

Background:

The City acquired four parcels which comprised that portion of the former Allied Leather Tannery located at 27-35 Canal Street during the period of 2002 – 2004.

Upon acquisition of the site, the City began a multi-year environmental cleanup initiative for the purpose of preparing the site for redevelopment by the private sector. This effort included removal of petroleum storage tanks as well as remediation of residual contaminated soil and groundwater. Much of this work was completed during 2002 – 2012 at the City's sole expense.

Discussion:

At the time the City undertook cleanup of petroleum contamination, the City was unaware that the property was eligible for enrollment in the Department of Environmental Services' (NHDES) Oil Discharge, Disposal and Cleanup Fund (or ODD Fund) Program. This fund, which is capitalized by surcharges on heating oil and gasoline, exists as a state-wide self-insurance program for property owners with petroleum facilities.

In November 2012, City staff met with representatives of NHDES, enrolled the site into the ODD Fund Program, and submitted a historical claim for City moneys previously spent on petroleum cleanup efforts at the site. The City's initial claim was for approximately \$172,000.

Over the past 10 months, the City and NHDES have worked to refine the City's claim to meet the guidelines of the ODD Fund Program, as well as secure back-up documentation for the City's expenses.

On September 23, 2013 the ODD Fund Program Board met and approved the City's claim for historical expenses in the amount of \$130,224.89. Some items in the City's initial claim were determined to be ineligible for reimbursement; hence the reduction from the City's original claim amount. After a customary \$10,000 deductible assessed by the State, the City received a net total of \$120,224.89.

These funds have been deposited into the Economic Development Reserve Fund (EDR) in order to reimburse it for past investments in the Allied Leather Tannery Project. Since 2002, the EDR has invested \$1,369,900 into the Allied Leather Tannery Project, of which \$103,134 has been repaid to date. With this \$120,224.89 reimbursement, the total owed to the EDR Fund is \$1,146,541.

Currently the City EDR has \$113,052 available. Depositing these funds into the EDR would increase the available balance to \$233,277, thereby providing the City with improved financial resources for future economic development projects and initiatives.

Since 2002, the City's total net investment in the Allied Leather Tannery site has been \$4.622 million, of which 63% (or \$2.914 million) has been provided by non-City sources, such as grants from the US Department of Housing and Urban Development, US Environmental Protection Agency, and State of New Hampshire.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION AUTHORIZING THE CITY MANAGER, BY WAY OF THE POLICE DEPARTMENT, TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF SAFETY, STATE HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR GRANT FUNDING OF A HOMELAND SECURITY EXERCISE IN CONJUNCTION WITH CONCORD HOSPITAL

The City of Concord resolves as follows:

- WHEREAS,** the Concord Police Department desires to apply for grant funding through the Department of Safety Homeland Security and Emergency Management Exercise and Evaluation Program to conduct a Homeland Security Exercise; and
- WHEREAS,** Concord Hospital has requested the assistance of the Concord Police Department in training and participation in an active shooter exercise at the Concord Hospital; and
- WHEREAS,** Concord Hospital desires to utilize this exercise to assess the hospital's emergency response to such an incident, and this exercise will be conducted on Concord Hospital grounds; and
- WHEREAS,** there is funding available and the City of Concord is eligible to receive funding through the Department of Safety Homeland Security and Emergency Management Exercise and Evaluation Program to conduct such an exercise; and
- WHEREAS,** there is no financial match required for this grant program.

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

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

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John F. Duval
Chief of Police

City of Concord, New Hampshire

POLICE DEPARTMENT

35 Green Street • 03301-4299

(603) 225-8600

FAX (603) 225-8519

www.concordpolice.com

TAN

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Chief John F. Duval
Concord Police Department

DATE: September 19, 2013

SUBJECT: FY 2010 State Homeland Security Exercise Funds Application

Recommendation

Through the City Manager, authorize the Police Department to apply for grant funding through the New Hampshire Department of Safety Homeland Security and Emergency Management Exercise and Evaluation Program. Said funding to be used to create an exercise designed to assess and evaluate the patrol response to an active shooter incident located at Concord Hospital.

Background

The Concord Police Department has been in discussions with Concord Hospital over the past year regarding the potential threat of an active shooter in their environment. All hospital personnel are currently attending a training regarding their expected responses as well as how law enforcement intends to respond given this critical event. This training is being overseen by Concord Hospital Security Director John Charron and Concord Police personnel.

In addition, Concord Hospital has revised its "Code Silver" policy which outlines their roles during an active shooter event. Concord Hospital has approached the Concord Police Department and requested we exercise in a joint fashion, not only the initial law enforcement and staff response, but the Mass Casualty Incident operational plan with the Concord Fire Department.

This activity is the next step in the training phase. The intention of conducting a drill is to exercise the response and evaluate the deficiencies and shortcomings that present during the training scenario. It also exercises interoperability between law enforcement, emergency services and civilian staff.

Discussion

This grant will allow for the Concord Police Department to fund costs associated with conducting a large scale exercise. Overtime expenses for personnel, supplies, evaluators and

food expenses are just a few items that require additional money that is not available through traditional budgetary accounts. There is no requirement for any matching city funds to be obligated for this training exercise, and it is anticipated that no city funds will be utilized.

Coordinating an exercise needs appropriate funding resources not only to ensure a successful event, but to entice other stakeholders in the community to actively participate knowing their financial obligation is being satisfied via grant funding. This particular venue, a hospital, is actually a preferred location by Homeland Security, and has the full support of the hospital administration.

As the grant applicant, if awarded, the City of Concord would benefit greatly by exercising one of the City's largest private employers. This exercise would also be opened up to outside agencies for full participation and input.

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATIONS TO THE NEW HAMPSHIRE HIGHWAY SAFETY AGENCY AS OUTLINED IN ITS CURRENT GRANT PROGRAM.

The City of Concord resolves as follows:

WHEREAS, the City of Concord is eligible to apply to the New Hampshire Highway Safety Agency as outlined in its current grant program;

WHEREAS, the City of Concord by way of its Police Department desires to impact unsafe driving habits through intensified traffic enforcement initiatives and equipment purchases during the remainder of 2013 and through the summer of 2014;

WHEREAS, the City of Concord by way of its Police Department desires to continue its efforts to improve the safety of our community's roadways;

WHEREAS, funds are anticipated to be available through the New Hampshire Highway Safety Agency.

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

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



CITY OF CONCORD

TAA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Lieutenant Gregory S. Taylor, Police Department

DATE: September 16, 2013

SUBJECT: 2013/2014 New Hampshire Highway Safety Grants

Recommendation - through the City Manager, authorize the Police Department to apply for funding through the New Hampshire Highway Safety Agency for roadway safety initiatives and equipment in 2013 and 2014.

Background - the New Hampshire Highway Safety Agency has begun preparing its programs for the next Federal Fiscal Year which runs from 10/01/13 through 09/30/14. For many years, the Police Department has sought assistance from the New Hampshire Highway Safety Agency to assist with some of our proactive roadway safety programs such as added DWI enforcement, Seat Belt education and enforcement, our summer Loudon Road intensified traffic enforcement program, along with additional equipment purchases including funds utilized to help offset costs associated with the Department's police motorcycle lease. It is our intention to continue this valuable relationship which allows us to place additional police officers and equipment in the field to assist in our continuing effort to address traffic concerns and make our roadways safer.

Discussion - acceptance of the varied grants will be individually presented to the City Council for additional review. All accompanying costs or matches will be identified.

Brian 10-1-1
10-21

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION DE-AUTHORIZE THE AMOUNT OF ONE THOUSAND NINE HUNDRED THIRTY-TWO DOLLARS AND FIFTY-NINE CENTS (\$1,932.59) FROM NEW HAMPSHIRE DEPARTMENT OF JUSTICE BULLET PROOF VEST GRANT AS NO LONGER NECESSARY.

Page 1 of 1

The City of Concord resolves as follows:

WHEREAS, during Fiscal Years 2008 thru 2011, the Concord City Council approved supplemental appropriations totaling \$9,060 for the purchase of bullet proof vests and the Concord Police Department received a total of \$7,127.41 from the New Hampshire Department of Justice Bulletproof Vest reimbursement program; and

WHEREAS, starting in Fiscal Year 2011, the Concord Police Department established CIP #370 for the purposes of supporting the purchase of bulletproof vests; and

WHEREAS, funds in excess of anticipated BPV reimbursements have been received in CIP #370; and

WHEREAS, the amount of \$1,932.59 is no longer necessary in the City's Grant and Donations Special Revenue Fund.

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

- 1) The sum of\$1,932.59
be and is hereby de-authorized as follows:

Grants and Donations Special Revenue Fund
Police Department
Bulletproof vest program\$1,932.59

- 2) Rescind revenue source as follows:

Grants and Donations Special Revenue Fund
Police Department
Bulletproof vest program\$1,932.59

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



John F. Duval
Chief of Police

City of Concord, New Hampshire

POLICE DEPARTMENT

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To: Honorable Mayor and City Council
From: Chief John F. Duval
Re: De-Authorization of the amount of \$1,932.59 from the US Department of Justice Bulletproof Vest Partnership Grant Program as no longer necessary.
Date: September 30, 2013

Recommendation

It is recommended that City Council de-authorize the amount of one thousand, nine hundred, thirty-two dollars and fifty-nine cents (\$1,932.59) from the US Department of Justice Bulletproof Vest Partnership Grant as no longer necessary.

Background – The Concord Police Department has participated in the United States Department of Justice Bulletproof Vest Partnership Program for approximately twelve years. This program provides funding of 50% reimbursement for bulletproof vest purchases made by the Department. The remaining 50% cost of bulletproof vests has been provided for in the Department's operating budget. Beginning in Fiscal Year 2011 the Department established CIP #370 for the purpose of supporting the purchase of bulletproof vests. Since that time reimbursement received through the Bulletproof Vest Partnership Program has been applied back to the CIP.

Discussion – Between Fiscal year 2008 through 2011 the City Council approved supplemental appropriations in the amount of \$9,060 for the purchase of bulletproof vests, and the Department received a total of \$7,127.41 through Bulletproof Vest Partnership Program. The difference in these two amounts, \$1,932.59 is no longer necessary in the city's Grant and Donations Special Revenue Fund as funds in excess of anticipated Bulletproof Vest Partnership Program reimbursements have been received in CIP #370. Based upon this, it is recommended that the City Council de-authorize the amount of \$1,932.59 from the US Department of Justice Bulletproof Vest Partnership Program as no longer necessary in the Grants and Donations Fund.



10-28

TAB

September 16, 2013

**Girls on the Run NH
117 Water Street, #3
Exeter, NH 03833
(603) 778-1389
www.girlsontherunnh.org**

To the Concord City Council:

On Sunday, November 24, 2013, Girls on the Run of New Hampshire is planning a 5k road race to be held at Memorial Field in Concord, NH. The race will begin at 10:30 a.m.

We are requesting that the South Bound lane of South Fruit Street, between Pleasant Street and Clinton Street, be closed from 10 a.m. until 11:45 a.m. in order to ensure the safety of our runners. We anticipate the flow of runners to be heavy along South Fruit street as the runners exit and return to the park. They will follow a loop along Clinton Street, Langley Parkway and Pleasant Street.

We are a local non-profit organization (tax ID# 02-0524090), serving girls in grades 3-8. We anticipate having approximately 1,000 runners, with about half of the runners being elementary-aged girls.

We are working closely with Christopher Hilstro in the City Office to plan our event. We will also be in contact with the Department of Safety.

Thank you very much for your consideration of this request. If you have any additional questions, please do not hesitate to contact me.

Sincerely,

Jennifer T. Hubbell

**Jennifer T. Hubbell
Executive Director, GOTR-NH**

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CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

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

DATE: August 30, 2013

SUBJECT: Reappointment to the Board of Trustees of Trust Funds

Recommendation

It is being recommended that the following reappointment be reviewed at the September City Council meeting for approval in October.

Background

I hereby propose the reappointment of Michael Aitken to serve on the Board of Trustees of Trust Funds. Mr. Aitken is a Partner with Gerald Newcombe, which is a financial services business here in Concord. He has served on the Board since 1999. The new term will expire on March 31, 2014.

Discussion

In accordance with Section 15 of the City Council Rules, the proposed reappointment is being distributed to the City Council as information prior to formal action in October.

cc: Michael Jache, Treasurer
Michael Aitken

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10-30

AE



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: September 27, 2013
RE: Economic Development Advisory Council Appointments (EDAC)

I propose the reappointment of the following individual to the Economic Development Advisory Council for a two year term to expire October 31, 2015.

- Walter Chapin, 4 Palomino Drive, Concord. Mr. Chapin will serve as a Creative Concord representative.

I propose the appointment of the following individual to the Economic Development Advisory Council for a two year term to expire October 31, 2015.

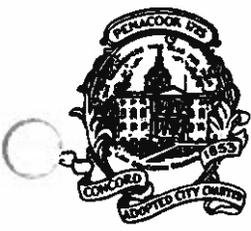
- Bob Carey, 45 South Main Street, Concord. Mr. Carey will serve as a Creative Concord representative.

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 October 15th City Council meeting.



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100





City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

TA

JIM BOULEY
MAYOR

TO: Members of City Council

FROM: Mayor Bouley

DATE: September 27, 2013

RE: Parking Committee

I propose the appointment of the following individuals to the Parking Committee:

- Tonya Rochette, 62 Dominique Drive, Concord. Ms. Rochette will serve on the committee as an Intown Concord representative.
- Mark Ciborowski, 2 Mountain Road, Concord. Mr. Ciborowski will serve on the committee as an Intown Concord 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 October 15th City Council meeting.



September 17, 2013

Matt Walsh
Director of Redevelopment, Downtown Services, & Special Projects
City of Concord
41 Green Street
Concord, NH 03301

RECEIVED

SEP 18 2013

CITY MANAGER'S OFFICE
CONCORD, NH

Dear Matt,

Last year, Main Street, Inc. officially changed its name to **Intown Concord, Inc.** I am writing to request that the City change any relevant Parking Committee paperwork to reflect the new name.

Additionally, I would like to request that the following board members be appointed as Intown Concord's representatives to the Parking Committee:

- **Tonya Rochette**
- **Mark Ciborowski**

Thank you for the opportunity to serve the City of Concord as members of the Parking Committee. Please let me know if you need any additional information.

Sincerely,

Tonya Rochette
President, Board of Directors

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8/29/13
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CITY OF CONCORD

In the year of our Lord two thousand and thirteen

RESOLUTION APPROPRIATING TWELVE THOUSAND DOLLARS (\$12,000) TO THE ARENA FUND OPERATING BUDGET FOR FISCAL YEAR 2013 RETROACTIVE TO JUNE 30, 2013.

Page 1 of 1

The City of Concord resolves as follows:

WHEREAS, the original Fiscal Year 2013 Arena operating budget appropriation in the amount of \$539,425 was not sufficient to meet the needs of the Arena; and

WHEREAS, the preliminary Fiscal Year 2013 financial statements reflects actual expenditures of \$551,250 a difference of \$11,825; and

WHEREAS, additional labor and benefits, and natural Gas was needed to effectively operate the facility/operation; and

WHEREAS, overall revenue was projected to be \$566,020 and actual revenue received was \$566,758; and

WHEREAS, sufficient revenue was received to support this supplemental appropriation; and

WHEREAS, this appropriation is for a purpose not included in the FY2013 adopted budget, therefore, Section 37 of the City Charter requires a two-thirds vote of the City Council;

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

1) The sum of\$12,000
be and is hereby appropriated as follows:

Arena Fund
Operating budget.....\$12,000

2) Revenue is available as follows:

Arena Fund
Operating revenue already received is sufficient to support this supplemental request

3) These funds shall be expended under the direction of the City Manager.

4) This resolution shall take effect upon its passage.



CITY OF CONCORD

TAA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Brian G. LeBrun, Deputy City Manager-Finance *BGL*
DATE: August 19, 2013
SUBJECT: \$12,000 Supplemental Appropriation for the Arena Fund operating budget retroactive to June 30, 2013

Recommendation

The Department recommends adoption of the attached supplemental resolution to increase the FY13 Arena Fund operating budget from \$539,425 to \$551,425.

Background

Each year during the annual budget process expense budgets are developed based on anticipated needs and historical usage. For Fiscal Year 2013, the actual needs in the Arena fund for wages, benefits and natural gas exceeded expectations.

Discussion

During the course of Fiscal Year 2013 it became necessary to expend additional funds for wages, benefits and natural gas that exceeded the original budget request for the Arena fund. These additional funds were needed due to the use of in-house labor for modifications to the dasher boards, shingle repairs, and lighting ballasts replacement. Upon completion of the fiscal year and presentation of the preliminary financial result it became apparent that an additional appropriation request was in order to support the actual expenditure needs. While the fund originally anticipated increasing its equity position by \$26,595, the actual preliminary results are expected to be \$15,509. Although the increase in equity was not as much as planned, both the anticipated and actual results are positive and achieved within the actual revenues received.

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CITY OF CONCORD

In the year of our Lord two thousand and twelve

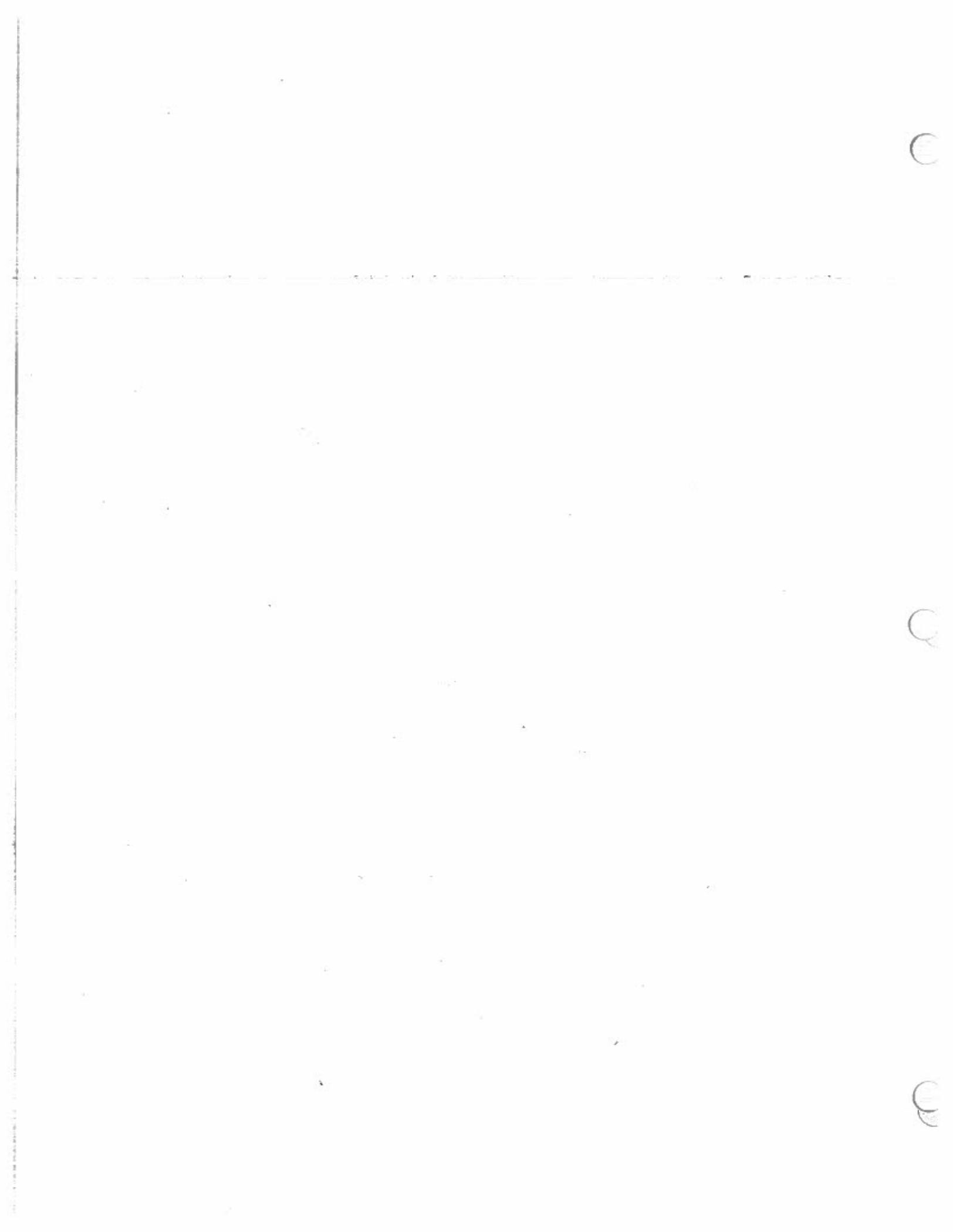
RESOLUTION RESOLUTION APPROVING THE GRANTING OF A CONSERVATION EASEMENT TO THE SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS (SPNHF) ON APPROXIMATELY 114 ACRES OF LAND SOUTHERLY AND EASTERLY OF GULLY HILL ROAD, AS APPROVED BY THE CONSERVATION COMMISSION.

The City of Concord resolves as follows:

- WHEREAS,** on April 12, 2004, the City adopted the provisions of RSA 36-A re-establishing the Concord Conservation Commission with the power to acquire in the name of the City, subject to the approval of the local governing body, by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee in such land or water rights, or any lesser interest, development right, easement, covenant, or other contractual right including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, or limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within the City; and
- WHEREAS,** between 2007 – 2010 the City acquired approximately 114 acres southerly of Gully Hill Road including parcels 110/6/9, 110/6/10, 110/6/11, 110/6/12, 114/1/8, 114/1/3, 114/1/6 and 110/6/14 for open space purposes, with funds available in the Conservation Trust Fund; and
- WHEREAS,** this land includes agricultural land of statewide and local importance and is also located within the floodplain of the Merrimack River; and
- WHEREAS,** the property is leased to local farmers and is currently in agricultural use, the lease revenues will be used to assist maintenance of the parcel, or otherwise be placed in the Conservation Fund; and
- WHEREAS,** the Master Plan 2030 includes the following goals: "To preserve prime and significant agricultural soils for agricultural uses, and to encourage the retention and diversification of agricultural uses within the City"; and
- WHEREAS,** the Conservation Commission, under the provision of RSA 36-A, conducted a public hearing after which the Conservation Commission members voted unanimously in the affirmative to recommend the conveyance of a conservation easement in the name of the City of Concord to the SPNHF on the above-cited parcels, as a means of ensuring the permanent protection and stewardship of said parcels; and for which the Conservation Commission intends to pay the standard SPNHF one-time stewardship fee for the acceptance and long-term monitoring of the conservation easement in the amount of \$10,000, from the Conservation Trust Fund property management account, as appropriated in the Fiscal Year 2012 budget;

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

- 1) This resolution shall be effective upon its passage.





CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: CONCORD CONSERVATION COMMISSION

DATE: May 28, 2012

SUBJECT: Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission.

Recommendation

Authorize the City Manager to grant a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road.

Background

In 2004, the Conservation Commission and the SPNHF began a dialogue about protecting the prime farmland south of Gully Hill Road which belonged to the Bartlett Family Trust, the Keith G. Richard Trust, and the Towle Special Trust. The preservation of the Bartlett dairy farm on Josiah Bartlett Road was also part of this discussion. SPNHF took the lead on discussions with the Bartletts about the family farm, while the Commission proceeded to contact the Bartletts, Keith Richard, and the Towles, regarding the possible acquisition of approximately 114 acres of land southerly of Gully Hill Road and northerly of Terrill Park. The land contains important agricultural soils, is located in the floodplain with extensive frontage along the Merrimack River and is within close proximity to downtown Concord. The Commission began negotiations with the property owners in 2007, and purchased the southerly 40 acres from Keith G. Richard Trust. Mr. Richard conditioned the sale of his land on a lease back to allow him to continue farming the property.

In 2007, the Towle Special Trust sold its property, which was an undivided half interest in the 29 acres at the northern edge of this area, to Jeffrey S. Larrabee, who approached the Commission in September 2008 about selling his interest in this parcel. In March of 2009, the City purchased the 29 acres from Mr. Larrabee and the Bartlett family, who each owned a half interest in the parcel. The tillable acreage was then leased back to the Bartlett family.

At that time the City also secured an option to purchase the balance of the Bartlett lands (45+/- acres) in the future. The Bartlett family is in its fourth generation of dairy farming in Concord on Josiah Bartlett

Road, and they also conditioned the future sale of the remaining 45 acres on the lease back of the agricultural land. In 2010, the City purchased the remaining 45 acres from the Bartlett family and entered into a long term lease with the Bartletts to allow them to continue farming the land.

The Conservation Commission held a public hearing on August 11, 2010, and voted unanimously to convey a conservation easement on the all of the city-owned open space land southerly of Gully Hill Road and to pay the stewardship fee of \$10,000 from funds available in the Conservation Trust Fund, to the SPNHF for the granting of the conservation easement. The \$10,000 stewardship fee and any closing costs would be paid for from the funds available on deposit in the Conservation Trust Funds, as appropriated for land protection projects in the fiscal year 2012 budget.

The City Council discussed the conveyance of the conservation easement during the public hearing in 2010 for the acquisition of the Bartlett property. The Council decided to authorize the purchase of the land but asked the Conservation Commission to work with SPNHF to develop a draft conservation easement that the Council would vote on at a later date.

Proposed Conservation Easement

The City now owns all of the agricultural/floodplain land southerly of Gully Hill Road and northerly of Terrill Park. This land was identified in the Master Plan as a priority area for protection due to its prime agricultural soils, substantial wetlands, valuable wildlife habitat, location within the floodplain, and the potential for trails and access to the river for outdoor recreation. Because the property is such an important natural and recreational resource for the City, the Commission agreed that it would benefit from the added level of protection that conservation easement would offer.

The conservation easement would ensure that the prime agricultural soils as well as the natural and recreational resources are protected in perpetuity. SPNHF would assume the responsibility of the land stewardship for the property. If the easement is conveyed, the City would pay a one-time stewardship fee of \$10,000 to SPNHF as a contribution towards the stewardship responsibilities. These responsibilities include annual monitoring to make sure the property is being managed in a way that is consistent with the terms of the easement. Conservation easements have been conveyed to SPNHF on the City-owned agricultural lands off of West Portsmouth Street and Locke Road. A fact sheet published by SPNHF with answers to commonly asked questions and concerns regarding conservation easements has been included in this report for your review.

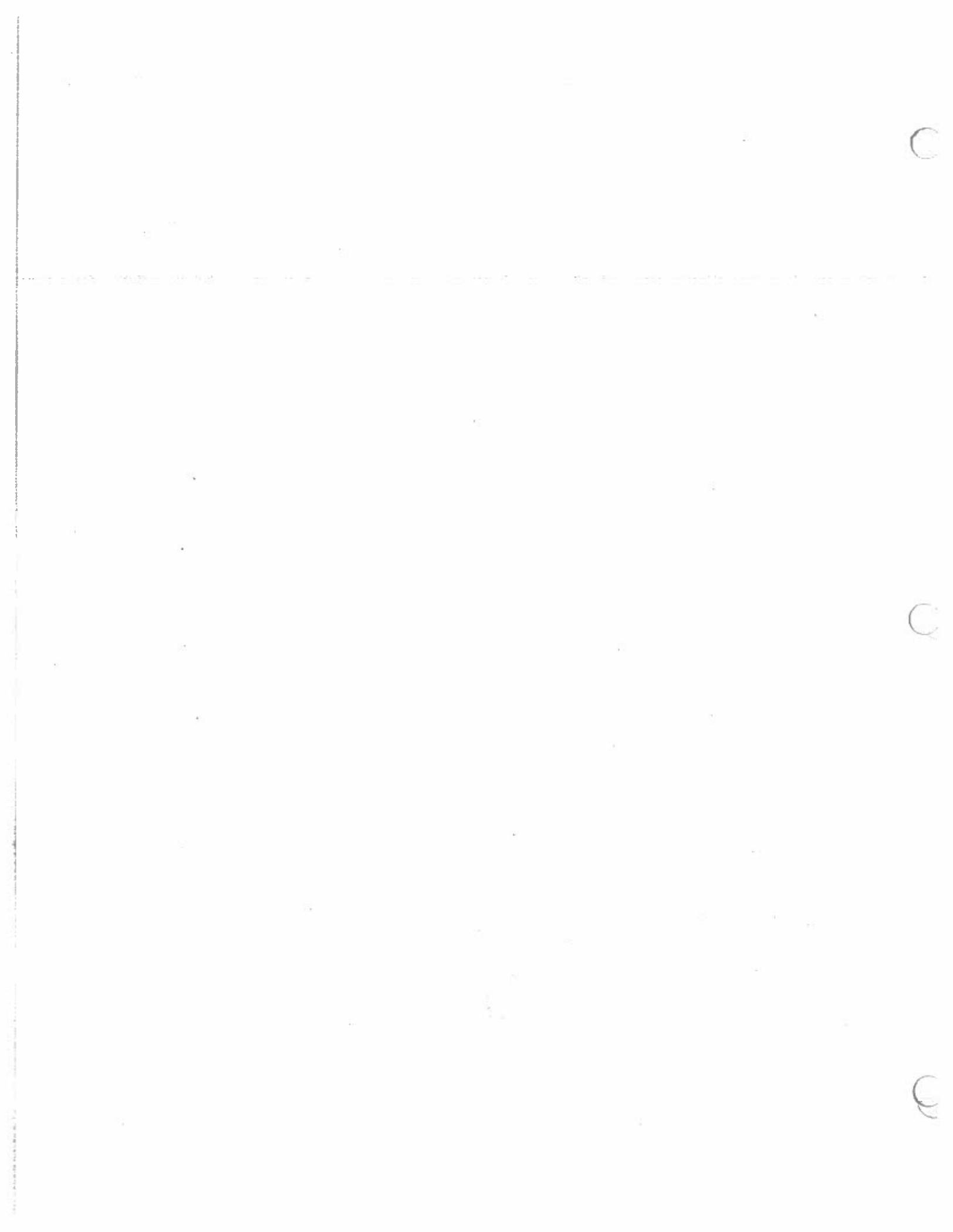
The Commission has worked with SPNHF to develop a proposed conservation easement for the property. The easement includes the standard language that prohibits development and further subdivision of the property and restricts the use of the land for industrial and commercial purposes. The easement would permit agricultural, forestry, and passive non-motorized recreational uses and other uses that would not be detrimental to the conservation purposes of the easement. The easement also includes specific language to addresses the following areas in more detail:

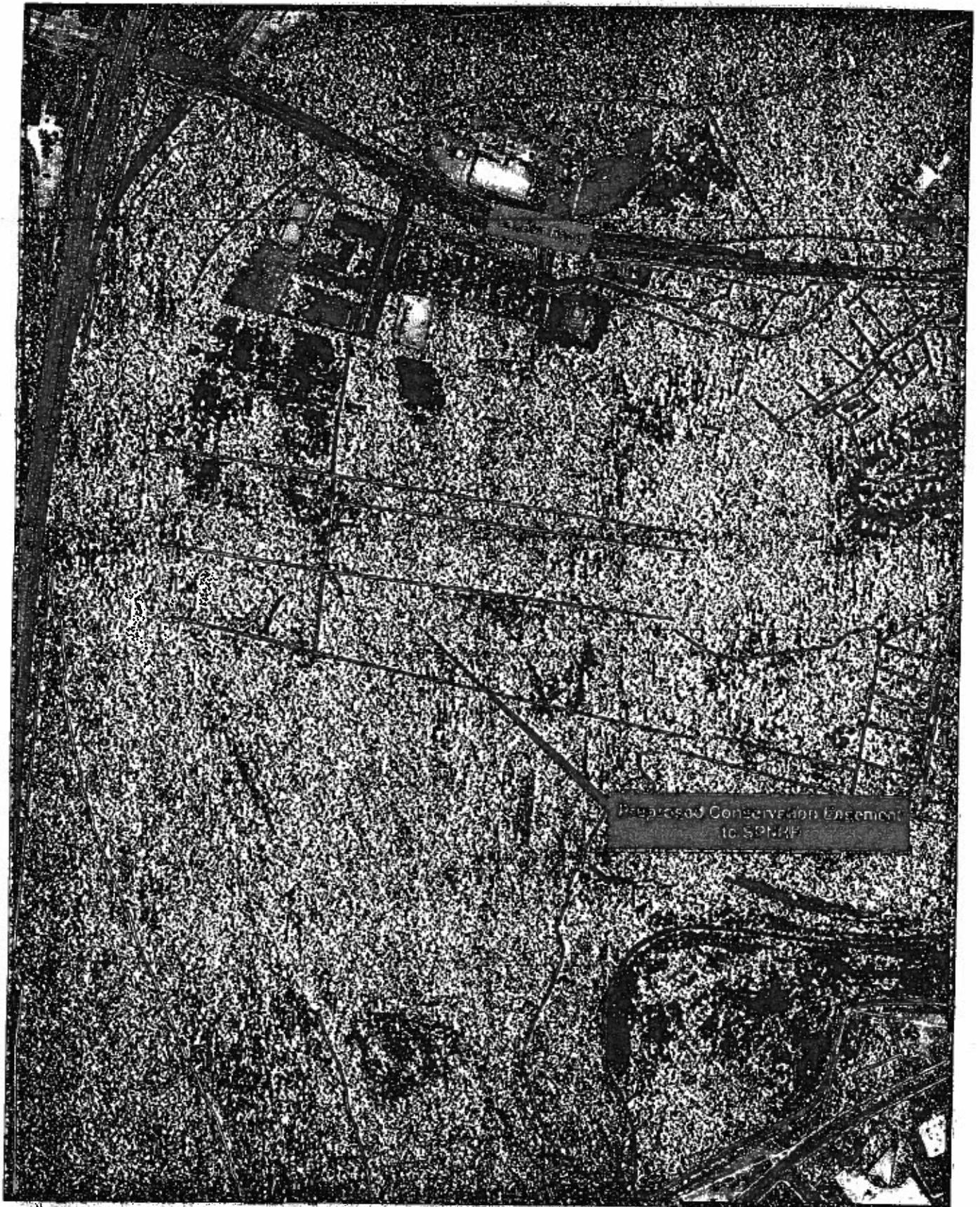
- **Public Events** - The City may hold public events on the property. The event could include the installation of temporary shelters, tents, staging, utilities such as electric power, and provide for the parking of vehicles and the installation of temporary sanitation facilities such as chemical toilets. The easement restricts the length of any one event to 10 days.

- **Construction of Shared-Use Path** - The City may construct and maintain a paved 12-foot wide shared use path together with a boardwalk and associated drainage improvements within the easement area. The easement would restrict the location of the trail to an area between 250 feet and 50 feet from top of the bank of the Merrimack River at the time of construction.
- **Construction of Small Parking Area** - The City may construct a small parking area (8,000 sq. ft. or less) to support the recreational users of the property.
- **Construction of Recreational Amenities** – Trails, kiosks, docks, boardwalks and bridges may all be constructed on the property.
- **Buffer to the Merrimack River** – The easement provides for a 75-foot protective buffer to the Merrimack River. The natural vegetation existing within 75 feet of the top of the bank along the Merrimack River will need to remain undisturbed. The vegetation within the buffer can be thinned or pruned to open up scenic view of the river or to manage the health of the vegetation. The buffer can also be disturbed to accommodate the construction and maintenance of recreational trails.
- **Installation of Temporary Structures** - Agricultural or forestry related structures and temporary structures related to special events may be located within an area that is outside of the 250-foot shoreland setback and the 50 foot buffer to jurisdictional wetland areas (See attached map). The City may also permit the installation of temporary agricultural structures such as hoop houses, provided that the total impervious surface does not exceed 100,000 sq. ft. and that the impervious coverings be installed no earlier than October 15 of each year and removed no later than June 1.
- **Maintenance of Existing Roads** - The City would be able to continue to maintain, repair, improve, and use all roads which exist on the property today. New roads would need to be located outside the 50-foot wetland buffer and the 75-foot vegetative buffer to the Merrimack River at the time of construction.

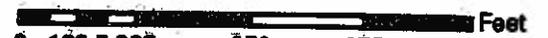
Summary

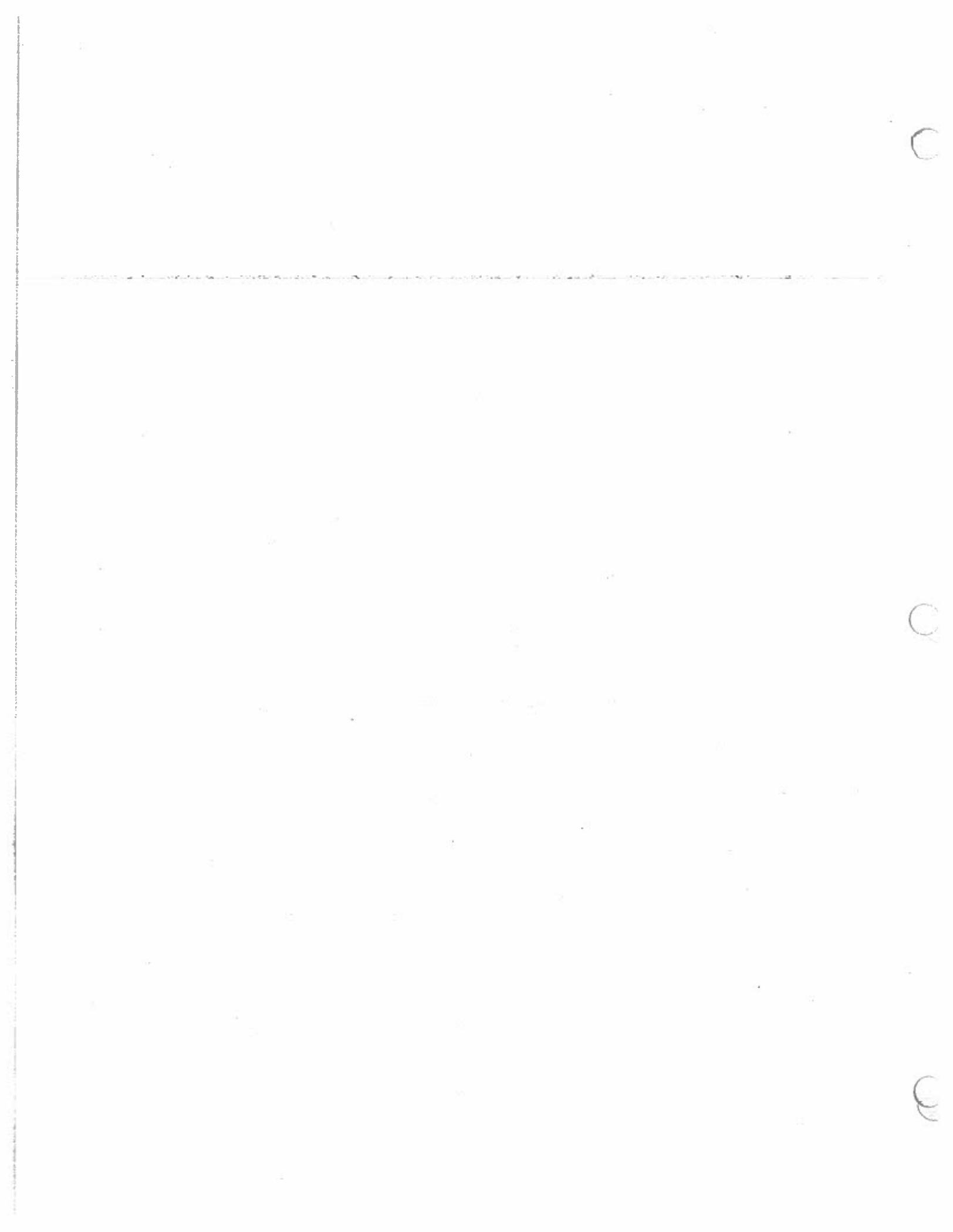
The recommendation is to authorize the City Manager to grant conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road. The Conservation Commission will pay for the \$10,000 stewardship fee and any closing costs from the funds available on deposit in the Conservation Trust Funds, as appropriated for land protection projects in the fiscal year 2012 budget.





 Proposed Easement Area, 114 acres southerly of Gully Hill Road

 Feet
0 162.5 325 650 975 1,300





CONSERVATION EASEMENT

QUESTIONS AND ANSWERS

One of the best ways you, as landowner, can protect the important natural features of your land is to place a conservation easement on your property.

A conservation easement provides permanent protection from land use that could damage or destroy its scenic, recreational, ecological, and natural resources.

Each easement is drafted to reflect the natural resources of the land, the personal needs of the landowners, and the objectives of the organization or agency that holds the easement.



What is a conservation easement?

A conservation easement deed is a permanent, legally binding agreement between a landowner and a qualified conservation organization or public agency that restricts use of the land to protect its significant natural features. In New Hampshire this is authorized by RSA 477:45-47.

Who owns the land when a conservation easement is placed on a property?

As a landowner, you continue to own and have the right to manage your land while giving up the right to engage in certain intensive uses of the property. You will continue to be responsible for paying the local property taxes on the parcel.

Who can hold conservation easements?

According to New Hampshire state law, conservation easements can be held by a qualified non-profit conservation organizations or public agencies and municipalities able to ensure that the property is protected in perpetuity. Private groups such as the Forest Society, the NH Audubon Society, The Nature Conservancy, and local land trusts are equipped to receive and enforce conservation easements. Public agencies such as town conservation commissions, county conservation districts, the NH Department of Fish and Game and the NH Division of Forests and Lands also hold conservation easements.

What uses are permitted on conservation easement land?

Typically, conservation easements held by the Forest Society allow the landowner to continue to use the land for agriculture, forestry, non-commercial outdoor recreation, wildlife habitat management and all other uses that are compatible with the conservation goals for the property and not specifically prohibited by the easement terms.

What uses are prohibited on conservation easement land?

Conservation easements generally prohibit subdivision and development, commercial and industrial activities, except agriculture and forestry, mining and excavating, filling or disturbance of wetlands, and disposal of man-made waste or hazardous materials.

Can landowners request specific permitted uses on the property?

When you work out the details of the easement with the easement holder, you should try to anticipate as many future needs and possibilities for the land as possible. Specific exceptions may allow an additional house lot on the property or the right to build and maintain roads and buildings. Sometimes landowners put conservation easements on only a portions of their property reserving full development options for the balance of their land.

Does the easement grant any rights to the easement holder?

The conservation organization that holds the easement has the right to enter the property to monitor its condition and the obligation to enforce the easement, in court if necessary, to ensure that the terms are upheld and the natural resources are protected.

What is an executory interest?

An executory interest is a secondary or backup easement in the land held by another conservation organization. The executory interest holder is responsible for ensuring that the primary easement holder monitors the property and enforces the terms of the easement. If the primary holder fails to enforce the easement for any reason, the backup holder can take enforcement action to restore the property and can even take over the easement from the grantee. As a landowner you may choose which organization is the primary easement holder and the executory interest holder.

The Forest Society pioneered the use of conservation easements in New Hampshire in the early 1970's. Today the Forest Society is responsible for protecting more than one million acres throughout the state.

Our land agents are trained and experienced in crafting easements, in cooperation with landowners and their advisors. Please call us if you have any questions regarding conservation easements.



How are conservation easements monitored and enforced?

The Forest Society knows that the best way to prevent problems over conservation easements is to maintain a positive relationship and good communication with the landowners. The conservation organization that holds the easement has the authority and obligation to ensure that the natural resources are protected in perpetuity. Easement holders are responsible for regularly inspecting the site to make sure the property is maintained in compliance with the easement. If activities on the land violate the agreement, the easement holder may take action to halt the damaging activity.

Does granting a conservation easement give the public access to my property?

No, generally donated conservation easements do not automatically give the public any rights to enter or use protected property. Most easements let the landowner decide to allow public access. However, if an easement is purchased, guaranteed public access for pedestrian recreation may be required.

Do easements restrict my ability to sell, convey by will, or give my land in the future?

No, you may sell or convey the land to a different owner at any time at any price. Conservation easements run with the land forever, so all future owners will be required to follow the easement terms.

Will I be asked to donate Money?

To help cover the costs of insuring your wishes for the future of your land, the Forest Society requests a donation to the Easement Stewardship Endowment. This money provides funds for monitoring the property and for any legal expenses that may be necessary to enforce the terms of the easement.

What costs are involved with easements?

Conservation easements may involve expenses for items such as legal fees, survey and appraisal costs or other professional services. The Forest Society may charge fees for the service of easement drafting and baseline documentation preparation.

Are there financial benefits to donating a conservation easement?

Yes, by donating a conservation easement you may benefit in several possible ways. Consult a qualified professional to find out how these possibilities apply in your personal situation.

Federal income taxes:

If you donate some or all of the value of the conservation easement to a qualified organization, you may be eligible to take a federal income tax deduction for the value of the charitable gift. To be deductible for federal income tax purposes the easement must meet certain standards established by the federal government.

Federal Estate Taxes:

When a conservation easement is placed on a property, it typically lowers the property's value for federal estate tax purposes and may decrease estate tax liability. Therefore, easements may help heirs avoid being forced to sell off land to pay estate taxes and enable land to stay in the family. Under certain situations, conservation easements can be granted after the death of the landowner and still provide estate tax benefits.

Federal Gift Taxes:

The IRS requires recipients to pay taxes on gifts over a certain value. If you want to give your land to your children without requiring them to pay taxes on your gift, you may need to give the land in installments to stay below the taxable value level. Conservation easements may help to reduce the value of your property, making it possible for you to give all of your land to your children more quickly.

Local Property Taxes:

Conservation easements usually reduce property value, which, in turn, may reduce property tax assessment. If your land is already enrolled in the Current Use Assessment Program, you would probably not see any further reduction in property taxes as the result of granting a conservation easement. If your land is not eligible for the Current Use Program because it is less than 10 acres, you may wish to apply for a Conservation Restriction Assessment and may see a reduction in your local property tax.

Resolution No.

CITY OF CONCORD

In year of our Lord two thousand thirteen

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8-65 2-33(I)
9-37 2-42
10-35 4-39

RESOLUTION Amendment of the Official Map so as to establish the Mapped Lines of a Future Street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

The City of Concord resolves as follows:

- WHEREAS,** pursuant to enabling statutes, the City has established an Official Map as well as adopted an ordinance creating a process for mapping the lines of future streets; and
- WHEREAS,** mapping the lines of future streets reserves a corridor for a street to be constructed at a future time by restricting the issuance of building permits for buildings or structures within the mapped lines of future streets; and
- WHEREAS,** the adopted Master Plan 2030 recommends the creation of a roadway network to serve the southern Opportunity Corridor. The Opportunity Corridor Study and the 2030 Master Plan includes an extension of Storrs Street from the Intersection of Theatre Street and Storrs Street southerly under the Manchester Street Bridge to Gas Street, and then southerly to Langdon Avenue; and
- WHEREAS,** the City of Concord contributed over 1 million dollars in 1997-8 to the I-93 Exit 13 NH Department of Transportation improvement project to widen the Manchester Street Bridge to accommodate this planned roadway; and
- WHEREAS,** the Planning Board held a public hearing on December 19, 2012, after notifying the affected property owners on the planned new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue and accepted testimony, and
- WHEREAS,** the future street is intended to be constructed as an urban street to support the redevelopment of the southern Opportunity Corridor.
- WHEREAS,** the Planning Board voted unanimously to forward a request to the City Council that the Board be authorized pursuant to Section 16-3-6, Mapping of Future Streets, of the Code of Ordinances, to prepare and certify a plan of the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

Resolution No.

CITY OF CONCORD

In year of our Lord two thousand thirteen

RESOLUTION Relative to the Establishment of the Mapped Lines of a Future Street for a new street from the intersection of Storrs and Theatre Streets southerly to **Langdon Avenue.**

Page 2

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

- 1.) The Planning Board be, and hereby is authorized to prepare and certify a plan of the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.
- 2.) This resolution shall take effect upon its passage.



CITY OF CONCORD

120

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Stephen Henninger, Assistant City Planner

DATE: December 20, 2012

SUBJECT: Amendment to Mapped Lines of Future Streets – Storrs Street South

Recommendation

The Planning Board, after holding a public hearing on December 19, 2012, voted unanimously to forward the proposed revision of mapped lines of future streets to the City Council. The Board is requesting that the City Council direct the Planning Board to certify the mapped line of a future street pursuant to Article 16-3-6 Mapping of Future Streets, of the Code of Ordinances, and RSA 674:11, Amendments to Official Map, for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

Prior to directing the Planning Board to certify the mapped street, the City Council will need to hold its own public hearing, send notice of the hearing by certified mail "to all owners over whose lands the proposed streets will cross," and publish the hearing notice in the newspaper.

Please see the attached map showing the location of the proposed 50' wide mapped line of future streets extending from the intersection of Theatre Street and Storrs Street, southerly adjacent to the NH main line railroad line, underneath the Water Street Bridge to Gas Street, then southerly from Gas Street to Langdon Avenue.

Background

This new road extending through the old Boston and Maine railroad yards southerly to the South Concord Industrial park has been planned for many decades. The yards and the South Concord Industrial park have languished as an underused and deteriorating brownfields site since prior to the 1960's.

The area has been begun a turnaround and several new developments have been completed including a new maintenance facility and headquarters for Concord Coach (an inter-city

bus company), Evolution Rock (a fitness center and climbing gym), and renovations to the J & S Leasing property.

The construction of Concord Steam Power Plant and cogeneration facility southerly of Langdon Avenue is planned for construction in 2013.

The City facilitated the extension of this new road in 1998-9 by increasing the length of the Water Street Bridge as part of the I-93 Exit 13 reconstruction project to allow for one bay under the bridge for the NH Main Line Railroad and one-bay for the Storrs Street extension at a cost of 1.3 million dollars.

The City has acquired the rights to develop Langdon Avenue as a public street from South Main Street to the NH Main Line Railroad (B & M Rail Line). A small amount of additional right-of-way in front of the Concord Coach facility still needs to be secured. A recent condominium subdivision of the J& S Property has preserved a corridor for the future road north from Langdon Avenue.

Master Plan

The Planning Board in 1993, as part of the Year 2010 Master Plan Update, adopted a Future Transportation Plan showing the southerly extension of Storrs Street from Theatre Street (Chandler Street) to the vicinity of Allison Street and South Main Street.

In the "The South Concord Redevelopment Area Study – A Small Area Master Plan" adopted by the Planning Board in 1997, the current alignment shown on the attached plan was developed.

The Concord Opportunity Corridor Master Plan prepared in April of 2005 reaffirmed the location and alignment of the southerly extension of Storrs Street and the recommendations of the South Concord Redevelopment Area Study.

In the current Master Plan 2030, the Planning Board reaffirmed the location and purpose of the southerly extension of Storrs Street to facilitate the redevelopment within the southern segment of the Opportunity Corridor.

Analysis

The proposed new mapped street has been referred for decades as the southerly extension of Storrs Street. Based on E-911 mapping and addressing conventions, when this street is developed a new street name will need to be selected. In this report we will continue to identify this proposed street as the southerly extension of Storrs Street.

The southern extension of Storrs Street has a well-defined beginning, middle and end. The starting point at the intersection of Storrs Street and Theatre Street is anchored at an existing four way intersection, falls between two large industrial scale buildings, and is the

ideal location from a grade standpoint to connect back to Storrs Street. The Merrimack River bluffs along South Main Street are on average about 26' above the grade of the plain below the bluff. Langdon Avenue is located at a low point in the bluffs and has 5-6% slopes on both approaches on South Main Street and on Langdon Avenue. Other connecting points between the two locations would require significant grade changes and impacts to existing buildings. Full access at Gas Street will be a design consideration given the available right-of-way for Gas Street, grade of Gas Street at South Main Street, and site distance at the South Main Street/Gas Street intersection. The underpass designed specifically for the future road under the Water Street Bridge is the only feasible location for the street between South Main Street and the NH Main Line Railroad. This section of the NH Main Line Railroad has been designated as one of five high speed rail corridors in the country with service proposed from Boston to Montreal. New at-grade rail crossings of this line are unlikely to be approved.

The corridor could be completed in two independent phases, one section from Theatre Street to Gas Street, and the second section from Gas Street to Langdon Avenue. Improvements to Langdon Avenue and the intersection of Langdon Avenue and South Main Street will be needed to support redevelopment in the southern section.

The following properties would be affected by the proposed mapped line of future streets.

<u>Property Owner</u>	<u>Map/Lot Number</u>	<u>Address</u>
State of New Hampshire	35A-1-2	50 Storrs Street
Pan Am Railroad	B & M Railroad	Storrs Street
Energynorth North Natural Gas, Inc.	26-1-6	Gas Street
Cohen Properties of Concord, LLC	26-1-5	Gas Street
Automotive Supply Associates, Inc.	26-1-3	219-231- S. Main St
J & S Leasing General Partners	25B-1-19	287 South Main St.

There are no environmentally sensitive areas along the corridor.

For the extension of Storrs Street to be completed south of Gas Street a complete take would be required for parcel 26-1-5 owned by Cohen Properties of Concord, LLC. This 0.65 acre parcel has a total assessed value of \$87,600. No other building or structure is impacted.

The corridor is located in a Brownfield area; however recent development in this area has proceeded without major expenditures for the cleanup of either soil or ground water contamination. The Energynorth parcel (26-1-6) at Gas Street was the site of a coal-gasification plant and the source of coal tar contamination in the area. Liberty Gas, the successor to Energynorth, would be are responsible for any Brownfield remediation associated with this contamination which may be required due to construction of the new street.

Storrs Street Southern Extension Mapped Line of Future Street



**Mapped Line of Future Street
Storrs Street South
as of November 1, 2012**

Address/Owner	Parcel
Base of New Hampshire Map Act Subpart 1	35A-1-2
Map Act Subpart 1, Inc.	25-1-6
Other Properties of Concord, LLC	25-1-3
Automotive Supply Associates, Inc.	25-1-5
J.S. & Co. Landscaping Services, Inc.	25B-1-9

_____ Future Street
 _____ Right of Way
 _____ Other Street

1 inch = 416,666.67 feet
 11/18/12
 Concord Planning Division
 Concord, NH
 SLH

8-14

9-26(c)

9-29

10-36

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, by amending Section 27-1-5, Amendments to the International Property Maintenance Code/2009, as follows:

Section 101 – General

Add new section 101.3.1 Licensed Trades as follows:

101.3.1 Licensed Trades: To further ensure the public health, safety and welfare, any new installations or major repairs in residential rental property to plumbing, mechanical or electrical work must be performed by State of NH licensed tradesperson who shall obtain the necessary permits for such work. The Code Official may require licensed tradesperson to correct non-compliances to plumbing, mechanical or electrical work performed by the property owner or his or her agent.

Section 102- Applicability

102.3 Application of other codes: Delete this section in its entirety and replace with the following:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the most recently adopted versions of the following codes: International Building Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, NFPA 70, International Existing Building Code, NFPA 101 Life Safety Code, International Building Code, International Fuel Gas Code, International Mechanical and NFPA 70.

Nothing in this code shall be construed to cancel, modify or set aside any provision of the Municipal Code of Ordinances, Chapter 28.

Section 104- Duties and Powers of the Code Official

Add new section "104.3.1 Access by owner/operator/agent" as follows:

104.3.1 Access by owner/operator/agent: Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

Section 202 – General Definitions

Under Section 202, General Definitions, add the following definitions:

Cooking Appliance: A stove containing an oven and cooking surface, or a stove top cooking surface and wall oven.

Weed(s): All grasses, annual plants and vegetation other than trees or shrubs or cultivated flowers and gardens.

Under Section 202, General Definitions, amend paragraph 7 of the definition of "Public Nuisance" as follows:

7. Any premises that is unsanitary, or that is littered with rubbish or garbage ~~or that has an uncontrolled growth of weeds;~~ or

Under Section 202, General Definitions, amend the definition of "Rooming House" as follows:

Rooming House: A detached dwelling unit containing sleeping accommodations for ~~individuals other than~~ **more than three (3) unrelated individuals** ~~other than members of the resident family and~~ having common kitchen and dining facilities.

Section 302 – Exterior Property Areas

302.4 Weeds: Delete this section in its entirety and replace with the following:

302.4 Weeds. Weeds on all exterior premises shall be maintained at a height that does not obstruct sight distance when entering or exiting a roadway or has the potential to create a fire hazard or public nuisance.

Section 307 – Handrails and Guardrails

307.1 General: Delete this section in its entirety and replace with the following:

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is ~~more than 30 inches above the floor or grade below~~ shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck of ramp or other walking surface.

Exception: Guards shall not be required where exempted by the more recently adopted building code.

Section 405 – Dwelling Units

405.1 Dwelling Unit: Amend paragraph 1 as follows:

1. The unit shall be provided with a kitchen sink, cooking appliance (a microwave is not considered a cooking appliance per section 403.3) *with all components in safe, clean working condition*, and a clear working space of not less than 30 inches. Light and ventilation conforming to this code shall be provided.

Add the following as a new section:

Section 406 – Rooming Houses

406.1 A person shall not operate a rooming house, hotel or motel unless that person holds a valid rooming house permit per Article 27-1-3 of the City of Concord Code of Ordinances.

406.2 A detached dwelling housing three (3) or more unrelated individuals other than members of the resident family is classified as a rooming house and is subject to an annual inspection.

Section 503 – Toilet Rooms

503.3 Floor surface: Amend this section as follows:

503.3 Floor surface. In ~~other than~~ dwelling units, every toilet room floor shall be maintained to be a smooth, hard, non-absorbent surface to permit such flooring to be easily kept in a clean and sanitary condition.

Section 605 – Electrical Equipment

Add new sections "605.4, 605.5, 605.6, 605.7 and 605.8" as follows:

605.4 Branch circuits in buildings with more than one occupancy. Branch circuits in each dwelling unit shall supply only loads within that dwelling.

605.5 Common area branch circuits with more than one occupancy. Branch circuits installed for the purpose of lighting, central alarm, signal, communications, or other purposes for public or common areas of a two-family dwelling, a multi-family dwelling, or a multi-occupancy building shall not be supplied from equipment that supplies an individual dwelling unit or tenant space.

605.6 Identification. Each circuit in an electrical panel is required to be identified as to what area of the building that circuit supplies power.

605.7 Occupancy. Each occupant shall have ready access to all overcurrent devices protecting the conductors supplying that occupancy.

Exception: Where electrical service and electrical maintenance are provided by the building management and where these are under continuous building management supervision, the service overcurrent devices and feeder overcurrent devices supplying more than one occupancy shall be permitted to be accessible only to authorized management personnel in multiple-occupancy building and guest rooms/guest suites.

605.8 Unused openings. Unused openings for circuit breakers and switches shall be closed using identified closures or other approved means that provide protection substantially equivalent to the wall of the enclosure.

Section 702 – Fire Protection Systems

704.2 *Smoke alarms*: Amend this section as follows:

704.2 Smoke alarms. ~~The minimum standard pursuant to the City Housing Code, Article 27 of the Municipal code of Ordinances and a July 1, 1999 amendment to the State of NH Smoke Detector Law Rules (RSA 153:10 a) requires that~~ Existing battery powered smoke detectors located within single family rental housing and multi-family (two or more dwelling units) housing, must be replaced with a hard wired*, electrically powered battery back-up smoke detectors, which incorporate a "false alarm silencing" feature. The electrically powered smoke detector(s) must be installed by a New Hampshire licensed master electrician. An electrical permit must be obtained prior to installation. This code standard applied to the installation of smoke detection where none were previously provided ~~but~~ **or additional units** are required.

**Remote Smoke Detectors. In existing buildings, wireless remote, battery-back up smoke detectors may be installed. Installation must be performed by a State of NH licensed electrician.*

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

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Michael Santa, CBO, Code Administrator

DATE: July 16, 2013

SUBJECT: Updating of the City's Housing Code

Recommendation

Accept this report recommending that the City Council amend the Code of Ordinances, Chapter 27, Housing Maintenance and Occupancy Code.

Background

The current Code of Ordinances, Chapter 27, Housing Maintenance and Occupancy Code was last updated in March of 2011. The Housing Maintenance and Occupancy Code is based on the 2009 International Property Maintenance Code. Staff is proposing amendments to the Housing and Maintenance Occupancy Code because recent State of New Hampshire changes to the smoke detector and carbon monoxide requirements in residential structures has created a conflict between standards. Staff is also proposing other amendments to the Housing and Maintenance Occupancy Code to provide clarification regarding the requirements of certain sections.

Discussion

The City's Housing Maintenance and Occupancy Code was last updated in 2011. Since the Housing Maintenance and Occupancy Code is specifically tailored to the City of Concord, situations are encountered that occasionally require the amending of the code. The proposed amendments have been written to provide consensus between State and local law, as well as to provide clarification in sections of the code to prevent any ambiguities about the requirements.

cc: Thomas J. Aspell, City Manager
Carlos Baia, Deputy City Manager, Development
Gloria McPherson, City Planner
Craig Walker, Zoning Administrator
Sean Toomey, Deputy Fire Chief

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Proposed changes to Housing Maintenance and Occupancy Code 2012

(Red font = additions to code)
(Deletions)

101.3.1 Licensed Trades: To further ensure the public health, safety and welfare, any new installations or major repairs in residential rental property to plumbing, mechanical or electrical, work must be performed by State of NH licensed tradesmen who shall obtain the necessary permits for such work. The Code Official may require a licensed tradesman to correct non-compliances to plumbing, mechanical or electrical work performed by the property owner or his agent.

104.3.1 Access by owner/operator/agent: Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

704.2 Smoke alarms. ~~The minimum standard pursuant to the City Housing Code, Article 27 of the Municipal Code of Ordinances and a July 1, 1999 amendment to the State of NH Smoke Detector Law Rules (RSA 153:10-a) requires that~~ Existing battery powered smoke detectors located within single family rental housing and multi-family (two or more dwelling units) housing, must be replaced with hard wired*, electrically powered battery back-up smoke detectors, which incorporate a "false alarm silencing" feature. The electrically powered smoke detector(s) must be installed by a New Hampshire licensed master electrician. An electrical permit must be obtained prior to installation. This code standard applies to the installation of smoke detection where none were previously provided but or additional units are required.

***Remote Smoke Detectors.** In existing buildings, wireless remote, battery-back up smoke detectors may be installed. Installation must be performed by a State of NH licensed electrician.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the most recently adopted versions of the following codes: International Building Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, NFPA 70, International Existing Building Code, NFPA 101 Life Safety Code, International Building Code, International Fuel Gas Code, International Mechanical and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Municipal Code of Ordinances, Chapter 28.

~~**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this code term shall not include cultivated flowers and gardens.~~

~~Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.~~

Weeds on all exterior premises shall be maintained at a height that does not obstruct sight distance when entering or exiting a roadway or has the potential to create a fire hazard.

SECTION 202 - GENERAL DEFINITIONS

Public Nuisance: Includes, but is not limited to, the following:

7. Any premises that is unsanitary, or that is littered with rubbish or garbage ~~or that has an uncontrolled growth of weeds;~~ or

Rooming House: A detached dwelling unit containing sleeping accommodations for ~~individuals other than~~ more than three (3) unrelated

individuals ~~other than members of the resident family~~ and having common kitchen and dining facilities.

Weeds: All grasses, annual plants and vegetation, other than trees or shrubs or cultivated flowers and gardens.

SECTION 406 - ROOMING HOUSES

406.1 A person shall not operate a rooming house, hotel or motel unless that person holds a valid rooming house permit per Article 27-1-3 of the City of Concord Code of Ordinances.

406.2 A detached dwelling housing three (3) or more unrelated individuals other than members of the resident family is classified as a rooming house and is subject to an annual inspection.

Section 307 - Handrails and Guardrails

307.1 General. ~~Handrails and guardrails in residential occupancies shall comply with the minimum standards established by the appropriate of the most recently adopted version of NFPA 101 Life Safety Code.~~ Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards not less than 30 inches high above the floor of the landing, balcony, porch, deck or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the most recently adopted building code.

Under Chapter 6 Mechanical & Electrical Requirements:

605.4 Branch circuits in buildings with more than one occupancy. Branch circuits in each dwelling unit shall supply only loads within that dwelling unit.

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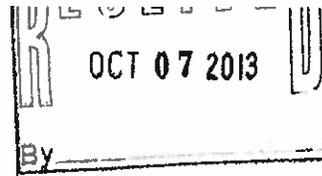
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T.F. BERNIER, INC.
Land Services~Consultants

PO Box 3464, 39 Warren Street
Concord, NH 03302-3464



Environmental Science
Land Surveyor
Land Plannin
GIS Mappin
GPS Specialist

Tel. (603) 224-414
Fax (603) 224-050

T.F.B.
W.S.S.

October 7, 2013

Janice Bonenfant, City Clerk
City Clerk's Office
City of Concord
41 Green Street
Concord, NH 03301

RE: Application for Restoration of Involuntarily Merged Lots
Pursuant to RSA 674:39-aa

Dear Ms. Bonenfant:

In accordance with RSA 674:39-aa, we are enclosing an application to restore Map 117A Block 3 Lot 1 as a separate tax lot from Lot 117A Block 3 Lot 2. It is our understanding, per previous conversations with Craig Walker in Code Administration, that this lot had been merged with Map 117A Block 3 Lot 2 while the two lots were under the same ownership. The lots are currently in separate ownership.

We have enclosed the current deeds for Lot 1 and Lot 2, the original M.C.R.D. Plan referenced in the deeds, a Site Sketch of Lot 1, (based on record information - no field survey performed), and the current assessing records for the lots.

If you have any questions or need additional information, please give us a call.

Sincerely,
T. F. BERNIER, INC.

Jonathan Crowdes
Project Manager

enclosures

cc: file 428-04

City of Concord, NH
**Application for Restoration of
 Involuntarily Merged Lots Pursuant to RSA 674:39-aa**

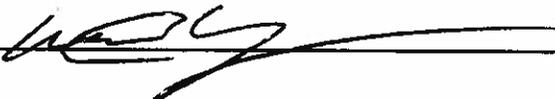
Applicant Information

Owner(s) Name <u>William B. Yeung</u>
Address/Street Number <u>13 Ogden Street</u>
City & State <u>Bow, NH</u> Telephone (603) <u>231-1598</u>

Current Parcel Information (use additional sheet if more than three parcels involved)*

	Parcel 1	Parcel 2	Parcel 3
Assessor's Map/Block/Lot	117A/3/1	117A/3/2	
Assessor's Tract Number(s) (if known)			
Street Address or Address Range	Drew St./Chase St.	11 Drew St.	
Deed Reference Book/Page	3197/736	2437/1022	

**Please attach a copy of the deed for each parcel. Please also attach any relevant surveys, site plans, approved subdivision plans, pre-merger tax bills or other documentation that you think is pertinent. This application must be submitted to the City Council prior to December 31, 2016. Please see the Instructions & General Information for additional details.*

Owner's Signature  **Date** 9-23-13

Owner's Signature _____ **Date** _____

MCRD Book 3197 Page 0736
Doc#763602
Book: 3197 Pages: 736 - 737
e-Filed 06/08/2010 1:46:03 PM
KATHI L. GUAY, CPO, REGISTER
MERRIMACK COUNTY REGISTRY OF DEEDS

LCHIP	\$	25.00
RECORDING	\$	14.00
SURCHARGE	\$	2.00
TRANSFER TAX	\$	114.00

NH DRA DP-4-L
**C/H
L-CHIP**



Return to:

Robert Howard Law Office
P. O. Box 900
Henniker, NH 03242
Tel: 428-3232

MERRIMACK COUNTY RECORDS *Kathi L. Guay*, CPO, Register

STATE OF NEW HAMPSHIRE

DEPARTMENT
OF
REVENUE
ADMINISTRATION



900000001

REAL ESTATE
TRANSFER TAX

E-FILE

VOID IF ALTERED

Tax Stamps: \$114.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that I, **Manson A. Donaghey**, of 359 Third Range Road, Pembroke, New Hampshire 03275, for consideration paid, grant to **William B. Young**, of 13 Ogden Street, Bow, New Hampshire 03304, with **WARRANTY** covenants,

Certain parcels of land, situated on the Plains, so-called, in the City of **CONCORD**, County of **MERRIMACK** and State of New Hampshire, being Lots Numbered 67-68-69-70 on plan of "Fernlawn" made by E. N. Sheffield, C.E., dated August, 1923 and on file in the Merrimack County Registry of Deeds as Plan No. 422, to which reference may be had for a more particular description.

Being the same premises conveyed to A. Manson Donaghey and Madeline D. Donaghey by deed of Roland H. Jewell, Administrator dated June 24, 1944, recorded at the **MERRIMACK** County Registry of Deeds at Book 597, Page 181. The said Madeline D. Donaghey was predeceased by her husband, A. Manson Donaghey on October 2, 1993. Grantor is the sole heir of Madeline D. Donaghey. See Merrimack County Probate Docket No. 1998-858.

Subject to all matters disclosed by a careful inspection of the above mentioned Plan No. 422 at the Merrimack County Registry of Deeds.

The premises are not homestead of the Grantor.

ROBERT HOWARD
LAW OFFICE
188 MAPLE STREET
P.O. BOX 900
HENNIKER, NH 03242-0900

Signed May 13, 2010

Manson A Donaghey
Manson A. Donaghey

STATE OF NEW HAMPSHIRE
MERRIMACK, SS.

This instrument was acknowledged before me on May 13, 2010, by Manson A. Donaghey.

Linda A. Williams
Signature of notarial officer
NOTARY PUBLIC
Title (and Rank)
My Commission Expires:



05467

ROBERT HOWARD
LAW OFFICE
168 MAPLE STREET
P.O. BOX 900
HENNIKER, NH 03242-0900

Gauthier Law Offices

Doc# 485006
Book: 2437
Page: 1022
Filed & Recorded
12/13/2002 11:53:56 AM
KATHI L. GURY, CPO, REGISTER

MERRIMACK COUNTY REGISTRY OF DEEDS
RECORDING \$ 18.00
SURCHARGE \$ 2.00
POSTAGE \$ 6.37

10.37
2.00
25729

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT MICHAEL ST. ONGE, a/k/a MICHAEL A. ST. ONGE, married, of 11 Drew Street, Concord, New Hampshire, for consideration paid, grants to MICHAEL A. ST. ONGE and KATHY L. ST. ONGE, husband and wife, both of 11 Drew Street, Concord, New Hampshire as Joint Tenants with Rights of Survivorship, the following described premises with QUITCLAIM COVENANTS:

A certain tract of land with the buildings thereon located on Drew Street on the Plains, so-called, in Concord, County of Merrimack, State of New Hampshire, being Lots 62, 63, 64, 65 and 66 on a Plan of "Fernlawn" made by E. N. Sheffield, C. E. dated August, 1923 and being Map Number 422 in Merrimack County Registry of Deeds.

Meaning and intending to describe and convey all and the same premises as conveyed to Michael St. Onge, a/k/a Michael A. St. Onge by Fiduciary Deed of the Estate of Madeline Donaghey dated June 30, 1999 and recorded in the Merrimack County Registry of Deeds at Book 2163, Page 861.

This is a non-contractual transfer pursuant to NH RSA 78-B:2 IX for which no transfer stamps are due.

EXECUTED this 12th day of December, 2002.

Neil G. Gauthier
Witness

Michael A. St. Onge
Michael St. Onge
a/k/a Michael A. St. Onge

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

On this 12th day of December, 2002, before me, personally appeared the above named Michael St. Onge, a/k/a Michael A. St. Onge, known to me or satisfactorily proven to be the person whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

Neil G. Gauthier
Notary Public/Justice of the Peace
My Commission Exp. 2-23-2004
NEIL G. GAUTHIER

MERRIMACK COUNTY RECORDS
Kathi L. Gury, CPO, Register

GAUTHIER
LAW OFFICES
321 NASHUA ST.
MILFORD, NH 03055
603-679-7220

FERNLAWN

CONCORD, N. H.

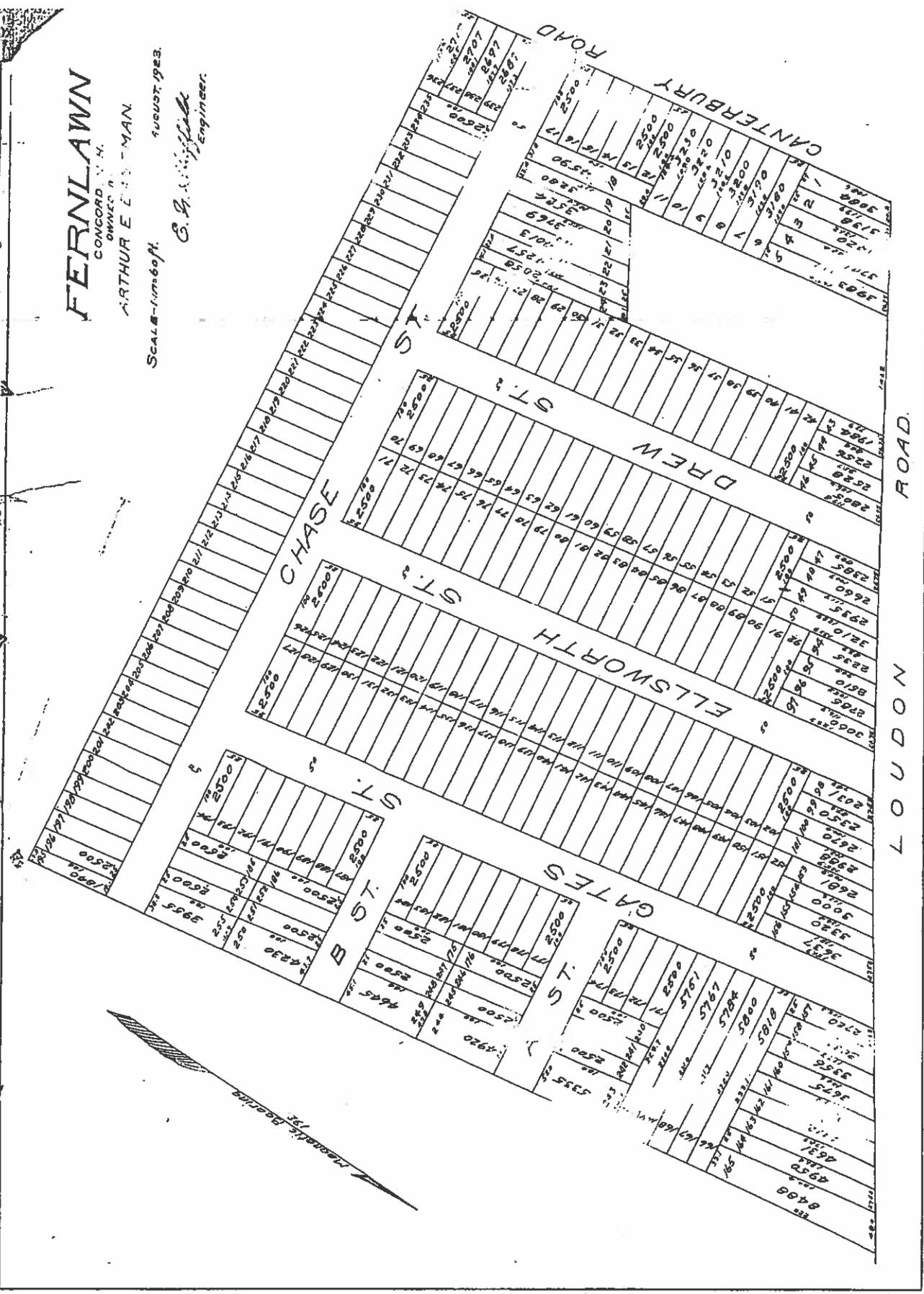
OWNED BY

ARTHUR E. L. MAN

SCALE - 1" = 60 FT.

NOV 27, 1923.

C. S. [Signature]
Engineer.



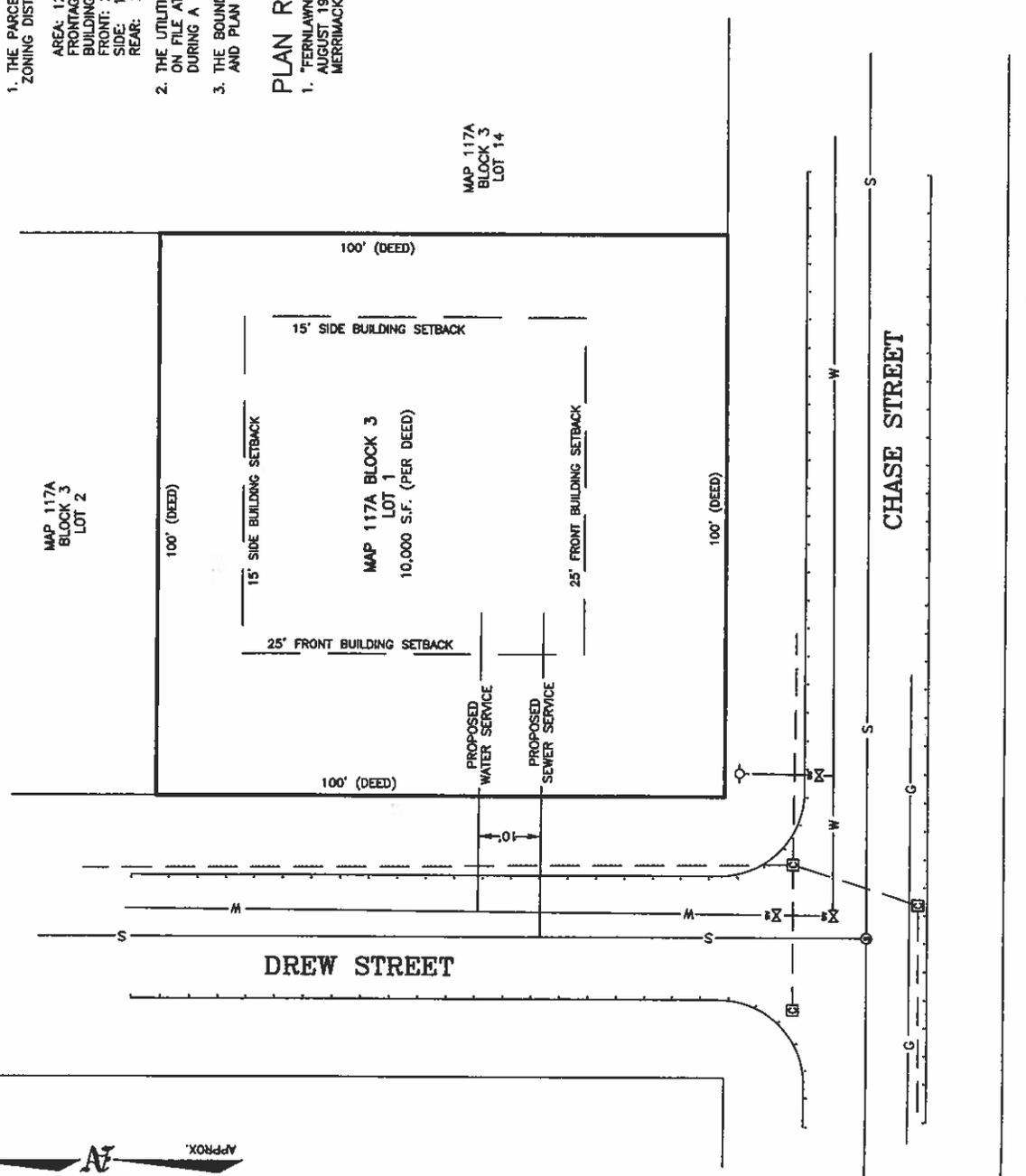
RECORDED IN DEED BOOK 115 PAGE 115

NOTES:

1. THE PARCEL SHOWN HERE ON IS LOCATED IN THE "RS" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AND ARE SUBJECT TO THE FOLLOWING DIMENSIONAL RESTRICTIONS.
 AREA: 12,500 SQ.FT.
 FRONTAGE: 100 FEET
 BUILDING SETBACKS:
 FRONT: 25 FEET
 SIDE: 15 FEET
 REAR: 25 FEET
 LOT COVERAGE: 40%
 MAX HEIGHT: 35 FEET
2. THE UTILITIES AND PAVEMENT SHOWN HEREON ARE APPROXIMATE. FROM INFORMATION ON FILE AT THE CITY OF CONCORD ENGINEERING DEPARTMENT AND OBSERVATIONS MADE DURING A SITE VISIT; SHOWN FOR INFORMATIONAL PURPOSES ONLY.
3. THE BOUNDARY LINES SHOWN HEREON ARE FROM M.C.R.D. DEED BOOK3197 PAGE 736 AND PLAN REFERENCE #1.

PLAN REFERENCE

1. "FERNILAWN" CONCORD, NH OWNED BY ARTHUR E. EASTMAN. SCALE: 1"=60'. DATE: AUGUST 1923. PREPARED BY E.M. SHEFFIELDS, ENGINEER AND RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS AS PLAN #422.



SKETCH PLAN
 PREPARED FOR
WILLIAM YOUNG
 ASSESSOR'S MAP 117A
 BLOCK 3 LOT 1
 DREW & CHASE STREETS
 CONCORD, NEW HAMPSHIRE
 SCALE: 1"=20' SEPTEMBER 2013



T. F. BERNIER, INC.
Land Surveyors - Designers - Consultants
 39 WARREN STREET - P.O. BOX 3464
 CONCORD, NEW HAMPSHIRE 03302-3464
 Tel:(603)224-4148 - Fax:(603)224-0507

VISION
 2108
 CONCORD, NH

VISION

RES LAND 1320 6,700 6,700
RES LAND 1320 6,700 6,700
Total 6,700 6,700

PREVIOUS ASSESSMENTS (HISTORY)
 Yr. Code Assessed Value Yr. Code Assessed Value
 2013 1320 6,700 2012 1320 6,900
Total: 6,700 **Total:** 6,900

APPROXIMATE VALUE SUMMARY
 Appraised Bldg. Value (Card) 0
 Appraised XF (B) Value (Bldg) 0
 Appraised OB (L) Value (Bldg) 0
 Appraised Land Value (Bldg) 6,700
 Special Land Value 0
 Total Appraised Parcel Value 6,700
 Valuation Method: C
 Adjustment: 0
Net Total Appraised Parcel Value 6,700

RECORD OF OWNERSHIP
 YOUNG WILLIAM B
 DONAGHEY MANSON A
 DONAGHEY MADELINE L HEIRS
 DONAGHEY MADELINE L
 DONAGHEY A MANSON & MADELINE L

EXEMPTIONS
 BK-VOL/PAGE 3197/0736 1998/0858 0597/0181
 SALE DATE 06/08/2010 06/14/1999 10/16/1998 10/02/1993 06/24/1944
 V V U U U
 V V U U U
 V V U U U
 V V U U U

OTHER ASSESSMENTS
 Number Amount Comm. Int.
 7,600 00
 0 1A
 0 1A
 0 1A

SALE PRICE V.C.
 7,600 00
 0 1A
 0 1A
 0 1A

ASSESSING NEIGHBORHOOD
 STREET INDEX NAME TRACING BATCH
NOTES
 LOT WAS ILLEGALLY SEPARATED FROM
 11 DREW STREET IN 1999/NO PERMIT
 ZBA AND MERRIMACK SUPERIOR COURT
 SEE FILE FOR DECISIONS
 PLAN #422 LOTS 67, 68, 69 & 70

BUILDING PERMIT RECORD

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments

LAND LINE VALUATION SECTION

Use Code	Use Description	Zone	Frontage	Depth	Units	Unit Price	Factor A	Factor S	Acre Disc	C. Factor	ST. Adj.	S.I. Adj.	Notes-Adj	Rec Y/N	CU Cond	Special Pricing	Adj. Unit Price	Land Value	
1	RES ACLNUD	RS			10,000	SF	6.12	1.1000	4	1.0000	0.10	0.114	1.00	NO BUILDING PERM	N	0.000		0.67	6,700

APPROXIMATE VALUE SUMMARY
 Appraised Bldg. Value (Card) 0
 Appraised XF (B) Value (Bldg) 0
 Appraised OB (L) Value (Bldg) 0
 Appraised Land Value (Bldg) 6,700
 Special Land Value 0
 Total Appraised Parcel Value 6,700
 Valuation Method: C
 Adjustment: 0
Net Total Appraised Parcel Value 6,700

APPROXIMATE VALUE SUMMARY
 Appraised Bldg. Value (Card) 0
 Appraised XF (B) Value (Bldg) 0
 Appraised OB (L) Value (Bldg) 0
 Appraised Land Value (Bldg) 6,700
 Special Land Value 0
 Total Appraised Parcel Value 6,700
 Valuation Method: C
 Adjustment: 0
Net Total Appraised Parcel Value 6,700

APPROXIMATE VALUE SUMMARY
 Appraised Bldg. Value (Card) 0
 Appraised XF (B) Value (Bldg) 0
 Appraised OB (L) Value (Bldg) 0
 Appraised Land Value (Bldg) 6,700
 Special Land Value 0
 Total Appraised Parcel Value 6,700
 Valuation Method: C
 Adjustment: 0
Net Total Appraised Parcel Value 6,700

CONSTRUCTION DETAIL (CONTINUED)

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Cd.	Ch.	Description
Model	00		Vacant
		MIXED USE	
Code	Description	Percentage	
1320	RES ACLNUD	100	
COST/MARKET VALUATION			
Adj. Base Rate:		0.00	
Net Other Adj:		0	
Replace Cost		0.00	
AYB		0	
EYB		0	
Dep Code			
Remodel Rating			
Year Remodeled			
Dep %			
Functional ObsInc			
External ObsInc			
Cost Trend Factor			
Condition			
% Complete			
Overall % Cond			
Apprais Val			
Dep % Ovr			
Dep Ovr Comment			
Misc Imp Ovr			
Misc Imp Ovr Comment			
Cost to Cure Ovr			
Cost to Cure Ovr Comment			

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)														
Code	Description	Sub	Sub Descrip	L/B	Units	Unit Price	Yr	Gde	Dp	Rt	Cnd	%Cnd	Apr	Value

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprac. Value

CURRENT OWNER
 ST ONGE MICHAEL A & KATHY L
 11 DREW ST
 CONCORD, NH 03301
 Additional Owners:

TOPO
 1 Level

UTILITIES
 1 All Public

STRT/ROAD
 1 Paved

LOCATION
 1 Urban

RESIDENTIAL DATA
 Other ID: 117A 3 2
 Sub-Div 1
 Photo 1
 Ward 1
 Prec. 4731-35
 Title GIS ID: 7785

ASSOC PID#
 2437/1022
 2163/0861
 1998/0858
 0581/0369

RECORD OF OWNERSHIP
 ST ONGE MICHAEL A & KATHY L
 DONAGHEY MANSON A
 DONAGHEY MADELINE L HEIRS
 DONAGHEY MADELINE L
 DONAGHEY A MANSON & MADELINE L

EXEMPTIONS
 Amount Number Amount Comm. Int.
 Total:

Yr.	Type	Description	Code	Description	Number	Amount	Comm. Int.
1A	01	2013	1010	93,000	01	93,000	0
1W	1010	2013	1010	0	1W	0	0
1A	01	2013	1010	0	1A	0	0
Total: 171,400							

OTHER ASSESSMENTS
 Total: 171,400

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD
 STREET INDEX NAME TRACING BATCH

NOTES
 TAN 2X8X20

APPRaised VALUE SUMMARY
 Appraised Bldg. Value (Card) 92,600
 Appraised XF (B) Value (Bldg) 900
 Appraised OB (L) Value (Bldg) 9,500
 Appraised Land Value (Bldg) 68,400
 Special Land Value 0
 Total Appraised Parcel Value 171,400
 Valuation Method: C
 Adjustment: 0
 Net Total Appraised Parcel Value 171,400

BUILDING PERMIT RECORD

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
01/06/2000	12/22/1999	SC	Measur+Listed Exterior List					
03/23/1990	04/26/1989	LL	Measur+Listed					

LAND LINE VALUATION SECTION

B Use Code	Use Description	Zone	Frontage	Depth	Units	Unit Price	Factor	Acre Disc	C. Factor	ST. Idx	S.I. Adj.	Notes-Adj	Rec Y/N	CU Cond	Special Pricing	Adj. Unit Price	Land Value	
1 1010	SINGLE FAM MDL-01	RS			12,500	SF	4.97	1.0000	4	1.0000	1.00	0114	1.00	N	0.000		5.47	68,400

Total Card Land Units: 0.79 AC

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Cd.	Ch.	Description
Style	06		Conventional
Model	01		Residential
Grade	03		Average
Stories	1		1 Story
Occupancy	1		
Exterior Wall 1	07		Asbest Shingle
Exterior Wall 2			
Roof Structure	03		Gable/Hip
Roof Cover	03		Asph/F Gls/Cmp
Interior Wall 1	02		Wall Brd/Wood
Interior Wall 2	04		Plywood Panel
Interior Fir 1	14		Carpet
Interior Fir 2	12		Hardwood
Heat Fuel	03		Gas
Heat Type	04		Forced Air-Duc
AC Type	01		None
Total Bedrooms	02		2 Bedrooms
Total Bthrms	1		
Total Half Baths	0		
Total Xtra Fixtrs	0		
Total Rooms	7		7 Rooms
Bath Style	01		Old Style
Kitchen Style	01		Old Style

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Cd.	Ch.	Description
MIXED USE			
Code	Description	Percentage	
1010	SINGLE FAM MDL-01	100	
COST/MARKET VALUATION			
Adj. Base Rate:	71.57		
Net Other Adj:	133,979		
Replace Cost	0.00		
AYB	133,979		
EYB	1939		
Dep Code	1986		
Remodel Rating	G		
Year Remodeled			
Dep %	26		
Functional Obsinc	2		
External Obsinc	0		
Cost Tread Factor	96		
Condition			
% Complete	72		
Overall % Cond	92,600		
Apprais Val			
Dep % Ovr	0		
Dep Ovr Comment			
Misc Imp Ovr	0		
Misc Imp Ovr Comment			
Cost to Cure Ovr	0		
Cost to Cure Ovr Comment			

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)		BUILDING SUB-AREA SUMMARY SECTION	
Code	Description	Sub	Sub Description
FGRI	GARAGE-AVE	L	483
SHD1	SHED FRAME	L	234
HRTH	HEARTH	B	1
		Units	Unit Price
		23.00	1990
		12.20	1990
		1,220.00	1986
		Gde	Dp
		0	0
		0	0
		1	1
		%Cnd	Apr Value
		70	7,800
		60	1,700
		100	900

BUILDING SUB-AREA SUMMARY SECTION		BUILDING SUB-AREA SUMMARY SECTION	
Code	Description	Gross Area	Eff. Area
BAS	First Floor	1,246	1,246
EAU	Attic, Expansion, Unfinished	0	0
FEP	Porch, Enclosed, Finished	128	90
FOP	Porch, Open	78	16
UBM	Basement, Unfinished	0	0
		Unit Cost	Undeprec. Value
		71.57	89,176
		17.89	20,684
		50.32	6,441
		14.68	1,145
		14.30	16,533

Bonenfant, Janice

10.20.13 2

From: Aspell, Thomas
Sent: Tuesday, October 08, 2013 6:23 PM
To: Bonenfant, Janice
Subject: FW: Close Auburn Street for Halloween

TJA

Importance: High

Janice – Please add as a suspense referral – thanks.

Tom

From: Jim Bouley [mailto:jim@dennehybouley.com]
Sent: Tuesday, October 08, 2013 5:04 PM
To: Aspell, Thomas
Subject: Fwd: Close Auburn Street for Halloween

Begin forwarded message:

From: Karen Joyal <kjoyal4@hotmail.com>
Date: September 9, 2013 7:20:34 PM EDT
To: Jim Bouley <jim@dennehybouley.com>
Subject: Close Auburn Street for Halloween

Hi Jim,

Here is my request that I sent to Gene Blake. Do you want me to send it to him directly or can you forward it with a note?

Thanks!

Dear Gene,

I am a resident of Auburn Street and am requesting that on the evening of Halloween, October 31st, that Auburn Street be closed from the entrance at the round-about to Franklin Street intersection from 5 pm until 8 pm. I am making this request due to the fact that Auburn Street has an incredibly large amount of children Trick-or-Treating (I had over 1,400 in 2011) and it is dangerous to have automobile traffic with so many children. I have spoken to many of my neighbors and all agree that it would be safer for the kids to have the street closed. I really do not exaggerate when I say that I had over 1,400 children last year and it seems that this number increases with the popularity of the street on Halloween.

Thank you in advance for your consideration and if you have any questions, please do not hesitate to contact me via email or my cell phone number is 545-5086.

Sincerely,

Karen Joyal
31 Auburn Street
Concord, NH 03301

City of Concord
Transportation Policy Advisory Committee

Meeting Minutes

Thursday, August 22, 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)
Jennifer Kretovic (City Council)
Brent Todd (Penacook)
Craig Tufts, (Bicycling Community)
Jim Sudak (Public Transit - Concord Area Transit)
Tom Irwin (North/West Concord)
Rob Mack, Traffic Engineer - Staff Representative

Committee Members Not Present:

Keith Nyhan, City Council
Rob Werner, City Council
Alex Vogt (Pedestrian Community)
Ursula Maldonado (At-Large)

Staff, Visitors and Guests Present:

Ed Roberge, City Engineer - Staff Representative

2. **Approval of April 25, 2013 and July 25, 2013 meeting minutes**

A motion to approve the April 25, 2013 minutes as submitted was made by Jim Sudak, seconded by Brent Todd, and approved by unanimous vote. A motion to approve the July 25, 2013 minutes as submitted was made by Jennifer Kretovic, seconded by Tom Irwin, and approved by unanimous vote.

3. **Presentations**

a. **Langley Parkway North (CIP 40)**

Rob Mack presented the latest concept design alternatives for the Langley Parkway North project. The alignment of the corridor is generally fixed to match the location of right-of-way or easements already obtained, from the existing corridor through the Concord Hospital campus northeasterly to the terminus at the Penacook Street/N. State Street intersection. The parkway generally includes two travel lanes, shoulders and sidewalk, similar to the Langley Parkway segment constructed south of Pleasant Street; additional turn lanes will be required at major intersections. Primary intersections are with Pleasant Street, two driveways through the medical campus, and intersections with Auburn Street, Rumford Street and N. State Street. Alternatives evaluated for the corridor include: two lane roadway with shoulders (like Langley South); two lane roadway and shoulders but with a planted median

separator; traffic signals at all major intersections; or a mixture of signals and roundabouts (signals generally along Pleasant Street and along N. State Street, with roundabouts along the central portion of the corridor and in the more residential areas. Staff preference is for the corridor option without planted median due to reduced maintenance requirements, lower cost and slightly reduced environmental impact. Staff also recommends roundabout intersections as opposed to signalized intersections at intersections where roundabouts are feasible.

All alternatives considered a 10-foot multi-use path along the corridor, separated from and slightly meandering from the roadway alignment. The multi-use path would take the place of traditional sidewalk and would be appropriate for combined pedestrian and bicycle travel (for example, walking or jogging plus bicycling with small children). Five-foot safety shoulders would be provided along the roadway portion for both vehicle safety and well as for compliant bike lanes for bicyclists comfortable with traveling with traffic.

TPAC members discussed the substantial public benefits of the project including: significant reduction in cut-through commuter traffic in West End neighborhoods; reduced travel time to the regional medical campus with life-safety implications for emergency responders; a redundant second access corridor to the medical campus in case of an incident that might block one access (say Pleasant Street); and development of the multi-use path as a non-vehicle transportation/recreational corridor with connections to multiple neighborhoods as well as to area trails. TPAC members indicated general consensus on the concept corridor alignments and indicated a very strong preference for roundabout intersections rather than signalized intersections due to better performance, longer service life, safety, and better compatibility with neighborhood areas.

4. Public Comment

There were no members of the public in attendance.

5. Review of TPAC Accomplishments

Rob Mack distributed an updated draft of the Accomplishments document which included substantial input from the Bicycle, Public Transportation and Traffic Operations Committees. Additional input from the Pedestrian committee was pending and would be available by next month. Additional photographs were sought for most accomplishments that could visually convey the substance of the particular accomplishment description. Rob Mack will develop a list of potential photograph needs and coordinate with Dick Lemieux who offered to take some of the photographs. Committee members liked the updated format of the latest draft document which was crafted for future display in the TPAC section on the city web site. Some suggestions for the document included: considering a watermark/photograph for the front page; shorten subcommittee names to acronyms and include links to their respective web pages; add some traffic simulation videos to an appropriate accomplishment; and inquire if General Services has some historic photographs of street sections that might be used for 'before/after' comparisons in select accomplishments.

6. Consent Reports

a. Approval of Subcommittee Minutes (Pedestrian, Bicycle, Public Transit, and Traffic Operations)

Submitted were the following subcommittee minutes: Bicycle - August 5, 2013; Public Transportation - July 16, 2013; and Traffic Operations - July 16, 2013. The above-noted minutes were approved by unanimous consent.

7. City Council meeting update

Rob Mack noted that at its August 12, 2013 meeting, Council accepted TOC reports on Council referrals regarding safety at the S. State/Thorndike intersection and Church Street speeds.

8. TPAC Referrals from City Council, Staff and Chair

There were no new referrals to consider.

9. Status report on subcommittees

a. Pedestrian Committee, Alex Vogt

Rob Mack relayed a note from Alex Vogt that the Pedestrian Committee did not meet this past month.

b. Bike Committee, Craig Tufts

Craig Tufts reported that the Bike Committee and CNHRPC are planning to collaborate on a few more area bicycle/pedestrian counts this September. Count times will be 2:00 to 4:00 PM and 4:00 to 7:00 PM on a weekday. The committee continued its work on developing recreational bicycle routes in the Concord area. Consideration was given to the potential addition of bicycle lane markings along the bicycle-compliant five-foot shoulder areas constructed along the US Route 3 North corridor. Advisory signage related to the state's 3-foot rule was discussed following observation of such signage recently installed in Newport NH. The NHDOT has assembled a new bicycle-pedestrian advisory committee composed of mostly NHDOT staff, with Nik Coates (CNHRPC) acting as chair.

c. Public Transit Committee, Jennifer Kretovic

Jennifer Kretovic reported that at its last meeting, the committee refined its list of TPAC accomplishments. The committee also drafted a FY 2013 'wrap-up' report on CAT which will be eventually submitted to Council in lieu of the typical Quarterly Report. Following internal promotions of CAT staff, the Mobility Manager position is now vacant and will need to be filled.

d. Traffic Operations Committee, Rob Mack

Rob Mack reported that the Traffic Operations Committee met on August 20, 2013 and discussed four new referrals. Two referrals from the Police department were related to resident concerns with speeding, one along Oak Hill Road near Maplewood Farm and the other on Ormond Street. Speed counts conducted by Engineering found no significant speeding issue at the Ormond Street location, but did find a small percentage of highly-excessive speeds (50 to 70+ mph) at the Oak Hill Road location. Speed data was provided to the police department to aid in enforcement efforts.

TOC also discussed a referral from Council regarding safety at the Regional/Chenell intersection. This issue was discussed by TOC in 2008 with an intersection improvement project added to the CIP out year. Engineering will perform an updated intersection evaluation in September following summer vacation season. At the request of the state and Concord Coach Lines, TOC also recommended repainting of a former crosswalk on Stickney Avenue between the bus terminal and the overflow parking area to the west.

10. 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. Bids for construction bids were advertised on July 27, 2013 and will be opened on August 29. A pre-bid conference with interested contractors was held August 19. Construction activity will consist of mostly utility work and is anticipated to begin around the end of September and end for the season around Veterans Day (November 11).

b. US Route 3 North Improvements (CIP 35)

Ed Roberge provided a brief update on the status of the US Route 3 North Improvements Project. Work on underground utilities has begun. Bids were opened today for the bridge repairs. Work in the village area should be done around Thanksgiving. Plans for the Phase 5 street improvements in the village area have been completed by staff for bids next year. Ironwood Design is enhancing the design of the streetscape elements of this plan. The final pavement overlay and pavement markings for Phase 4 (Abbotville Road south to Penacook Street) will occur in the next few weeks.

c. Sewalls Falls Bridge Replacement (CIP 22)

Ed Roberge noted that the sign postings for the new bridge weight limit (3 tons) have been installed and that an education/enforcement effort is being provided by the police department. Ed suggested that potential reuse of the old bridge structure, if an appropriate location in the city could be found, might be responsive to historic preservation concerns and possibly eligible for federal funds. TPAC members discussed various potential bridge-use locations including the along the planned Merrimack River Greenway Trail.

11. Old Business

Rob Mack noted that signs restricting parking in the neighborhood around Abbot-Downing School have been placed. Modified lane markings have also been recently added to the school's entrance driveway and student drop-off lane. Engineering staff is awaiting a reply from school district staff on their plans for revised on-campus traffic control which will commence with the start of classes next week.

12. New Business

There was no new business.

13. Adjourn

A motion to adjourn was made by Jennifer Kretovic, seconded by Brent Todd, and approved by unanimous vote.

10 Int
MFA

Concord Public Library Trustee Meeting

September 9, 2013

-D-R-A-F-T-

Present: Marian Akey, Jeremy Clemans, Megan De Vorse, Inez McDermott, Paula Miner, Elizabeth Mulholland, Mary Beth Robinson, Lisa Sands, and Library Director Patricia Immen.

The meeting was called to order at 7:06 p.m. The minutes of June 12, 2013 meeting were approved.

Library Director's report:

- Anna Brandenburg, Reference Librarian, will be rescheduling her report on Teen Services.
- The part-time Library Page position has been filled.
- Web page features were highlighted: The City's website has a "notify me" feature for residents to choose to receive reminders, including library programs; the library catalog now offers a feature which provides reviews and recommendations; and there is a new database called Transparent Language for learning foreign languages.
- Publicity releases and ads are running in the Monitor to bring attention to various programs and initiatives.
- The summer reading programs were a success! The kids had a lot of fun. The Penacook Branch participated and offered a celebration program.
- E-mail notifications of expired cards have begun to go out, resulting in a lot of renewals.
- Volunteers are currently being recruited; information is available through the web page or at the Service Desk.
- The library will be able to process credit card transactions soon, with a convenience fee assessed.
- One public computer station is now a designated 15-minute express station.
- An Alice J. Reen Charitable Trust grant was received this year, to replace some chairs in the children's room, and to purchase study carrels for the lower lounge.
- A new volunteer, funded by CAP, is working 20 hours a week.
- The Panzer family has left a trust dedicated to purchase of books in ethnic cooking, modern and contemporary chamber music, and other specified recordings.

CPL Foundation Update: Their meeting is next week, so there is little to update. The Foundation is working on the bookmarks for the fall. Over the summer, the Foundation funded prizes for the Teen Summer Reading program and funded books to give away for National Night Out.

New Business:

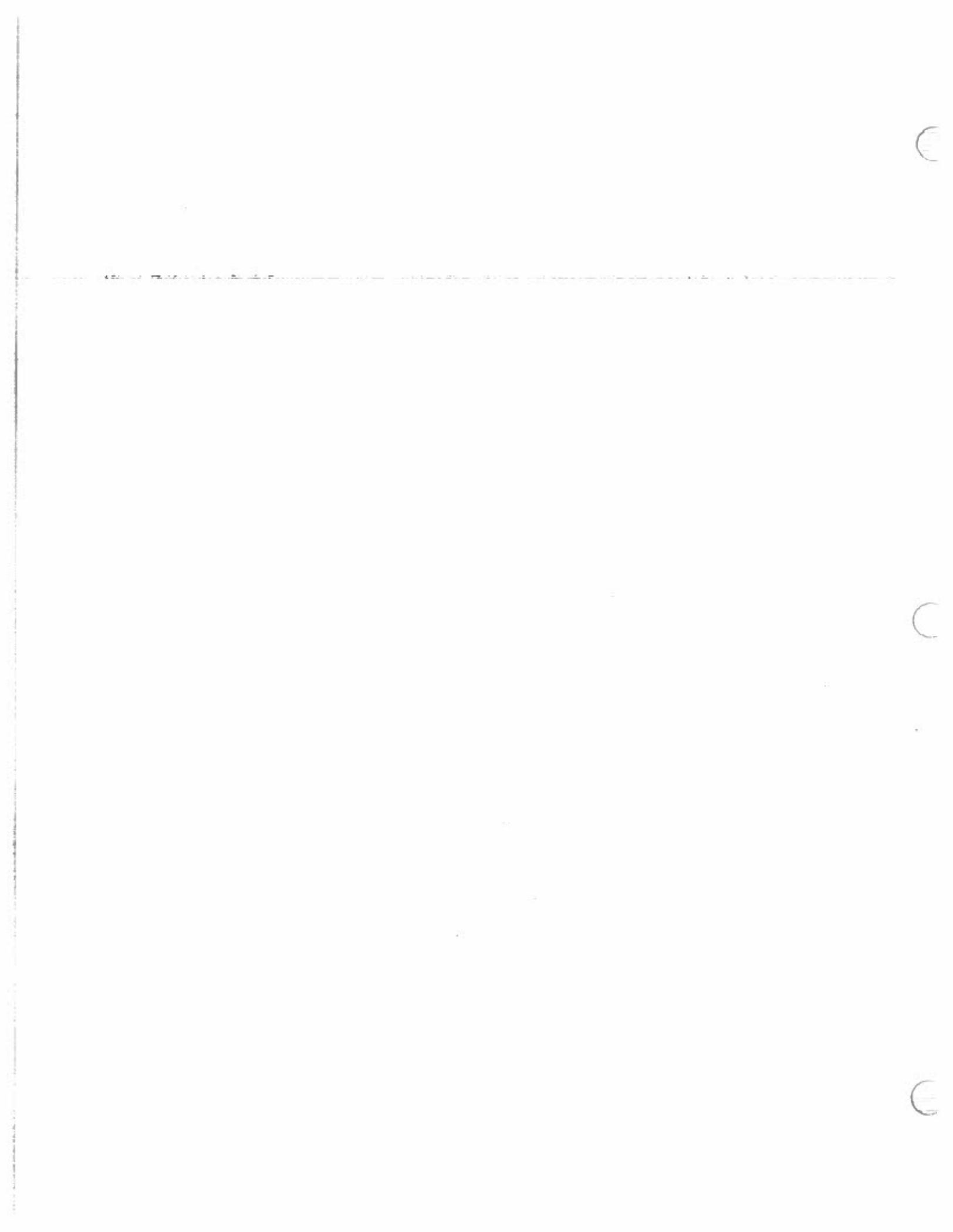
- The trustee opening was discussed.
- The Library Director invited a member of the Trustees to speak at a staff meeting. Inez McDermott volunteered.

Old Business:

- It is unclear whether the Tannery project will move forward with the preferred developer.
- The FY 2014 Budget appropriated funds for the design of the Community Center, so future discussion is likely as to how/whether the library will have a presence there.

Motion to adjourn was made at 8:10 p.m. Next meeting: Monday, October 7, 2013

Respectfully submitted,
Elizabeth Mulholland, Secretary





Engineering Services Division

TAP

Traffic Operations Committee

Meeting Minutes – September 17, 2013

Attendees: Rob Mack, PE, PTOE, Engineering Services
Ed Roberge, PE, Engineering Services
Jim Major, General Services
Greg Taylor, Police Department

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 August 2013 was reviewed. There were 85 reportable accidents in August 2013. This compares with 86 and 96 reportable accidents in August 2012 and 2011, respectively. 19 accidents resulted in total of 21 people injured, 2 of which occurred on Loudon Road. There were no fatalities.

There was one accident involving a pedestrian: a pedestrian aged 56 years walking northbound along the northbound-side sidewalk on S. State Street and crossing Pleasant Street in the crosswalk on a WALK signal and being struck by a vehicle turning left from N. State Street southbound (minor injury, motorist at fault).

- 2) **City Council meeting update.**

DISCUSSION / ACTIONS: No TOC items for consideration.

- 3) **Transportation Policy Advisory Committee (TPAC) update.**

DISCUSSION / ACTIONS: At its August 22, 2013 meeting, TPAC continued development of its list of accomplishments, heard a staff presentation on the latest concept design alternatives for the Langley Parkway Phase 3 study and received staff updates on the Main Street Complete Streets project, the US Route 3 North Improvements project, and the Sewalls Falls Bridge replacement project.

B. On-going Discussion and Action Items

- 1) **Referral from City Council regarding a driver concern on traffic conflicts between Centre Street vehicles and traffic turning left at the driveways to the Prescription Centre and TD Banknorth (Council: 05/13/13).**

DISCUSSION / ACTIONS: At issue is a motorist concern on traffic safety regarding left-turning traffic movements to/from the TD Banknorth and The Prescription Center driveways on Centre Street. Full-directional turning access is allowed at these driveways, but left-turn movements conflict with standing

traffic queues waiting for the nearby signalized Main/Centre/Loudon intersection. Driveway left turns occur in gaps in the standing traffic queues resulting in safety concerns and traffic operation impacts.

Police Department crash data for this area of Centre Street since January 2010 indicates seven reported crashes. The resulting rate of about two crashes per year is notable for driveways but not excessive. Five of the seven crashes involved a vehicle turning left from Centre Street into the Prescription Center being impacted by an eastbound Centre Street vehicle traveling in the far-right lane. This situation may reflect left turns being 'waved through' by eastbound Centre Street drivers queued in the left through-lane and leaving a gap for them; traffic moving eastbound in the right-most lane may not be able to see a left-turner crossing between the stopped cars, with potential for a crash being elevated.

Staff observations during the busy lunchtime traffic period include traffic queues from the signal at N. Main Street commonly extending well beyond the driveway locations. Queued traffic often left gaps for the left-turners to cross, although a number of turning drivers used barge-and-block maneuvers to force their way through the traffic queues. An adverse operational effect of letting left-turns occur through the standing eastbound traffic queue is that it commonly occurs at the start of the Centre Street eastbound green phase at the signal. Centre Street traffic, blocked by the left-turning vehicle, is unable to proceed in a timely manner to the intersection resulting in inefficient use of the green signal time with resulting longer eastbound queues and delays.

Removal of these left-turn conflicts would be best done by extending the existing raised median on Centre Street further westward from the Main Street signal to physically restrict left-turns; restriction by signage alone would be less effective in this location. Such a median extension might require removal of several on-street parking spaces on the north side of Centre Street. However, due to the current one-way design of the TD Banknorth drive-through exit, the potential restriction of left-turn egress from the TD Banknorth driveway could be problematic. Exiting drivers would only be able to turn right onto Centre Street westbound, with access back to Main Street only via a looping route using other local streets. Without reconstruction of the drive-through exit, there appears to be no way for drivers to U-turn back into the TD Banknorth site in order to access Main Street from the driveway at Pitman Street. Lack of left-turn access to the Prescription Center from Centre Street could be replaced by use of the narrow alley to Park Street, although this area can be constricted at times due to parked vehicles and delivery trucks.

TOC members concurred that restriction of left turns at both Centre Street driveways would be an appropriate long-term improvement goal due to the increasingly heavy traffic demands along Centre Street. However, access issues related to the two subject businesses are a consideration given their current site layouts. Staff discussed this request and the option of restricting left-turn access at Centre Street with a representative of The Prescription Center who indicated strong concern regarding any changes in driveway access. It may be that the next realistic opportunity to address driveway access changes would be in conjunction with the redevelopment of either site. Staff will continue to monitor.

2) Referral from City Council requesting an examination of traffic performance at the Regional Drive/Chenell Drive intersection (Council: 08/12/13).

DISCUSSION / ACTIONS: Further discussion of this item was deferred pending a study currently being conducted by Engineering.

C. New Discussion and Action Items

- 1) **Inquiry from Concord School District regarding a resident request to place a weeble in the East Side Drive crosswalk at Portsmouth Street for better crosswalk visibility (General Services: 09/13/13).**

DISCUSSION / ACTIONS: At issue is a resident request to repaint the faded crosswalk and install a crosswalk weeble for better crosswalk visibility, particularly for traffic coming in a southbound direction. Jim Major noted that General Services would be repainting the crosswalk in the next week when roads are dry. Because of light pedestrian crossing activity at this location, as well as the very good sight lines available here, TOC did not feel that it was an appropriate location for a weeble per city policy. However, it appears that the southbound-facing crosswalk sign is located on the left side of the road (back-to-back with the northbound-facing sign). TOC members concurred that the southbound facing sign could be relocated on a separate post so that it is on the southbound side of the crosswalk. This would provide better visibility of the sign on the southbound approach. General Services noted that it will plan to relocate this sign as noted.

- 2) **Request from a resident on Chase Street to install a crosswalk on Canterbury Road at the Chase Street intersection (Engineering Services: 09/17/13).**

DISCUSSION / ACTIONS: At the subject intersection, there is sidewalk along the west side of Canterbury Road with no curb ramps to the intersection. There is sidewalk along the east side from the intersection southerly through Dudley Street with no curb ramp at the Chase Street corner. There is no sidewalk along Chase Street. There is a crosswalk of Canterbury Road at the Dudley Street intersection that is expected to be repainted by General Services in the very near future. TOC members concurred that a new crosswalk at the Chase Street location would require substantial sidewalk reconstruction at the corners to provide curb ramps. As such, and with the availability of the nearby crosswalk Dudley Street (former school crossing to Dame School) the need for a new crosswalk at Chase Street was not recommended at this time.

- 3) **Request from a resident on Mountain Road to install a crosswalk on Mountain Road at the Shaker Road intersection (General Services: 09/17/13).**

DISCUSSION / ACTIONS: At issue is a request for a crosswalk at this location and a concern on high traffic speeds. Sidewalk is currently located along the west side of Mountain Road. There is no sidewalk on the Shaker Road side of the intersection. City practice is to paint crosswalks that link to sidewalks on both sides of the street with proper curb ramps, thus a painted sidewalk at this location would not be appropriate at the present. It was noted that there is a sidewalk planned along nearby Cemetery Street in a future year in the capital improvement program. TOC discussed the possibility of including, along with future cemetery Road sidewalk construction, a new sidewalk extension along Shaker Road to complete a sidewalk connection between the Cemetery Road neighborhood and the existing sidewalk along Mountain Road (this would include a crosswalk). This option could be further examined in the future when funds for the Cemetery Road sidewalk become available.

Regarding the concern on traffic speed along Mountain Road, TOC will forward a request to CPD to consider deploying the speed-radar feedback sign along that section of Mountain Road for driver education and awareness.

D. Open Discussion Items

- 1) **Staff response to miscellaneous inquiries (refer to correspondence in agenda packet).**

DISCUSSION / ACTIONS: None

- 2) **Discussion of the NHDOT's Draft Ten Year Transportation Improvement Plan**

DISCUSSION / ACTIONS: Ed Roberge noted that the draft plan is available and will be discussed locally (Concord/District 2) at a public hearing with Executive Councilor van Osten on September 25. Concord projects include: I-93 Bow-Concord widening (contingent on increased Turnpike funding); Sewalls Falls Bridge replacement; replacement of bridge structures on Hooksett Turnpike, Birchdale Road and Pembroke Road; and a new project to improve the I-89 Exit 2 ramp intersections on Clinton Street.

Respectfully submitted,



Robert J. Mack, PE, PTOE, Traffic Engineer
Chair, Traffic Operations Committee

**The next Traffic Operations Committee meeting will be held on
Tuesday, October 15, 2013 @ 12:00 PM in the 2ND Floor Conference Room.**

Bonenfant, Janice

From: Colin Van Ostern <colinvo@vanostern.com>
Sent: Friday, September 06, 2013 2:14 PM
To: * City Clerk
Subject: Exec Council Report - Transportation plan & hearings, pardon results, and UNH Mtg

AA

Friends,

Lots of news this week!

- In addition to a very busy Council meeting, the DRAFT Ten Year NH transportation Plan was just published by DOT, here. We *also finalized the list of public hearings on the ten-year transportation plan* (including hearings in Concord, Franklin, Loudon, Charlestown, Hinsdale, Keene, Somersworth & Wakefield -- see them listed by region at the end of this email).
- At the meeting in Durham this week, I was pleased to join UNH students in thanking Governor Hassan, legislative leaders, and the University administration for working together to restore funds to the school and pass the first tuition freeze in 25 years, helping 22,000 families.
- After the meeting, the Council also voted 3-2 against pardoning Thomas Schoolcraft of Keene. *I've written out why I voted against the pardon, here.*

In the meeting itself, we tackled 111 items including projects (details below this summary):

- (1) Impacting Merrimack Co & Central NH:** Ten-year transportation plan hearings set for Concord, Franklin & Loudon; emergency funds for repair of the HVAC system at the Concord YMCA, waterline replacement in Belmont village, loans for Heritage Heights renovations in Concord, homeless support, and restoration of the 1790 Daniel Webster birthplace in Franklin.
- (2) Impacting the Monadnock Region:** Ten-year transportation plan hearings set for Hinsdale, Charlestown & Keene, assessment of obstructions at the Keene Airport, and water upgrades and retroactive emergency repairs on 12A in Alstead.
- (3) Impacting Strafford & Belknap Co:** Ten-year transportation plan hearings set for Somersworth & Wakefield, a loan for the Portsmouth Christian Academy in Dover passed (after much debate), and a loan for the City of Rochester to finance water system improvement. Also, I was pleased to help secure a federal grant to upgrade 42 miles of freight rail from Rochester to Ossipee.
- (4) Other projects & policies with statewide impact:** Passed a \$174 MM three-year contract for prescription drugs under state employee & retirees health care plans, saving several million dollars by switching to a new vendor and away from the Local Government Center.

Full details on each item below, as well as a list of all new nominations.

Sincerely,

Colin
Executive Councilor, District 2

FULL 9/4 AGENDA: <http://1.usa.gov/17s4OCb> (or follow the links below for documentation of each item)

FULL INFORMATION:

1. DETAIL: CENTRAL NH

CONCORD PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

WED, SEPT 25, 7:00 pm

NH Dept of Transportation, 7 Hazen Dr, Room 114

FRANKLIN PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

WED, SEPT 25, 4:30 – 6:00 pm

City Hall, 316 Central St, Council Chambers

LOUDON PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

MON, SEPT 30th, 7:00 PM

Town Office – Barn, 29 South Village Rd

Authorized a grant to the County of Merrimack, Boscawen, NH, to provide the Concord YMCA with Emergency Funds to repair and/or replace portions of the HVAC system that serves the Firehouse Building Childcare Facility, in the amount of \$400,000. Effective September 4, 2013 through December 31, 2014. **100% Federal Funds.**

Authorized a grant to the City of Franklin, NH, to renovate and provide equipment and furnishings on behalf of CAP Belknap-Merrimack Counties TRIP Center, in the amount of \$413,938. Effective September 4, 2013 through December 31, 2014. **100% Federal Funds.**

Authorized a grant to the Town of Belmont, NH, to replace waterlines in Belmont's village area, in the amount of \$355,000. Effective September 4, 2013 through December 31, 2014. **100% Federal Funds.**

Authorized the Report and Findings of Councilor Colin Van Ostern with regard to a certain project in participation with United Church of Christ Retirement Community Inc., d/b/a Havenwood/Heritage Heights.

Authorized an agreement with the Salvation Army McKenna House, to provide services to homeless individuals, in an amount not to exceed \$123,680. Effective retroactive to July 1, 2013 through June 30, 2015. **100% General Funds.**

Authorized the Bureau of Historic Sites to enter into a retroactive contract with Brian J. Barrett, Henniker, NH, for emergency structural repairs and the exterior restoration of the 1790 Sawyer House, Daniel Webster Birthplace Historic Site. Effective upon G&C approval through June 30, 2014. **100% Other Funds (Agency Income).**

2. DETAIL: MONADNOCK REGION

CHARLESTOWN PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

MON, SEPT 9, 8:00 am

Charlestown Town Hall, 19 Summer St.

HINSDALE PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

WED, SEPT 25, Noon

Town Hall Auditorium, 11 Main St, 2nd Floor

KEENE PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

TUES, OCT 8, 6:30 pm

Keene Parks & Recreation, Room 14, 312 Washington St.

Authorized the Bureau of Aeronautics to provide funding to the City of Keene, NH, for SBG-08-11-2013, to conduct an environmental assessment of obstructions to the Runway 20 approach

surfaces at the Dillant-Hopkins Airport in Keene, NH, in the amount of \$145,350. Effective upon G&C approval through October 31, 2017. **94.74% Federal, 2.26% General Funds.**

Authorized to award a grant to the Town of Alstead, NH to support replacement of the water system at the Well Hill Cooperative manufactured housing park, in the amount of \$258,000. Effective September 4, 2013 through December 31, 2014. **100% Federal Funds.**

Authorized the Bureau of Construction to enter into a **retroactive** contract with R.S. Audley Inc., Bow, NH, for emergency roadway repair on NH 12A (Alstead Center Road) approximately 700 feet north of the intersection with Walpole Valley Road, on the basis of a low bid of \$1,786,097. (2) Further authorize a contingency in the amount of \$178,609.70 for payment of latent conditions which may appear during the construction of the project. Effective July 26, 2013 through June 20, 2014. **100% Highway Funds (with anticipated Federal Emergency Relief Fund reimbursement).**

3. DETAIL: STRAFFORD COUNTY

SOMERSWORTH PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

WED, SEPT 18, 4:30 – 6:30 PM

City Council Chambers, 1 Government Way

WAKEFIELD PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

THURS, SEPT 26, 10:00 AM

Town Hall Conference Room, 2 High Street

Authorized to hold a Public Hearing with respect to the financing of a commercial facility by the Business Finance Authority for Portsmouth Christian Academy located in Dover, New Hampshire. Action will authorize a Resolution under RSA 162-I:9 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

Authorized a grant to the Town of Alstead, NH to support replacement of the water system at the Well Hill Cooperative manufactured housing park, in the amount of \$258,000. Effective September 4, 2013 through December 31, 2014. **100% Federal Funds.**

Authorized a loan agreement with the City of Rochester, NH, in the amount not to exceed \$1,820,000 to finance water system improvements. Effective upon G&C approval. **100% Drinking Water State Revolving Loan Fund Repayment Funds.**

Helped secure a TIGER V federal grant to upgrade 42 miles of freight rail from Rochester to Ossipee.

4. DETAIL: STATEWIDE PROJECTS & POLICIES

Authorized the Risk Management Unit to enter into a contract with Express Scripts Inc., St Louis, MO, for the administration of the prescription drug benefit provided to state employees and retirees, in the amount of \$174,167,696. Effective January 1, 2014 through December 31, 2016, with the option to renew for up to two additional years. **40% General, 16% Federal, 26% Enterprise, 16% Highway, 2% Turnpike Funds.**

5. DETAIL: APPOINTMENTS & NOMINATIONS:

(* = District 2 Resident)

New nominations by Governor Hassan:

Commissioner of the Dept of Cultural Resources: Van McLeod, Concord*

Community Development Finance Authority: Christopher Diego, Mary Ann Kristiansen, Roxbury*

Electrician's Board: Joseph Casey, Rochester

Alcohol & Drug Abuse Prevention, Intervention & Treatment Commission: Traci Fowler

Atlantic States Marine Fisheries Commission: G. Ritchie White

Enhanced 911 Commission: George Valliere

Higher Education Commission: Stephen Appleby, David Mahoney

Land & Community Heritage Authority: Douglas Cole, Cynthia Copeland

Board of Nursing: Brenda Jane Libby

Pre-Engineering Technology Advisory Council: David DeWitt

Racing & Charitable Gaming Commission: Anthony Urban

Real Estate Appraisers Board: Douglas Martin

NH Retirement System Board of Trustees: Guy Scaife

Rivers Management Advisory Committee: Kathryn Nelson

Confirmed by the Council:

Deputy Commissioner of Health and Human Services: Marilee Nihan, Bow

Commissioner of the Department of Labor: James W. Craig, Manchester

University System Board of Trustees: John H. Lynch, Hopkinton*

Athletic Trainers Governing Board: Eleanor M. Beltz, Manchester

Apprenticeship Advisory Council: Elizabeth Skidmore, Manchester

Board of Barbering, Cosmetology and Esthetics: Holly Rodrigues, Manchester

Dept of Enviro Services Dir of Air Resources: Craig A. Wright, Loudon

Fish and Game Commission: Walter A. Morse, Hillsborough

Dir of Document Processing at the Dept of Revenue Admin: Debra A. Bourbeau, Bow

Rivers Management Advisory Committee: Anne D. Krantz, Amherst

Wetlands Council: Ryan Crosbie, Lee

Fire Standards and Training Commission: William S. Campbell, Amherst

Stephen M. Carrier, Gilford

Health Services Planning and Review Board: Robert G. Bridgham, Eaton Center

Debra S. Grabowski, Raymond

Paul Spiess, Amherst

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Colin Van Ostern
Executive Councilor, NH-02
(603) 290-5848
PO Box 193, Concord, NH 03302



Bonenfant, Janice

From: colinvo=vanostern.com@mail.salsalabs.net on behalf of Colin Van Ostern
<colinvo@vanostern.com>
Sent: Friday, September 20, 2013 10:39 AM
To: * City Clerk
Subject: Exec Council Report - Women's prison, surplus auctions & 10 year plan

FAA

Friends,

The Council met with Governor Hassan at Windham High School this week, tackling 79 items of state business including design for the new Women's prison and re-starting live auctions of state surplus goods in Concord.

- As a reminder - hearings on the draft NH Ten Year transportation plan are ongoing with more coming up in Concord, Franklin, Loudon, Hinsdale, Keene & Wakefield – details by region at the end of this email. The DRAFT Ten Yea Plan is available here:
<http://www.nh.gov/dot/org/projectdevelopment/planning/typ>

In the Council meeting this week, we approved projects:

- (1) Impacting Merrimack Co & Central NH:** Designing the new women's prison behind the existing men's prison in Concord; holding live auctions for state surplus goods this coming fall & spring at White farm; delaying a vote on selling two properties on Barberry lane in Concord; studying upgrades to a manufactured home co-op in Boscawen; and 4 new moorings on Lake Sunapee.
- (2) Impacting the Monadnock Region:** No items this meeting.
- (3) Impacting Strafford & Belknap Co:** Guaranteeing a bank loan to help strengthen the financial foundation for the Holiday Inn Express in Rochester; upgrading National Guard facilities in Strafford.
- (4) Other projects & policies with statewide impact:** Reviewing the Site Evaluation Committee process for state energy projects; a contract for merchant card processing with Bank of America for state liquor stores; rebuilding Exit 4 on 293 in Manchester; and accepting federal FEMA funds for various weather disasters.

Full details on each item below, as well as a list of all new nominations.

Sincerely,
Colin
Executive Councilor, District 2

FULL 9/4 AGENDA: <http://1.usa.gov/1gxX1V3>
(or follow the links below for documentation of each item)

FULL DETAILS:

1. DETAIL: CENTRAL NH

Authorized the Bureau of Public Works Design and Construction to enter into a contract with SMRT Inc., Portland, ME, for design services for the NH State Prison for Women, Concord, NH, in an amount not to exceed \$2,438,300. Effective upon G&C approval through December 10, 2014. **100% General – Capital Funds.**

Authorized State Surplus Distribution to enter into a sole source service contract with James R. St. Jean Auctioneers, Epping, NH. There is no charge to the State of NH for the auctioneer services and the auctioneer's revenue will be achieved with a 10% Buyers fee. The auctioneer will reimburse the State of NH 1.25% of the selling price of municipal, nonprofit and court ordered property. Effective upon G&C approval through June 30, 2014.

Authorized to sell the State-owned land, buildings, and other improvements located at 85 Pleasant Street, Concord, to JOLO Properties LLC for \$95,000 which includes a \$1,100 administrative fee. Effective upon G&C approval. (2)Further authorize to reserve and retain in favor of the NH Division of Historical Resources as a condition of the foregoing sale, a 7 year term historic preservation easement restricting the alteration of the exterior of the building included within the Property. (3)Further authorize to pay 5% of the gross proceeds from the foregoing sale (amounting to \$4,750) to Gallo Realty Group NH, LLC, Manchester, NH, as its commission for real estate brokerage and marketing services provided with respect to the Property. Effective upon G&C approval. **100% Net Proceeds from Sale (General Funds).**

Authorized to sell the State-owned land, buildings, and other improvements located at 79 Pleasant Street, Concord, to JOLO Properties LLC for \$95,000 which includes a \$1,100 administrative fee. Effective upon G&C approval. (2)Further authorize to reserve and retain in favor of the NH Division of Historical Resources as a condition of the foregoing sale, a 7 year term historic preservation easement restricting the alteration of the exterior of the building included within the Property. (3)Further authorize to pay 5% of the gross proceeds from the foregoing sale (amounting to \$4,750) to Gallo Realty Group NH, LLC, Manchester, NH, as its commission for real estate brokerage and marketing services provided with respect to the Property. Effective upon G&C approval. **100% Net Proceeds from Sale (General Funds).**

Authorized to enter into an agreement with the Town of Boscawen, NH, to conduct an engineering study of the Woody Hollow Cooperative infrastructure, in the amount of \$12,000. Effective upon G&C approval through December 31, 2014. **100% Federal Funds.**

Authorized the permit application of Snow Beach Association LLC located on Sunapee Lake in Newbury, NH, for a congregate mooring field, requesting that 4 additional moorings be added to the currently established 4 moorings, for a total of 8 moorings.

CONCORD PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

WED, SEPT 25, 7:00 pm

NH Dept of Transportation, 7 Hazen Dr, Room 114

FRANKLIN PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

WED, SEPT 25, 4:30 – 6:00 pm

City Hall, 316 Central St, Council Chambers

LOUDON PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

MON, SEPT 30th, 7:00 PM

Town Office – Barn, 29 South Village Rd.

2. DETAIL: MONADNOCK REGION

HINSDALE PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

WED, SEPT 25, Noon

Town Hall Auditorium, 11 Main St, 2nd Floor

KEENE PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

TUES, OCT 8, 6:30 pm

Keene Parks & Recreation, Room 14, 312 Washington St.

3. DETAIL: STRAFFORD COUNTY

Authorized an award of a State Guarantee under RSA 162-A:13 with respect to a loan from Georgetown Bank to Rochester Hospitality, LLC located in Rochester, New Hampshire. Action will authorize a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

Authorized the Bureau of Public Works Design and Construction to enter into a contract with Meridian Construction, Gilford, NH for the Center Strafford Barracks Renovations, Center Strafford, NH, for a total price not to exceed \$779,893. (2)Further authorize a contingency in the amount of \$80,000 for unanticipated pump house structural expenses and water treatment upgrades for the Center Strafford Barracks Renovations, bringing the total to \$859,893. (3)Further authorize the amount of \$40,000 for payment to the Department of Administrative Services, Bureau of Public Works Design and Construction, for engineering services provided, bringing the total to \$899,893. Effective upon G&C approval through April 1, 2014. **100% Federal Funds.**

WAKEFIELD PUBLIC HEARING - 10 Yr TRANSPORTATION PLAN

THURS, SEPT 26, 10:00 AM

4. DETAIL: STATEWIDE PROJECTS & POLICIES

Authorized to enter into a contract with Raab Associates Ltd., Boston, MA, to conduct a study and stakeholder outreach related to the NH Energy Facility Site Evaluation Committee, in the amount of \$149,902. Effective upon G&C approval through March 31, 2014. **100% Other Funds (PUC-Renewable Energy Fund). Contingent upon approval of funding for this contract by the Fiscal Committee on September 13, 2013.**

Authorized to enter into a statewide agreement with Bank of America Merchant Services LLC, Englewood, CO, for Merchant Card Processing services, in the amount of \$25,000,000. Effective upon G&C approval through June 30, 2018. Funding for this service shall be paid through a transaction fee that is deducted from the gross revenue of each respective transaction.

Authorized the Bureau of Construction to enter into a contract with Severino Trucking Co. Inc., Candia, NH, for replacement of 4 red list bridges, and the rehabilitation of 1 red list bridge located at the I-293 Exit 4 interchange in the City of Manchester, on the basis of a low bid of \$26,201,114.53. (2)Further authorize a contingency in the amount of \$786,033.44 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through November 18, 2016. **100% Turnpike Funds.**

Authorized (#58 #59 #60 #61 #62 #63 #64) the Division of Homeland Security and Emergency Management to accept and expend major Disaster Assistance Funds from the Federal Emergency Management Agency. **100% Federal Funds.**

5. DETAIL: APPOINTMENTS & NOMINATIONS:

(* = District 2 Resident)

New nominations by Governor Hassan to be voted on 10/2:

Commissioner of the Department of Corrections: William Wrenn (re-nomination)

Athletic Trainers Governing Board: Patrick Casey of Concord* & Eric Gelinis of Warner*

Board of Land Surveyors: Kevin McEneaney, Dover*

Board of Acupuncture Licensing: L. Cindy Theroux-Jette & Jeanne Ann Whittington

Assessing Standards Board: Leonard Gerzon, Martha Noel

Div of Children, Youth & Families Advisory Board: Michael Adamkowski

Higher Education Commission: Michael E. Diffily

Lakes Management Advisory Committee: Shane Bradt & Linda Brownson

Pharmacy Board: John Genovese & Charles Fanaras

Board of Licensure of Interpreters for the Deaf and Hearing-Impaired: Luce Aubry, Laura Sinclair, Dawn Welshman

State Historical Records Advisory Board: Paul Bergeron, Linda Upham-Burnstein & Mark Stevens, Canterbury*

Mechanical Licensing Board: Steven Chartier, Concord* and Timothy Dupont, David Pellitier, Steven Labbe, William Trombly, Terry Swain, Omer Beaudoin

Confirmed by the Executive Council on 9/18:

Commissioner of the Dept of Cultural Resources: Van McLeod, Concord*

Community Development Finance Authority: Christopher Diego, Mary Ann Kristiansen, Roxbury*

Electrician's Board: Joseph Casey, Rochester*

Major, Army National Guard: Adam W Burritt, Henniker*

Alcohol & Drug Abuse Prevention, Intervention & Treatment Commission: Traci Fowler

Atlantic States Marine Fisheries Commission: G. Ritchie White

Enhanced 911 Commission: George Valliere

Higher Education Commission: Stephen Appleby, David Mahoney

Land & Community Heritage Authority: Douglas Cole, Cynthia Copeland

Board of Nursing: Brenda Jane Libby

Pre-Engineering Technology Advisory Council: David DeWitt

Racing & Charitable Gaming Commission: Anthony Urban

Real Estate Appraisers Board: Douglas Martin

NH Retirement System Board of Trustees: Guy Scaife

Rivers Management Advisory Committee: Kathryn Nelson

Colin Van Ostern

Executive Councilor, NH-02

(603) 290-5848

PO Box 193, Concord, NH 03302



Paid for by Van Ostern for New Hampshire.
www.vanostern.com PO Box 193, Concord, NH 03302.
Colin Van Ostern, fiscal agent.

[Click here to unsubscribe](#)

10 Int:

MICHAEL J. MARTIN
Superintendent of Schools

School Administrative Unit No. 46
Andover-Merrimack Valley
105 Community Drive
Penacook, New Hampshire 03303

ROBIN HEINS
Business Administrator

CHRISTINE M. BARRY
Assistant Superintendent

KATHLEEN BOUCHER
Human Resources Manager

AB

September 12, 2013



Superintendent Search

The Merrimack Valley and Andover School Boards are in the beginning phase of a search for a new Superintendent of Schools.

Meetings are being scheduled in the six SAU #46 communities to gather feedback from community members on the qualities, skills and qualifications they would look for in a new superintendent. This information will be used to form a candidate profile to be used as a guide for the search committee.

This is an important process and the hope is to involve many community members. Please join us!

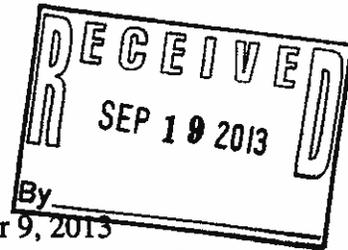
Below are the locations, dates and times for the meetings.

Andover Elementary/Middle School	September 30, 2013	6:30 PM
Boscawen Elementary School	October 17, 2013	6:30 PM
Loudon Elementary School	September 24, 2013	6:00 PM
Merrimack Valley High School	September 23, 2013	6:00 PM
Merrimack Valley Middle School	September 26, 2013	6:00 PM
Penacook Elementary School	October 3, 2013	6:00 PM
Salisbury Elementary School	October 2, 2013	6:30 PM
Webster Elementary School	October 8, 2013	6:00 PM

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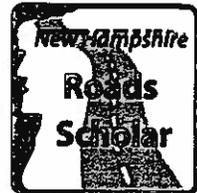


September 9, 2013



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

Re: Roads Scholar Program



Dear Sirs and Madams:

It is our pleasure to inform you that Jan ("John") Hall has achieved the status of **Roads Scholar Two**. The T² Center has created the Roads Scholar Program to recognize various achievement levels in our educational program for people who work in public works.

Roads Scholar Two is the **second achievement level** of the four levels in the Roads Scholar Program. It is distinguished from the other levels by requiring the completion of 50 contact hours, which must include: 25 hours in technical areas, 5 hours in supervision, 5 hours in environmental, and 5 hours in safety. The additional 10 hours required for this level are at the learner's discretion. The typical training session yields five hours of contact, therefore an individual must typically attend **ten one-day workshops** to reach the level John has completed.

On behalf of the Technology Transfer Center, I am pleased to notify you of the extra effort and commitment that John has demonstrated in order to achieve this status. He deserves to be congratulated for his persistence and drive to maintain a leading edge in the field of local road maintenance and construction.

Sincerely,

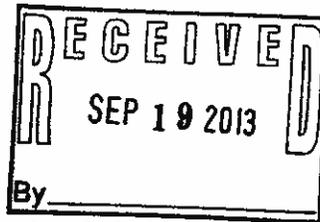
Amy Begnoche
Program Assistant

cc: Jan ("John") Hall

The UNH Technology Transfer Center is sponsored by the Federal Highway Administration and the New Hampshire Department of Transportation. One of the missions of the Technology Transfer Center is to provide educational support for the people who build and maintain the nation's infrastructure.



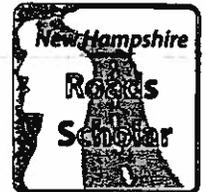
UNIVERSITY of NEW HAMPSHIRE
Technology Transfer Center - NH LTAP
Department of Civil Engineering
33 Academic Way, Durham, NH 03824-3591
(603) 862-2826 / (800) 423-0060
www.t2.unh.edu / t2.center@unh.edu



September 9, 2013



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



Re: Roads Scholar Program

Dear Sirs and Madams:

It is our pleasure to inform you that Kevin Bartlett has achieved the status of **Senior Roads Scholar**. The T² Center has created the Roads Scholar Program to recognize various achievement levels in our educational program for people who work in public works.

Senior Roads Scholar is the **third achievement** level of the four levels in the Roads Scholar Program. It is distinguished from the other levels by requiring the completion of 75 contact hours, including the requirements for Roads Scholar Two, which are: 25 hours in technical areas, 5 hours in supervision, 5 hours in environmental, and 5 hours in safety. The additional 35 hours required for this level are at the learner's discretion. The typical training session yields five hours of contact, therefore an individual must typically attend **fifteen one-day workshops** to reach the level Kevin has completed.

On behalf of the Technology Transfer Center, I am pleased to notify you of the extra effort and commitment that Kevin has demonstrated in order to achieve this status. He deserves to be congratulated for his persistence and drive to maintain a leading edge in the field of local road maintenance and construction.

Sincerely,

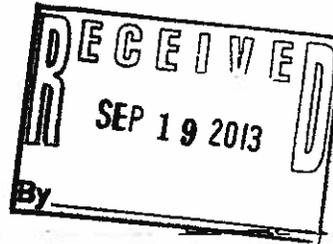
Amy Begnoche
Program Assistant

cc: Kevin Bartlett

The UNH Technology Transfer Center is sponsored by the Federal Highway Administration and the New Hampshire Department of Transportation. One of the missions of the Technology Transfer Center is to provide educational support for the people who build and maintain the nation's infrastructure.



UNIVERSITY of NEW HAMPSHIRE
Technology Transfer Center – NH LTAP
Department of Civil Engineering
33 Academic Way, Durham, NH 03824-3591
(603) 862-2826 / (800) 423-0060
www.t2.unh.edu / t2.center@unh.edu



September 16, 2013

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

Dear Mayor Bouley::

Comcast is pleased to announce that it will continue to provide high-speed Internet service to Concord schools, and your local library, free of charge again this year, continuing the company's tradition of putting its advanced fiber technology to work for the communities we serve.

Comcast has offered free high-speed Internet service to schools, libraries and Boys & Girls Clubs across the region since our arrival in 2003. Comcast also uses an advanced fiber-rich network to deliver free cable television service to schools and other public buildings in Concord. The company's broadband contribution in Concord alone has an annual value of more than \$33201.

Additionally, Comcast recently launched Internet Essentials, a program which provides families with children who are eligible to receive free lunches under the National School Lunch Program (NSLP) with low-cost Internet service, affordable computers and digital literacy training. The goal of Internet Essentials is to help close the digital divide and ensure more Americans benefit from all the Internet has to offer. The national program addresses what research has identified as the three primary barriers to broadband adoption – 1) a lack of understanding of how the Internet is relevant and useful; 2) the cost of a home computer; and 3) the cost of Internet service. The launch of this program has been a collaborative effort with schools, community leadership and community based organizations throughout the country. To learn more, please visit www.internetessentials.com.

Comcast is focused on delivering the best in innovation, information and entertainment to our customers in Concord and across the region. We are committed to using our resources to make meaningful investments in communities where our customers and employees live and work. Comcast is pleased to help make a difference in schools and libraries by providing fast and reliable video and high-speed Internet connections.

As always, it has been a pleasure working with your community and we look forward to continuing our support of Concord for years to come.

Sincerely yours,

Bryan Christiansen

Bryan Christiansen
Senior Manager, Government and Regulatory Affairs
Comcast – Greater Boston Region

xfinity™



September 26, 2013

The Honorable James Bouley
Office of the Mayor
City of Concord
41 Green Street
Concord, NH 03301

Re: Reactivation Fee

Dear Mayor Bouley:

In keeping with our ongoing efforts to provide regular updates regarding our service, I am writing to inform you that effective November 1, 2013, due to increases in operating costs, the Late Fee will increase from \$8.00 to \$9.50 and the Reactivation Fee will increase from \$5.00 to \$6.00 for service(s).

Please be advised customers are receiving notification, in advance via bill message, of this change.

Should you have any questions, please do not hesitate to contact me at 603-224-1871, ext. 202.

Sincerely,

Bryan Christiansen

Bryan Christiansen, Sr. Manager
Government & Regulatory Affairs

Comcast

TIMES UNION

timesunion.com

Unlocking 3.5 miles of waterfront potential

Albany examines ways of redeveloping its 400-year link with the Hudson River now cut by Interstate 787

By Jordan Garrao, Staff Writer

ALBANY — It's not so much that Mayor Jerry Lentini has had his way with Interstate 787 — the soaring bulk of concrete and steel that largely severs Albany from the Hudson River — would be hauled Big Dig style, never again to block the view of the waterway, or central to Albany's 400-year history.

It was a sentiment shared by many, if not all, of those who gathered the Albany Public Library Tuesday night to help the city be-

gin to sketch out the first update in its long-term vision for the waterfront more than two decades ago.

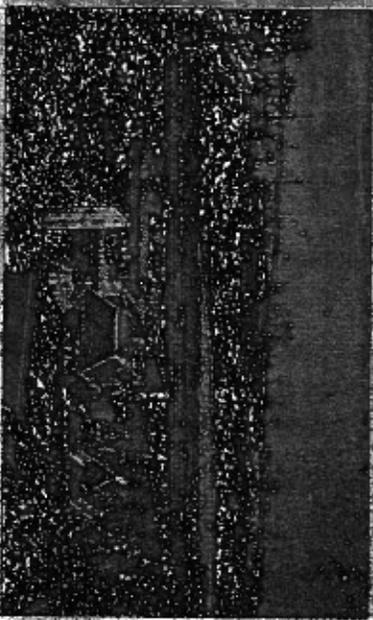
And despite the fact that there are no immediate plans — federal highway money is still being funneled to think big when it comes to the future of Albany's waterfront.

"We know they're not going to tear it down overnight, or maybe even in the next 30 years, but we have to think about a longer-term

vision," Nancy Templeton, a consultant with the firm MRT, which is working with the city on the project, told the crowd of about 50.

They had already come up with ideas like pedestrian access, improved lighting, long-term boat moorings, sidewalks, bike and kayak rentals and the restoration of at least a section of the waterfront to what it would have looked like when Henry Hudson first sailed upriver.

Many of the ideas were modest but their advocates said they could do wonders to improve residents' lives. Please see page B7.



ALBANY is divided from the Hudson River by Interstate 787, which will remain a barrier for the immediate future, planners say.

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Albany waterfront untapped resource

1-787

CONTINUED FROM A2
relationship with their river.

Jeff Gritsavage, a Lark Street resident who keeps his boat across the river in Rensselaer because Albany has no marina, noted there are no signs to entice traveling boaters to stop in Albany — or even hinting that there's a historic city to explore beyond the roar of the highway.

"They actually wouldn't know if there's anything downtown," said Gritsavage, who by day works for the state Canal Corporation and sees how communities across the state have succeeded and failed at marketing their waterfronts.

Bill Newman, a Center Square resident who helped found the Albany Kayak Club four years ago, pointed out there are virtually no amenities for paddlers — be they residents or passers-by on long trips. Many downtown kayak enthusiasts like himself and some of the club's co-founders, he said, store their kayaks on their cars all summer because they don't have garages.

Some of the concepts voiced Tuesday, like the bike and kayak rentals, are already envisioned in a plan the city submitted to a state economic development panel earlier this year detailing more than \$1.1 million in upgrades to the Corning Preserve waterfront park, including the construction of a new restaurant and a covered stage in the existing amphitheater.

City officials are sweating to hear whether that project, dubbed Livingston Landing, will be among those that win funding.

A separate lobbying effort is also underway to convince Amtrak, CSX and the state Department of Transportation to include pedestrian access to the new Livingston Avenue railroad bridge being planned to replace the one that currently links Albany and Rensselaer counties.

But the update to the city's Local Waterfront Redevelopment Plan won't just focus on the parkland and existing trails, the thin oasis of green that hosts the summer Alive at Five concert series and accounts for many residents' only interaction with the river.

Albany's roughly 3.5-mile waterfront is broken up into four zones

with the southern end consisting largely of the industrial zone. The Port of Albany, followed by the South End zone, downtown zone and North Broadway zone. The study areas don't just stop at the water's edge, either. City planning officials are asking for public input on how to integrate the nearby parts of the waterfront with existing neighborhoods on the east side of the highway.

Whatever waterfront development does occur, Pine Hill resident Gene Solan urged it be restricted to the area south of the Corning Preserve and not encroach on the existing preserve.

"It's one of our greatest natural resources," Solan said. "Just keeping the natural setting, keeping the green space, is very crucial."

The city's first waterfront plan, completed in 1991, laid the groundwork for some of the existing amenities on the waterfront, including the pedestrian bridge, the refurbishing of the comfortable and the continuation of the Hudson River bike trail.

This time, all of the planning will be done through a new lease to guide the redevelopment of the waterfront with an eye toward mitigating the effects of climate change, which could result in rising river levels or severe floods.

"We are concerned with what the impact will be on future development," Templeton acknowledged, adding that the city's aging and aging combined sewer system, which already releases raw sewage into the river and its tributaries during severe storms, could be in jeopardy in high water.

Jennings did not attend the meeting, the first of at least three over the nine-month planning process.

But his spokesman, Bob Van Amburgh, said the fact that Jennings is here to stay at least in the short term should not discourage residents from helping devise creative ways to reconnect the city to its waterfront. "Ideally, he'd love to have Albany experience its own version of the Big Dig," Van Amburgh said of Jennings. "But we don't have deep pockets, so we have to work around it."

Journalist: evangelist@timesunion.com or 518-454-6245



City of Concord, New Hampshire

LEGAL DEPARTMENT
CITY HALL • 41 GREEN STREET • 03301

10-34
10 Int
TAY

PAUL F. CAVANAUGH
CITY SOLICITOR
(603) 225-8505

SCOTT W. MURRAY
CITY PROSECUTOR
(603) 225-8507

HARRY S. STEEVER
ASSISTANT CITY PROSECUTOR
(603) 225-8507

Date: 17 September 1991
To: The Honorable Mayor and Members of the City Council
From: Paul F. Cavanaugh, City Solicitor *P.F.C.*
Subj: Amendment to School District Charter

Without the authorization of the State Legislature, the City Council may not exercise "bottom-line" authority over the annual budget of the Concord School District. Only the legislature may amend the district charter. An amendment to the city charter granting the council "bottom-line" authority would be meaningless without a provision in the district charter granting the council such final authority.

OPTIONS

OPTION #1:

The council could place a nonbinding question on the November ballot asking the voters position on the question. If the results of this referendum are favorable, they could be presented to the legislature with a request to amend the district charter. An amendment, if approved by the legislature, would probably include a requirement that the amendment not become effective until approved by the voters at a district election. This option would be the fastest way to get the question to the legislature.

OPTION #2:

The City Charter may be amended under the provisions of RSA 49-B:5. The council must determine that an amendment to the charter is necessary. Then it must provide for notice and hearing. Within 7 days after the hearing, the council may order the amendment placed on the ballot at the next regular municipal election held not less than 60 days after the order is passed or it may order a special election held not less than 60 days from the date of the order. If the referendum passes it could then be presented to the legislature together with a request to amend the district charter. The voters having amended the city charter it is hoped the legislature would amend the district charter. The legislature would probably require that the amendment be approved by the voters of the district before it would become effective.



City of Concord, New Hampshire

CITY COUNCIL

October 16, 1991

Roger B. Phillips, Esquire
Perkins, Phillips & Waters
85 North State Street
P.O. Box 1136
Concord, New Hampshire 03302-1136

Dear Attorney Phillips:

RE: NOTICE OF PUBLIC HEARING/SCHOOL DISTRICT CHARTER

At a regular meeting of the City Council held October 15, 1991, the City Council considered a report of the City Solicitor relative to Amendment to School District Charter.

The City Council voted to hold a public hearing on the report at a meeting to be held Monday, November 18. The meetings are held in the Council Chambers, second floor of the District Court Building and convene at 7PM.

Sincerely,

Elizabeth Campbell
Elizabeth Campbell, CMC
City Clerk

cc: Superintendent of Schools
10-34
SW

1 0 1 1
William Veroneau
Fourteen Elm Street
P.O. Box 6116
Penacook, N.H. 03303

September 6, 1991

Honorable Mayor and City Councilors

City of Concord, New Hampshire

AGENDA #8A

Approximately ten years ago, the Concord City Council approved an action allowing the voters of Concord the opportunity to consider giving the City Council "bottom-line authority" over the annual budget of the Concord School District.

In November 1981, the voters of Concord responded to a ballot referendum on that issue with the result that the Concord School District retained autonomy over its budget, as it continues to do.

Given the current concern expressed over the total property tax rate by Concord citizens, and given a continued misunderstanding by many of the role of the City Council with respect to the annual budget of the Concord School District, a reconsideration of the relationship between the two entities, from a budget standpoint, may be appropriate.

Accordingly, I request that the City Council approve the initiation of action to explore the feasibility of a referendum on this issue. Specifically, I request that the Council seek an opinion from the City Solicitor detailing the process necessary for the Council to authorize such a referendum.

The following timetable may be an option:

- 9/ 9 Council approves request for Solicitor's opinion;
- 10/15 If feasible, Council sets public hearing;
- 11/12 Public Hearing;
- 1992 Referendum coincidental with NH Primary & Ward Line Issue;

This optional schedule should permit coordination of activities with officials of the Concord School District, where appropriate.

To paraphrase a statement written by then at-large Councilor C. David Coeyman on July 9, 1981, it may again be time to allow the Concord voting public to make their position known on this issue.

Thank you for your consideration.

encl.



Aug 10

City of Concord, New Hampshire

CITY COUNCIL

9-8

Mayor

MARTIN L. GROSS

Mayor pro tem

KENNETH L. McDONNELL

July 9, 1981

City Manager

JAMES C. SMITH

Councilmen-at-Large

- C. DAVID COEYMAN
- KENNETH P. JORDAN
- FREDERICK H. KOCHER
- MICHAEL G. LITTLE
- KENNETH L. McDONNELL
- BARBARA UNDERWOOD
- JOHN F. UPTON

Ward Councilmen

- JAMES R. MACKEY
- GRACE M. WALKER
- ROBERT E. K. MORRILL
- GORDON R. BLAKENEY, JR.
- MARTIN L. GROSS
- BARBARA E. HENDERSON
- LAWRENCE J. SULLIVAN, JR.
- JAMES MUSUMECI

Clerk of the Council

MARJORIE B. FOOTE

Dear Members of the City Council:

There is growing concern, in our community, over the property tax rate and its impact upon individual tax payers.

One question being asked in the community regards the authority of the City Council over school budgets. The autonomy of the School Boards is not well understood, and in fact, from my personal experience, many members of the public believe the City Council should have a greater role in school budgets.

There is sufficient interest, on the part of Concord voters, regarding the question of City Council authority over school appropriations to warrant that question being on the ballot next November. For this reason I request the City Council to:

1. request the City Administration to determine how such a question may be included on the ballot in November, and
2. request the City Administration to report to the City Council at its August meeting or sooner if necessary, the results of its efforts.

Regardless of our individual positions on this question, the voters should have the opportunity to make their position known through the ballot box.

I would appreciate your consideration of this matter.

Respectfully submitted,

C. David Coeyman
C. David Coeyman



City of Concord, New Hampshire

LEGAL DEPARTMENT
CITY HALL • 41 GREEN STREET • 03301

PAUL F. CAVANAUGH
CITY SOLICITOR
603-224-3383

LAURENCE J. GILL
CITY PROSECUTOR
603-224-3383

July 29, 1981

David Coeyman, Councilman
1 Tow Path Lane
Concord, New Hampshire 03301

Re: Procedures For Making the Concord Union School District Budget Subject to the Approval of the City Council.

Dear Councilman Coeyman:

You have requested my opinion as to whether or not it's possible to require the Concord Union School District's budget to be submitted to the City Council for Council approval prior to its adoption. My opinion is that it can be done but not easily. Several legal questions are raised not all of which have a precise answer. These questions are discussed below:

QUESTION 1

MAY THE CHARTER OF THE CITY OF CONCORD BE AMENDED SO AS TO PROVIDE THE CITY COUNCIL WITH AUTHORITY TO REVIEW AND APPROVE OR DISAPPROVE THE CONCORD UNION SCHOOL DISTRICT'S BUDGET?

Under the provisions of R.S.A. Chapter 49-B that the City Charter may be amended to provide the Council with this authority. A charter may be amended in any way which is not in conflict with general law. N.H. Constitution Part I, Article 39. The Council may under the provisions of R.S.A. 49-B:5 determine that such an amendment is necessary and order a public hearing on the matter. After a public hearing the Council may then vote to have the question placed upon the ballot at the next municipal election.

QUESTION 2

MAY THE CITY COUNCIL INITIATE A CHANGE IN THE CONCORD UNION SCHOOL DISTRICT CHARTER?

No. The school district is a separate body politic.

QUESTION 3

MAY THE BOARD OF THE CONCORD UNION SCHOOL DISTRICT INITIATE AN AMENDMENT TO THE DISTRICT'S CHARTER UNDER THE PROVISIONS OF R.S.A. 49-B.

July 29, 1981

This question raises the subsidiary questions below

- (a) Is a school district a city or town for the purposes of Part I, Article 39, of the New Hampshire Constitution?

The New Hampshire Surpeme Court declined to answer this question in 1971 when presented to it by the House of Representatives. Opinion of the Justices, 111 N.H. 144 (1971).

The answer to this question, although undetermined at this time, may not be as important to our final conclusion as the answer to the second subsidiary question discussed below:

I do note however that the district charter has been amended several times by the legislature and that the legislature has provided for voter approval of the amendment.

- (b) Is a school district "a municipality" for the purposes of R.S.A. 49-B?

R.S.A. 21:5 provides that "the word "town" shall extend and be applied to any place incorporated or whose inhabitants are required to pay any tax, and shall mean that city, town, ward or place in which the subject-matter referred to is situated, or in which the persons referred to are resident, unless from the context, a different invention is manifest." and the court has held, Union School District vs. District No. 20, (1902) 71 N.H. 269 that the word "town" as used in R.S.A. 21:5 includes school district. However, the general rules of legislative construction would require that Chapter 49-B be read differently. A complete reading of R.S.A. 49-B clearly indicates "a different intention is manifest". Section 2 of this chapter, "Scope of Authority" provides for the adoption of forms of municipal government and list them as follows:

1. Board of Selectmen - Town Meeting;
2. Mayor - Board of Aldermen - Council;
3. City Council - City Manager;
4. Town Council - Town Manager, with or without budgetary meeting;
5. Elected first selectmen - Board of Selectmen - Town Meeting.

The enumerated forms of government clearly apply only to towns and cities and not to school districts.

3.../

July 29, 1981

QUESTION 4

HOW MAY THE CONCORD UNION SCHOOL DISTRICT CHARTER BE CHANGED?

The Charter may be changed only by the legislature.

CONCLUSION

The City Charter may be changed to accomplish your purpose but the amendment would be of no effect until such time as the Concord Union School District Charter was amended. The School District Charter may be amended only by the legislature.

Very truly yours.

Paul F. Cavanaugh
City Solicitor

PFC/ajm

XI. RSA 235:33, relative to restriction on towns appropriating more per mile.

XII. RSA 235:35, relative to the highway subsidy to towns and cities.

XIII. RSA 235:36, relative to additional highway subsidy.

XIV. 1981, 568:34, relative to distribution of increased fees.

122:8 Distribution of Fees. Notwithstanding the repeal of 1981, 568:34 as provided in paragraph XIV of section 7 of this act, distribution of the increased motor vehicle fees collected in fiscal 1983 shall be made to the cities and towns in fiscal 1984.

122:9 Effective Date. This act shall take effect July 1, 1983.

[Approved June 2, 1983.]

[Effective Date July 1, 1983.]

CHAPTER 123 (HB 822)

AN ACT REVISING THE CHARTER OF THE CONCORD UNION SCHOOL DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

123:1 Revision of Charter. Amend 1961, 355 as amended by 1967, 560; 1971, 262; and 1977, 47 by striking out said chapter and inserting in place thereof the following:

355:1 District Established. The Concord school district, established by law as the union school district of Concord, is hereby continued, with all the rights, immunities, powers and privileges, and subject to all the duties and liabilities as are established by general law for the government of school districts and municipal corporations. All existing property of the district shall remain vested in it. The boundaries of the district shall be as established by law.

355:2 Elections. The election officers in each ward whose duty it is to conduct regular state general elections shall conduct an election, as hereinafter provided, on the Tuesday after the first Monday in November, annually, to elect 3 members of the board of education of the Concord school district to serve terms of 3 years each. For the purposes of this election, the voters shall cast their ballots in their respective wards for the election of members of the board of education. Candidates for election to the board of education shall be listed on ballot page or pages, separate from the pages used in any other elections which may be held concurrently with the board election, as provided in section 4 of this chapter.

355:3 Qualification of Voters. Persons residing in the district who would be qualified to vote in a state general election if held on the day of such district election shall be the qualified voters therein. The polls shall be open at each district election for not less than 6 hours, and shall be posted at the several voting places not less than 14 days prior to the day of election.

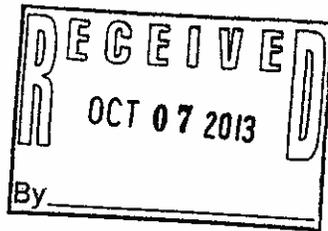
355:3-a Absentee Voting. Any qualified voter of the district who is absent from the district on the day of any district election, or who, by reason of physical disability, is unable to vote in person at such election, may vote at such election by absentee ballot. The provisions of state law, so far as applica-

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Thursday, October 3, 2013

ASD

10 Almar Street
Farmingdale, ME 04344

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

Re: Concord's parking kiosk system

Dear Mayor Bouley and City Councilors,

The purpose of this letter is to constructively complain of the inadequate notification system of the current parking kiosk system in downtown Concord.

On Thursday, 9/26/13 I parked on Capitol Street in front of the State Office Complex. I saw/noticed nothing that indicated to me I needed to do anything related to having parked in the open space I found. I entered the building and returned to my vehicle about 15 minutes later to find a yellow envelope under my windshield wiper and learned from asking various sources on the street (including a parking officer – who was not the one who issued my violation), that I was supposed to have found a parking kiosk, paid, and placed a parking ticket inside my car.

I'm from Maine. Before 9/26/13 I had never heard of, much less met or used, a parking kiosk. After I returned to Maine, I did call and appeal my violation, which is to be reduced to a warning *this one time ONLY* (great emphasis from the voice on the other end of the line).

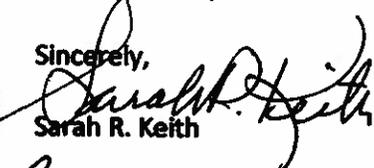
I asserted in that telephone call that notification to the public of this requirement was woefully inadequate. I was told it was very clear – there were signs at each end of the block (where I'm paying attention to my driving because I'm making a turn at a city intersection far from home), in addition to the kiosks themselves along the block. I was told that a lot of cities across the US use the kiosk system for parking (it's my fault I'm unfamiliar with parking kiosks - I guess visitors to Concord NH need to be well travelled).

Again, I assert that the current notification to drivers parking in Concord of its kiosk parking system is woefully poor. It preys upon a general public that is not familiar with Concord and its parking system. At \$10 per violation I'm confident it's an excellent source of income for the city, and most people find it more expedient to pay \$10 than to take the time to complain and try to effect constructive change – actual improvement to assist the public to act legally.

If revenue is your priority, I expect to see no change in the future. If serving the general public and doing the right thing is your priority, I trust this problem will be recognized and properly addressed.

Thank you for your time and consideration in this matter.

Sincerely,


Sarah R. Keith

Enc:

cc: City of Concord, PO Box 9582, Manchester, NH (!!!)

Thursday, October 3, 2013

10 Almar Street
Farmingdale, ME 04344

City of Concord
P O Box 9582
Manchester, NH 03108-9582

Re: Parking Violation #3358191, 9/26/13, 411K ME, Grey Suba SW; Sarah R. Keith

Sir/Madam,

The purpose of this letter is to fulfill instructions provided as a result of my 9/30/13 telephone request for appeal of the above-referenced action.

Before that incident I had never before been exposed to, much less seen or used, a parking kiosk; and, in the absence of obvious and adequate visual notice to me of the requirement to find and use such a device to park legally, I failed to pay and obtain a ticket for permission to park in front of the building.

I was advised that, with this written explanation, my violation would be reduced to a warning *this one time only* (deep emphasis by the speaker). Thank you for this consideration.

I continue to assert and insist that notification to the user of this method of collecting parking fees is absolutely inadequate. Please find enclosed a copy of my letter to the City of Concord regarding this.

Sincerely,



Sarah R. Keith

Copy -

10 Inf 1

120

Concord Veterans Council

C/O Paul Lloyd

158 Liberty St

Concord, N.H. 03301



OCTOBER 2013

Mayor James Bouley

City of Concord

41 Green St

Concord, N.H. 03301

Dear Mayor :

The Concord Veterans Council cordially invites you and your staff to participate in the Veterans Day Ceremony at the State House Hall of Flags on Monday November 11, 2013 at 9:00 AM.

The Concord Veterans Council would greatly appreciate your consideration and participation in the important event as we honor our veterans of all wars.

Thanking you in advance.

Sincerely,


Paul Lloyd

President of Concord Veterans Council

