



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

City Council Meeting  
Agenda  
January 13, 2014  
City Council Chambers  
7:00 p.m.

1. Call to Order.
2. Invocation by Father Richard Roberge, Christ the King Parish
3. Pledge of Allegiance.
4. Roll Call.
5. Approval of the December 9, 2013 Meeting Minutes.
6. Agenda overview by the Mayor.

***- Consent Agenda Items -***

**Referral to the Recreation and Parks Advisory Committee and the Transportation Policy Advisory Committee**

7. Communication from Matt Elliott, President, Friends of White Park, requesting that the City of Concord investigate the removal of the bus lane within the parking lot at White Park when planning a potential new skate house.

**Referral to the Traffic Operations Committee**

8. Communication from Ted Kendziora, Concord resident, requesting consideration be given to installing a stop sign at the corner of Peterson Circle and Governors Way in Concord.

**Items Tabled for a February 10, 2014 Public Hearing**

9. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Section 29.2-1-2, Assessment and Collection; together with report from Acting City Planner.
10. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking, Storrs Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects.
11. Resolution authorizing the City Manager to enter into a Municipal Agreement with the New Hampshire Department of Transportation (NHDOT) for Highway Safety Improvement Program (HSIP) funding, all part of the design and construction of the Loudon Road Corridor Improvements Project (CIP #19); together with report from the Traffic Engineer.
12. Resolution accepting and appropriating the sum of \$1,600,000 in Matched Highway Safety Improvement Program (HSIP) Funds from the New Hampshire Department of Transportation (NHDOT) for the purpose of design and construction of Phase I Traffic Safety Improvements for the Loudon Road Corridor Improvements Project (CIP #19), including \$1,440,000 in NHDOT Grant Funds and authorizing the issuance of bonds and notes of up to \$160,000 for the local match portion of the project.
13. Resolution amending and restating the Development Program and Financing Plan for the North End Opportunity Corridor Tax Increment Finance District (NEOCTIF) ; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects.
14. Resolution authorizing the City Manager to enter into a Purchase and Sales Agreement with Tsunis Holdings, Inc. for real estate located on Storrs Street and appropriating the sum of \$1,050,000 including \$450,000 from NEOCTIF undesignated fund balance and the issuance of \$600,000 in NEOCTIF supported bonds and notes, to facilitate acquisition of property and related activities.
15. Resolution accepting and appropriating the sum of \$23,300 in grant funding from the Department of Safety, State Homeland Security and Emergency Management Exercise and Evaluation Program, for funding of a Homeland Security Exercise in conjunction with Concord Hospital; together with report from the Police Department. (10-23)
16. Resolution accepting and appropriating the sum of \$21,621 from the New Hampshire Charitable Foundation for management and maintenance of municipal property; together with report from the Deputy City Manager -- Finance.

**From the City Manager**

17. Positive Citizen Comments.

**Consent Reports**

18. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,160.12 as provided for under the preauthorization granted by City Council.
19. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$400 as provided for under the preauthorization granted by City Council.
20. Report from the Deputy City Manager – Finance outlining the Fiscal Policy Advisory Committee’s (FPAC) recommendation on the FY2015 tax rate target.
21. Report from the City Treasurer regarding the December 10, 2013 bond sale.
22. Report from the Fire Chief on an updated on recent events for the Capital Area Mutual Aid Fire Compact.
23. Report from the City Engineer recommending that the City Manager be authorized to accept a public sidewalk easement deed across a portion of land owned by PRM Holdings, LLC, and known as 39 – 49 North Main Street.; a public sidewalk easement deed across a portion of land owned by TPC, Inc., and known as 125 North Main Street; and a public drainage easement deed across a portion of land owned by the Chester A. Hoadley and the Elizabeth K. Hoadley Irrevocable Trusts, and known as 72 West Parish Road.
24. Report from the City Solicitor in response to a report from the Planning Board in response to a communication from Nicholas Golon, TFM, on behalf of their client, Public Service Company of New Hampshire (PSNH) recommending that the City Manager be authorized to execute a release of an existing right of way easement deed across land owned by PSNH in Concord, tax map 122, block 2, lot 28, easterly of Farmwood Road. (8-11) (11-23) *(Pulled from consent and referred to Planning and Legal Department at the November 12, 2013 Council meeting)*
25. Report from the Recreation and Parks Advisory Committee in response to a communication from Bob Hatch asking that City Council consider renaming the courts at Keach Park, Hatch Courts, in memory of his father Paul O. Hatch. (8-9)
26. Report from the Zoning Administrator on behalf of the Zoning Board of Adjustment requesting that the City review its existing sign regulations, Article 28-7, to address whether it is appropriate to amend the current regulations as they pertain to “scroller” signs.

**Consent Resolutions**

27. Resolution in recognition of the services of Elizabeth Blanchard. *(For presentation in February)*
28. Resolution in recognition of the services of Michael Dellolacano. *(For presentation in February)*
29. Resolution in recognition of the services of Jennifer Kretovic. *(For presentation in February)*
30. Resolution in recognition of the services of Richard Patten. *(For presentation in February)*
31. Resolution authorizing the City Manager to accept a gift of 12.507 acres of land from Public Service of New Hampshire for conservation purposes and to merge properties; together with report from the Assistant City Planner.
32. Resolution authorizing the City Manager to apply for up to \$45,000 to the New Hampshire Department of Environmental Services for Household Hazardous Waste Collection and Special Project Grants; together with report from the General Services Director.
33. Resolution authorizing the City Manager, by way of the Human Resources Department, to submit an application to the New England ADA Center to become the recipient of a hands on field-based training day for up to 20 participants and a \$1,000 grant toward improving accessibility under the Americans with Disability Act (ADA); together with report from the Human Resources Departments Safety and Training Coordinator.

**Consent Communications**

**Appointments**

34. City Manager's proposed reappointment to the Board of Trustees of Trust Funds.  
*Jeffrey L. Schindler*

**From the Mayor**

35. City Council committee appointments. *(To be submitted under separate cover)*

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

**36. January 13, 2014 Public Hearings**

- A. Resolution authorizing the transfer of \$618,788.14 from Committed Fund Balance to Assigned Fund Balance; and to authorize the transfer of \$1,553,788.14 from Assigned Fund Balance to the General Fund Operating Budget; and to appropriate \$545,000 as a transfer to Trust Fund Reserves; and to authorizing the use of \$1,008,788.14 as allowance for abatements; all for the purposes listed herein, funding for this appropriation shall be entirely from the FY2013 General Fund Assigned Fund Balance; together with report from the Deputy City Manager – Finance. (12-10)
- B. Resolution appropriating \$55,000 as a supplemental appropriation to the City's General Capital Improvement Fund for the purpose of HVAC improvements at the City's Fire Stations, CIP #325, funding for this appropriation shall be entirely from the Building Improvements Reserve Account. (12-11)
- C. Resolution appropriating \$90,000 from Trust Fund Reserves as a supplemental appropriation to the City's General Fund for the purposes of equipment replacement and education and training, and to transfer \$1,056.39 from the 53<sup>rd</sup> Week and Revaluation Reserves to the Highway Reserve, funding for these purposes shall be entirely from Trust Fund Reserve Accounts. (12-12)
- D. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Funds of behalf of the National Alliance on Mental Illness New Hampshire, (NAMI NH); together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. (12-13)
- E. Resolution readopting the City's Displacement and Relocation Policy Statement and Procedures. (12-14)

**January 13, 2014 Public Hearing Action**

- 37. Resolution authorizing the transfer of \$618,788.14 from Committed Fund Balance to Assigned Fund Balance; and to authorize the transfer of \$1,553,788.14 from Assigned Fund Balance to the General Fund Operating Budget; and to appropriate \$545,000 as a transfer to Trust Fund Reserves; and to authorizing the use of \$1,008,788.14 as allowance for abatements; all for the purposes listed herein, funding for this appropriation shall be entirely from the FY2013 General Fund Assigned Fund Balance; together with report from the Deputy City Manager – Finance. (12-10)
- 38. Resolution appropriating \$55,000 as a supplemental appropriation to the City's General Capital Improvement Fund for the purpose of HVAC improvements at the City's Fire Stations, CIP #325, funding for this appropriation shall be entirely from the Building Improvements Reserve Account. (12-11)

39. Resolution appropriating \$90,000 from Trust Fund Reserves as a supplemental appropriation to the City's General Fund for the purposes of equipment replacement and education and training, and to transfer \$1,056.39 from the 53<sup>rd</sup> Week and Revaluation Reserves to the Highway Reserve, funding for these purposes shall be entirely from Trust Fund Reserve Accounts. (12-12)
40. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Funds of behalf of the National Alliance on Mental Illness New Hampshire, (NAMI NH); together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. (12-13)
41. Resolution readopting the City's Displacement and Relocation Policy Statement and Procedures. (12-14)

**Appointments by the Mayor**

**Reports**

**New Business**

**Unfinished Business**

42. 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) (10-36) (11-40) (12-37) *(Action on this item tabled following a February 2013 public hearing)*
43. 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)(9-26C; 9-29) (10-37) (11-41) (12-38) *(Action on this item was tabled after a public hearing was held on September 9, 2013.)*

**Comments, Requests by Mayor, City Councilors**

**Comments, Requests by the City Manager**

**Consideration of Suspense Items**

**Adjournment**

**Information**

- 1 Inf 1 September 25, 2013 and October 29, 2013 Concord Plan to End Homelessness meeting Minutes.
- 1 Inf 2 November 18, 2013 Parking Committee Meeting Minutes.
- 1 Inf 3 December 2, 2013 Concord Public Library Board of Trustees Meeting Minutes.
- 1 Inf 4 December 17, 2013 Traffic Operations Committee Meeting Minutes.
- 1 Inf 5 Communication from Mary Deal expressing neighborhood concerns regarding the closure of White Street and the placement of a tent in the White Street roadway during the upcoming Black Ice Pond Hockey tournament.
- 1 Inf 6 Communication from Mary Deal regarding the City's potential proposal for a multipurpose/skate house building at White Park.
- 1 Inf 7 Communication from the University of New Hampshire notifying the City that Jan ("John") Hall has achieved the status of Senior Roads Scholar.
- 1 Inf 8 Communication from Comcast Cable notifying City Council of upcoming prices changes.
- 1 Inf 9 Copy of communication sent to William Young from the City's Zoning Administrator in follow-up to a recent application for restoration of involuntarily merged lots. (10Sus1)
- 1 Inf 10 Communication from Michael Green, President and CEO, Concord Hospital regarding Phase Three of Langley Parkway.
- 1 Inf 11 Copy of communication from The H.L. Turner Group, Inc. notifying the City of Concord that they had made a \$100 donation in the city's name to the Friendly Kitchen.





**Non public sessions in accordance with RSA 91-A: 3, II (d)  
to discuss contract negotiations and property acquisition and non-public session in  
accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies  
to be held at 5:30 p.m.**

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

1. Mayor Bouley called the meeting to order at 7:05 p.m.
2. Invocation by Pastor David Pinckney, River of Grace Church.
3. Pledge of Allegiance.
4. Roll Call. Councilor Blanchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, St. Hilaire, Shurtleff and Werner were present. Councilors Bennett, Bouchard, Nyhan and Patten were excused.

5. Approval of the November 12, 2013 Meeting Minutes.

**Action:** Councilor Kretovic moved approval of the November 12, 2013 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Mayor Bouley presented a resolution to Steve Painchaud proclaiming December 2013 as Capital Region Food Program Month. (11-29)

7. Agenda overview by the Mayor.

**- Consent Agenda Items -**

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

**Action:** Councilor Grady Sexton moved approval of the consent agenda with items 13, 15 and 23 being removed for discussion at the end of the agenda. The motion, as amended, was duly seconded and passed with no dissenting votes.

**Referral to Community Development**

8. Communication from the United States Post Office requesting permission to place a six-unit neighborhood delivery collection box unit at the corner of Cypress and Noyes Streets to

ensure the safety of postal delivery personnel while continuing postal service to the residents on Cornell Street.

9. Communication from Ron Ferrante, 95 Loudon Rd LLC, asking the city to consider entering into a line lot adjustment to annex a small portion of city owned land off Thomas Street to the property at 95 Loudon Road and move the driveway from Loudon Road to Thomas Street.

**Items Tabled for a January 13, 2014 Public Hearing**

10. Resolution authorizing the transfer of \$618,788.14 from Committed Fund Balance to Assigned Fund Balance; and to authorize the transfer of \$1,553,788.14 from Assigned Fund Balance to the General Fund Operating Budget; and to appropriate \$545,000 as a transfer to Trust Fund Reserves; and to authorizing the use of \$1,008,788.14 as allowance for abatements; all for the purposes listed herein, funding for this appropriation shall be entirely from the FY2013 General Fund Assigned Fund Balance; together with report from the Deputy City Manager – Finance.
11. Resolution appropriating \$55,000 as a supplemental appropriation to the City's General Capital Improvement Fund for the purpose of HVAC improvements at the City's Fire Stations, CIP #325, funding for this appropriation shall be entirely from the Building Improvements Reserve Account.
12. Resolution appropriating \$90,000 from Trust Fund Reserves as a supplemental appropriation to the City's General Fund for the purposes of equipment replacement and education and training, and to transfer \$1,056.39 from the 53<sup>rd</sup> Week and Revaluation Reserves to the Highway Reserve, funding for these purposes shall be entirely from Trust Fund Reserve Accounts.
13. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Funds of behalf of the National Alliance on Mental Illness New Hampshire, (NAMI NH); together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. *(Pulled from consent by Councilor Blanchard)*

**Action:** Item removed from the consent agenda for discussion.

14. Resolution readopting the City's Displacement and Relocation Policy Statement and Procedures.

**From the City Manager**

15. Positive Citizen Comments. *(Pulled from consent by Councilor Blanchard)*

**Action:** Item removed from the consent agenda for discussion.

**Consent Reports**

16. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,579.85 as provided for under the preauthorization granted by City Council.
17. Diminimus gifts and donations report from the Fire Department requesting authorization to accept monetary gifts totaling \$360 as provided for under the preauthorization granted by City Council.
18. Diminimus gifts and donations report from the Parks & Recreation Director requesting authorization to accept monetary gifts totaling \$2,300 as provided for under the preauthorization granted by City Council.
19. 2013 tax rate and property assessment report from the Deputy City Manager - Finance and Director of Real Estate Assessments.
20. Appropriation transfer report from the Office of Management and Budget (OMB) Director.
21. Council Quarterly Priorities Report from the City Manager.
22. Parking Strategic Plan report from the Director of Redevelopment, Downtown Services & Special Projects.
23. Report from the General Services Director regarding Memorial Field Facilities Improvements, CIP #557. *(Pulled from consent by Councilor Coen)*

**Action:** Item removed from the consent agenda for discussion.

**Consent Resolutions**

24. Resolution de-authorizing the amount of \$4,850.37 from New Hampshire Department of Justice Bullet Proof Vest Grant as no longer necessary; together with report from the Deputy City Manager – Finance.
25. Resolution de-authorizing the amount of \$522.30 from the Concord Public Library Foundation sponsorship of the “Movies in the Park” recreation program as no longer necessary; together with report from the Parks & Recreation Director.
26. Resolution de-authorizing the amount of \$820.75 from the “Summer Music” Recreation program to reflect actual dollars received; together with report from the Parks & Recreation Director.

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

**27. December 9, 2013 Public Hearings**

- A. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Article 30-2, Municipal Departments; Section 30-2-20, Community Development Department; together with a report from the Deputy City Manager - Development. (11-9)

**Action:** City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony on this item, 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, Adult and Technical Services Manager/Adult Services Manager; together with report from the Director of Human Resources and Labor Relations. (11-10)

**Action:** City Manager Tom Aspell provided a brief overview.

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

- C. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 5, Public Works; Article 5-8, Solid Waste Flow Control; together with a report from the General Services Director. (11-11)

**Action:** City Manager Tom Aspell provided a brief overview.

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

- D. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing and Parking, Knight Street; together with report from the Traffic Engineer. (11-12)

**Action:** City Manager Tom Aspell provided a brief overview.

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

- E. Resolution appropriating \$7,000 to the Sewer Fund to harvest timber at the Hall Street Wastewater Facility; together with report from General Services. (11-13)

**Action:** City Manager Tom Aspell provided a brief overview.

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

- F. Resolution repurposing \$15,000 from completed and unexpended SCADA (Supervisory, Control and Data Acquisition) Instrumentation Improvement Project (CIP #124) to support a Water Treatment Plant Staffing Study; together with report from General Services. (11-14)

**Action:** City Manager Tom Aspell provided a brief overview.

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

- G. Resolution accepting and appropriating the sum of \$125,000 from the Capital Regional Development Council's (CRDC) Brownfields Sub-Grant Program for environmental cleanup of the former Allied Leather and Amazon Realty sites located at 5-35 Canal Street, Penacook, CIP #508; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. (11-15)

**Action:** City Manager Tom Aspell provided a brief overview.

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

- H. Resolution accepting and appropriating the sum of \$80,626 from Public Service Company of New Hampshire to be applied towards the purchase of open space land off of Curtisville Road and Portsmouth Street, also known as Whispering Heights, as mitigation for a New Hampshire Department of Environmental Services wetlands permit; and authorizing the conveyance of conservation restrictions and covenants on a portion of the open space property; together with report from the Planning Department.

**Action:** City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

**Public Testimony**

Kit Morgan, Conservation Commission Chair, indicated that the commission agreed that this was a good deal to be able to reduce the price of a portion of the Whispering Heights project and to be able to move forward with it.

Councilor Keach asked if this is connected to the Northern Pass project in any way. Mr. Morgan responded that they had asked the same question and were assured that it is not.

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

**December 9, 2013 Public Hearing Action**

28. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Article 30-2, Municipal Departments; Section 30-2-20, Community Development Department; together with a report from the Deputy City Manager - Development. (11-9)

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

29. 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, Adult and Technical Services Manager/Adult Services Manager; together with report from the Director of Human Resources and Labor Relations. (11-10)

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

30. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 5, Public Works; Article 5-8, Solid Waste Flow Control; together with a report from the General Services Director. (11-11)

**Action:** Councilor St. Hilaire moved approval. The motion was duly seconded. Mayor Bouley took Rule Six on this vote. The motion passed on a voice vote.

31. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing and Parking, Knight Street; together with report from the Traffic Engineer. (11-12)

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

32. Resolution appropriating \$7,000 to the Sewer Fund to harvest timber at the Hall Street Wastewater Facility; together with report from General Services. (11-13)

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

33. Resolution repurposing \$15,000 from completed and unexpended SCADA (Supervisory, Control and Data Acquisition) Instrumentation Improvement Project (CIP #124) to support a Water Treatment Plant Staffing Study; together with report from General Services. (11-14)

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

34. Resolution accepting and appropriating the sum of \$125,000 from the Capital Regional Development Council's (CRDC) Brownfields Sub-Grant Program for environmental cleanup of the former Allied Leather and Amazon Realty sites located at 5-35 Canal Street, Penacook, CIP #508; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. (11-15)

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

35. Resolution accepting and appropriating the sum of \$80,626 from Public Service Company of New Hampshire to be applied towards the purchase of open space land off of Curtisville Road and Portsmouth Street, also known as Whispering Heights, as mitigation for a New Hampshire Department of Environmental Services wetlands permit; and authorizing the conveyance of conservation restrictions and covenants on a portion of the open space property; together with report from the Planning Department.

**Action:** Councilor St. Hilaire moved approval. The motion was duly seconded and 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) (9-36) (10-34) (11-39) *(Action on this item tabled following a July 9, 2012 public hearing) (Report from the Gully Hill Conservation Easement Committee submitted)*

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

City Manager Aspell explained that the committee met on several occasions and agreed not to convey a conservation easement at this time and to maintain the land at its current agricultural use with the understanding that the City Council would be discussing the use for the property again if the Bartlett family stops farming the land.

Councilor Keach noted that the best possible thing was to preserve it now, continue to preserve it and then revisit the issue going forward.

Councilor Keach moved to accept the easement committee report. The motion was duly seconded.

Councilor McClure pointed out that the committee also reviewed what restrictions were imposed on the property because the land was purchased from the Conservation Fund. She explained that the use of any land that's purchased with this fund is restricted to uses that are listed within RSA 36-A which includes "the proper utilization and protection of the natural resources and for the protection of watershed resources of said city." She indicated that those will hold until such time that the land is purchased from the Conservation Fund.

Following brief Council discussion, Mayor Bouley noted that an acceptance of the report was the acceptance of the recommendation of not to convey a conservation easement at this time.

The motion to approve the report passed with no dissenting votes.

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) (9-37) (10-36) (11-40) (*Action on this item tabled following a February 2013 public hearing*)

**Action:** No action taken on this item.

38. 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)(9-26C; 9-29) (10-37) (11-41) (*Action on this item was tabled after a public hearing was held on September 9, 2013.*)

**Action:** No action taken on this item.

#### **Comments, Requests by Mayor, City Councilors**

Being her last meeting as a City Councilor, Councilor Blanchard made a few remarks. She noted that her reason for being a public servant has always been to make a positive difference in people's lives and feels that she has done this with the help of her colleagues and city staff. She gave special thanks to Matt Walsh and Ed Roberge for the public meetings and charettes that they held in Penacook. She stated that she can leave knowing that Penacook is on the cusp of revitalization. She further stated that it has been a pleasure working with the Council and feels that they have done a lot of good things in her twelve year tenure.

Being her last meeting, Councilor Kretovic noted that she hopes to return.

Being his last meeting, Councilor DelloIacono thanked everyone for the last four years. He thanked his children for being respectful and understanding of him attending the many Council meetings.

Mayor Bouley presented City Manager Tom Aspell with his 15 year pin of service.

He thanked Councilor Blanchard, Kretovic, DelloIacono, and Patten for their service and efforts to the city. He noted that he wants the community to know what a great job they have all done and what they have given as City Councilors.

#### **Comments, Requests by the City Manager**

#### **Consideration of items pulled from the consent agenda for discussion**

Item 13, 15 and 23 have been pulled from the consent agenda for discussion.

13. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Funds of behalf of the National Alliance on Mental Illness New Hampshire, (NAMI NH); together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. *(Pulled from consent by Councilor Blanchard)*

**Action:** Councilor Blanchard noted that her purpose for removing this item and item 15 for discussion is to emphasize the city's proactive approach in addressing the issue of mental illness.

Councilor Blanchard moved to set this item for a January 13, 2014 public hearing. The motion was duly seconded and passed with no dissenting votes.

15. Positive Citizen Comments. *(Pulled from consent by Councilor Blanchard)*

**Action:** Councilor Blanchard pointed out that there are accolades within the comments for the city's police officers being kind and respectful to individuals with mental health issues. She thanked Chief Duval for training his police force in handling situations involving individuals with mental illness.

Councilor Blanchard moved acceptance of the citizen comments. The motion was duly seconded and passed with no dissenting votes.

23. Report from the General Services Director regarding Memorial Field Facilities Improvements, CIP #557. *(Pulled from consent by Councilor Coen)*

**Action:** Councilor Coen indicated that he was looking for a little more clarity as to who makes up the committee.

City Manager Aspell explained that what they are planning on doing, as part of FY2015 budget, is working with the Park and Recreation Advisory Committee and city staff to make a determination of where the best location would be and whether they should be doing something with the bathrooms at the same time at Memorial Field. He noted that they would determine whether this is a time to do a joint facility that would have both the concession stand and bathrooms and how this would fit into the overall use of the field and what are the other capital improvement needs. He indicated that they would be looking at it internally through staff and discussing it as part of the budget noting that he could come back earlier if Council if they want to do it prior to May.

Councilor Coen noted his concern with safety issues in regards to the bleachers. He pointed out that the field is used statewide and spoke of the resurfacing of the track and the parking facility.

Councilor St. Hilaire asked if Councilor Coen is suggesting more of a master plan work of the entire field.

Councilor Coen responded that to be correct.

Councilor Coen moved acceptance of the report. The motion was duly seconded and passed with no dissenting votes.

**Consideration of Suspense Items**

City Manager Aspell noted that the city has come to an agreement with the Concord Police Supervisors Association (CPSA) for a three year contract.

Councilor Kretovic moved, in accordance with RSA 273-A:3, to approve the cost items included in the collective bargaining agreement from January 1, 2013 through December 31, 2015 between the Concord Police Supervisors Association and the City of Concord. The motion was duly seconded and passed with no dissenting votes.

City Manager Aspell noted that the city has come to an agreement with Local 1580, American Federation of State, County and Municipal Employees for a three year contract.

Councilor McClure moved, in accordance with RSA 273-A:3, to approve the cost items included in the collective bargaining agreement from January 1, 2014 through December 31, 2016 between the City of Concord Municipal Employees of Local #1580, American Federation of State, County and Municipal Employees (AFSCME) and the City of Concord. The motion was duly seconded and passed with no dissenting votes.

City Manager Aspell indicated that the city put out a request for proposal for the potential redevelopment of the NH Department of Employment Security site and received two submittals. He stated that at this point it is their recommendation, through discussions with the Council, that the proposal of the group of Walter Chapin, John Chorlian and Steven Duprey be selected as the preferred developer at this point and that the city will work with them over the next month and report back to the Council in January as to whether or not the city has an agreement to move forward with the development of the site. He asked the Council to approve this and clarified that all Council would be approving this evening is that staff works with this developer over the next month and will not be approving a project of any type.

Councilor McClure moved approval of the selection of John Chorlian, Walter Chapin and Steven Duprey as the preferred developer. The motion was duly seconded and passed with no dissenting votes.

**Adjournment**

The time being 8:10 p.m., Councilor Kretovic 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*

TAA

From: Matthew Elliott [<mailto:mtelliott@gmail.com>]  
Sent: Wednesday, December 18, 2013 8:59 AM  
To: Gill, David  
Subject: bus lane removal request

David,

When the parking lot in White Park was built, the Friends of White Park expressed concern regarding its size. We had hoped it would take up as little green space as possible while still serving the parking needs for White Park.

We understood the lot needed to provide 96 spots because that was the estimated number of spots the old parking area offered, but we were disappointed in the end with the large bus lane that greatly added to the size of the lot.

The Friends group requests that the City investigate the removal of the bus lane when planning the new skate house. We think the vast majority of park users would benefit from a reduction in the size of the lot by removing the bus lane and adding back more recreational space. And what better time to remove the lane than during a construction project that will result in an additional loss of green space in the park.

Thank you for your attention to this matter.

Sincerely,

Matt Elliott  
President, Friends of White Park

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**Bonenfant, Janice**

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**From:** Jan Council <janward3@comcast.net>  
**Sent:** Monday, January 06, 2014 11:08 PM  
**To:** Bonenfant, Janice  
**Subject:** Fwd: process for stop sign

Janice, Following up on our conversation, please include this in the next Council packet for referral to TOC.  
Thanks.  
Jan

Begin forwarded message:

**From:** "Kendziora, Ted" <ted\_kendziora@fws.gov>  
**Date:** December 31, 2013 at 11:47:34 AM EST  
**To:** <janward3@comcast.net>  
**Subject:** process for stop sign

We are living in the Governors Woods development. I was wondering what the process would be for installing a stop sign at the corner of Peterson Circle and Governors Way. This is a neighborhood with a lot of children. The lack of a stop sign here enables drivers to speed down the road making it an unsafe place for all residents.

Sincerely,

Ted Kendziora  
U.S. Fish and Wildlife Service  
Wildlife Biologist  
70 Commercial Street, Suite 300  
Concord, NH 03301  
603-223-2541 ext. 13 (Office)  
603-223-0104 (Fax)  
954-558-9058 (Mobile)

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# CITY OF CONCORD

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*In the year of our Lord two thousand and fourteen*

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Section 29.2-1-2, Assessment and Collection.

**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; Section 29.2-1-2, Assessment and Collection; subsection (b) Computation of the Amount of Impact Fee, by deleting Tables 1, 2, and 3 in their entireties and replacing with the following new tables:

**TABLE 1  
SCHOOL FACILITIES  
IMPACT FEE PER VARIABLE UNIT**

<i>Type of New Development</i>	<i>Concord School District Facilities Impact Fee Per Variable Unit</i>	<i>Merrimack Valley School District Facilities Impact Fee Per Variable Unit</i>	<i>Variable Unit</i>
Single-family residence	\$ 1.12	\$ 1.12	Square foot of gross living area
Townhouse/duplex	\$ 0.75	\$ 0.75	Square foot of gross living area
Multi-unit/apartment (other than townhouses or duplexes)	\$ 998.51	\$ 998.51	Dwelling unit
Mobile home	\$ 1,995.78	\$ 1,995.78	Dwelling unit

**TABLE 2  
RECREATIONAL FACILITIES  
IMPACT FEE PER VARIABLE UNIT**

<i>Type of New Development</i>	<i>Recreational Facilities Impact Fee Per Variable Unit</i>	<i>Variable Unit</i>
Single-family residence	\$ 0.52	Square foot of gross living area
Townhouse/duplex	\$ 0.75	Square foot of gross living area
Multi-unit/apartment (other than townhouses or duplexes)	\$ 664.46	Dwelling unit
Mobile home	\$ 998.55	Dwelling unit

**TABLE 3  
TRANSPORTATION FACILITIES  
IMPACT FEE PER VARIABLE UNIT**

<i>Type of New Development</i>	<i>Transportation Facilities Impact Fee Per Variable Unit</i>	<i>Variable Unit</i>
<b>Residential Uses</b>		
Single-family	\$2,110.48	Dwelling unit
Townhouse/duplex	\$1,408.99	Dwelling unit
Multi-unit dwelling/apartment (other than townhouses or duplexes)	\$1,449.88	Dwelling unit
Mobile home	\$1,035.63	Dwelling unit
<b>Nonresidential Uses</b>		
General office	\$ 1.70	Square foot of floor area
Single-tenant office	\$ 1.88	Square foot of floor area
General light industrial	\$ 1.09	Square foot of floor area
Manufacturing	\$ 0.63	Square foot of floor area
Warehousing	\$ 0.78	Square foot of floor area
Quality restaurant	\$ 5.59	Square foot of floor area
High-turnover restaurant	\$ 6.73	Square foot of floor area
Fast food restaurant with drive-thru	\$ 20.59	Square foot of floor area
Small retail (less than 5,000 SF)	\$ 2.56	Square foot of floor area
Retail (5,001 SF to 100,000 SF)	\$ 4.51	Square foot of floor area
Retail (100,001 to 300,000 SF)	\$ 3.65	Square foot of floor area
Retail (greater than 300,000 SF)	\$ 3.33	Square foot of floor area
Bank with drive-up	\$ 12.05	Square foot of floor area
Daycare center	\$ 4.09	Square foot of floor area
Hotel/motel	\$ 1,817.16	Room
Gas station/convenience store	\$ 3,374.07	Pump
New car sales	\$ 6.52	Square foot of floor area
Automobile Service	\$ 3.96	Square foot of floor area
Automated car wash	\$ 5,280.90	Wash stall
All other uses	\$ 205.90	New trip

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

TABLE 1

SCHOOL FACILITIES IMPACT FEES PER VARIABLE UNIT

Type of New Development	Concord District Facilities Impact Fee per Variable Unit		Merrimack Valley School District Facilities Impact Fee per Variable Unit		Variable Unit
	2013 Fee	Adjusted Fee	2013 Fee	Adjusted Fee	
Single Family Residence	\$1.08	\$1.12	\$1.08	\$1.12	Square foot of Gross Living Area
Townhouse / Duplex	\$0.72	\$0.75	\$0.72	\$0.75	Square foot of Gross Living Area
Multi-Unit / Apartment (other than Townhouses or Duplexes)	\$965.77	\$998.51	\$965.77	\$998.51	Dwelling Unit
Mobile Home	\$1,930.34	\$1,995.78	\$1,930.34	\$1,995.78	Dwelling Unit

Note: Inflationary increase from July 2009 to July 2010 was 1.89%. Source: RS Means, Facilities Construction Cost Data 2011.

Note: Inflationary increase from July 2010 to July 2011 was 4.20%. Source: RS Means, Facilities Construction Cost Data 2012.

Note: Inflationary increase from July 2011 to July 2012 was 1.78%. Source: RS Means, Facilities Construction Cost Data 2013.

Note: Inflationary increase from July 2012 to July 2013 was 3.39%. Source: RS Means, Facilities Construction Cost Data 2013.

	Historical Cost Index		Percentage Increase	
	Historical Cost Index	Percentage Increase	Historical Cost Index	Percentage Increase
Jul-00	120.9		Jul-09	-0.17%
Jul-02	128.7	6.45%	Jul-10	1.89%
Jul-04	143.7	11.66%	Jul-11	4.20%
Jul-05	151.6	5.50%	Jul-12	1.78%
Jul-06	162.0	6.86%	Jul-13	3.39%
Jul-07	169.4	4.57%		
Jul-08	180.4	6.49%		

TABLE 2

RECREATIONAL FACILITIES IMPACT FEES PER VARIABLE UNIT

Type of New Development	Recreational Facilities Impact Fee per Variable Unit		Variable Unit
	2013 Fee	Adjusted Fee	
Single Family Residence	\$0.50	\$0.52	Square foot of Gross Living Area
Townhouse / Duplex	\$0.72	\$0.75	Square foot of Gross Living Area
Multi-Unit / Apartment (other than Townhouses or Duplexes)	\$642.67	\$664.46	Dwelling Unit
Mobile Home	\$965.81	\$998.55	Dwelling Unit

Note: Inflationary increase from July 2009 to July 2010 was 1.89%. Source: RS Means, Facilities Construction Cost Data 2011.  
 Note: Inflationary increase from July 2010 to July 2011 was 4.20% Source: RS Means, Facilities Construction Cost Data 2012.  
 Note: Inflationary increase from July 2011 to July 2012 was 1.78%. Source: RS Means, Facilities Construction Cost Data  
 Note: Inflationary increase from July 2012 to July 2013 was 3.39%. Source: RS Means, Facilities Construction Cost Data

	Historical Cost Index	Percentage Increase
Jul-07	169.4	
Jul-08	180.4	6.49%
Jul-09	180.1	-0.17%
Jul-10	183.5	1.89%
Jul-11	185.7	1.20%
Jul-12	194.6	4.79%
Jul-13	201.2	3.39%

TABLE 3

TRANSPORTATION FACILITIES IMPACT FEES PER VARIABLE UNIT

Type of New Development	Transportation Facilities Impact Fee per Variable Unit		Variable Unit
	2013 Fee	Adjusted Fee	
<b>Residential Uses</b>			
Single Family Residence	\$2,051.60	\$2,110.48	Dwelling Unit
Townhouse / Duplex	\$1,369.68	\$1,408.99	Dwelling Unit
Multi-Unit / Apartment (other than Townhouses or Duplexes)	\$1,409.43	\$1,449.88	Dwelling Unit
Mobile Home	\$1,006.74	\$1,035.63	Dwelling Unit
<b>Nonresidential Uses</b>			
General Office	\$1.66	\$1.70	Square Foot of Floor Area
Single Tenant Office	\$1.82	\$1.88	Square Foot of Floor Area
General Light Industrial Manufacturing	\$1.06	\$1.09	Square Foot of Floor Area
	\$0.61	\$0.63	Square Foot of Floor Area
Warehousing	\$0.76	\$0.78	Square Foot of Floor Area
Quality Restaurant	\$5.43	\$5.59	Square Foot of Floor Area
High Turnover Restaurant	\$6.54	\$6.73	Square Foot of Floor Area
Fast Food Restaurant	\$20.02	\$20.59	Square Foot of Floor Area
Small Retail (0 to 5,000 sf)	\$2.49	\$2.56	Square Foot of Floor Area
Retail (5,001 to 100,000 sf)	\$4.38	\$4.51	Square Foot of Floor Area
Retail (100,001 to 300,000 sf)	\$3.55	\$3.65	Square Foot of Floor Area
Retail (greater than 300,000 sf)	\$3.24	\$3.33	Square Foot of Floor Area

Type of New Development	Transportation Facilities Impact Fee per Variable Unit		Variable Unit
	2013 Fee	Adjusted Fee	
Bank with Drive Up Lanes	\$11.72	\$12.05	Square Foot of Floor Area
Day Care Center	\$3.98	\$4.09	Square Foot of Floor Area
Hotel/Motel	\$1,766.47	\$1,817.16	Room
Gas Station/Convenience Store	\$3,279.94	\$3,374.07	Fueling Station (pump)
New Car Sales	\$6.34	\$6.52	Square Foot of Floor Area
Automobile Service	\$3.85	\$3.96	Square Foot of Floor Area
Automated Car Wash	\$5,133.36	\$5,280.69	Wash Stall
All Other Uses	\$200.16	\$205.90	New Trip

Note: Inflationary Increase from November 2012 to December 2013 was 2.87%. Source: Engineering News Record. Enr.com - Construction Cost Index History (1908-2011) December 3, 2011.

Note: Inflationary increase from December 2011 to November 2012 was 2.46%. Source: Engineering News Record. Enr.com - ENR's Construction Cost Index History (1908-2012) November 2012.

Construction Cost Index	
Jul-00	6225
Jul-02	6605
Jul-04	7126
Jan-06	7660
Dec-06	7888
Nov-07	8092
Dec-08	8551
Dec-09	8641
Dec-10	8952
Dec-11	9172
Nov-12	9398
Dec-13	9668



# CITY OF CONCORD

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## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Stephen Henninger, Acting City Planner *SH*  
**DATE:** December 20, 2013  
**SUBJECT:** Annual Review of the Public Capital Facilities Impact Fee Ordinance

### Recommendations

Adopt an amendment to Chapter 29.2, Public Capital Facilities Impact Fee Ordinance, replacing the current impact fee tables with an updated schedule of fees that reflects the increase in construction costs since the impact fees were last adjusted in February 2013.

The Planning Board voted unanimously to recommend that the City Council adopt the adjusted schedule of fees and expressed its support for a consistent annual update process to keep steady pace with inflation, rather than increasing the fees less frequently and adopting higher rates that reflect larger cumulative changes.

### Background

The current Public Capital Facilities Impact Fee Ordinance was adopted in June 2001 and contains a requirement in Section 29.2-1-2(b)(10) that the impact fee tables "shall be reviewed periodically by the Planning Board and shall be revised by the City Council whenever appropriate." It requires a report by the Board's Clerk each year to the City Council "with respect to increases in the estimated costs to construct public capital facilities" including recommendations "for appropriate adjustments to the impact fee tables." Specific sources of cost data and information for updating the fees are cited in the ordinance.

The City Council last amended the ordinance on February 11, 2013.

### Discussion

The Planning Board, at the regular meeting on December 18, 2013, considered a report from the Planning Division relative to the annual review of the Fee Schedule for the Public Capital Facilities Impact Fee Ordinance. The Planning Division's

report to the Board included proposed new fee schedules for the School, Recreation and Transportation Facilities Impact Fees. These schedules were developed using the data sources and indices as specified in the Ordinance. A draft Ordinance amending the Public Capital Facilities Impact Fee Ordinance to incorporate these new fee schedules was also submitted to the Board for their review.

The rate of inflation from 2012 to 2013 for school and recreation construction costs is 3.39% and for highway construction costs is 2.87%.

Copies of the tables containing the proposed new fee schedules, as well as the draft Ordinance which would implement these fee schedules, are attached to this report.

# CITY OF CONCORD

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*In the year of our Lord two thousand and fourteen*

**AN ORDINANCE** amending the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking.

**The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking, by creating a new Article 18-5, Central Business District Parking Permits, as follows:

**18-5-1 Purpose.**

The purpose of this Ordinance is to regulate parking on certain streets and within municipally owned parking facilities within the Downtown Concord Central Business District through the establishment of a permit system in order to encourage increased usage of underutilized parking assets.

**18-5-2 Geography.**

Permit parking shall be permitted in the following locations:

- (a) Within the Storrs Street right-of-way, for that portion of Storrs Street south of Theatre Street to a point not closer than 450 feet of Storrs Street's intersection with South Main Street.
- (b) The Storrs Street Municipal Parking Lot, located beneath the Centre Street / Bridge Street / Loudon Road over pass, City Assessor's parcel Map 35B Block 1 Lot 6.

**18-5-3 Quantity of Permits to be Issued.**

The City Manager shall have the authority to determine the total number of permits that can reasonably be issued for locations governed by this ordinance. All parking in the permit areas shall be on a first-come, first-served basis.

**18-5-4 Hours of Enforcement.**

Parking by permit shall only be valid and enforced 8:00AM to 5:00PM Monday through Friday. Public parking shall be permitted in parking spaces regulated by permits during all other times.

**18-5-5 Signage.**

Signage shall be installed in restricted areas and shall be of such character as to inform readily an ordinarily observant person of the existence of the ordinance imposing the foregoing restrictions.

**18-5-6 Fees.**

The City Manager shall have the authority to establish a fee for permits issued under this article.

**18-5-7 Miscellaneous.**

The City Manager shall develop and implement policies governing the administration of this article.

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



# CITY OF CONCORD

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## REPORT TO MAYOR AND THE CITY COUNCIL

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

**DATE:** December 23, 2013

**SUBJECT:** Parking Ordinance Article 18-5: Central Business District Parking Permits

### Recommendation:

- Accept the following report; and,
- Set the attached ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking; Article 18-5, Central Business District Parking Permits for public hearing on February 10, 2014.

### Background:

Parking is regulated by a set of ordinances included within Title II, Chapter 18 of the City's Code of Ordinances. Article 18-1 regulates stopping, standing, and parking. Article 18-2 regulates restricted parking in residential areas. Article 18-3 regulates the City's metered parking system. Article 18-4 regulates miscellaneous parking issues.

### Discussion:

The attached ordinance will create Article 18-5 in the Code of Ordinances. This would be an entirely new ordinance.

The purpose of this new ordinance is to grant authority to the City Manager to create a permit system to encourage use of underutilized parking assets within the Downtown Concord Central Business District, which are owned in fee by the City.

This new Ordinance would allow the issuance of permits for that portion of Storrs Street south of Theatre Street, as well as a little used 25 space municipal parking lot located at the northerly end of Storrs Street, beneath the Centre Street / Loudon Road over pass. There are approximately 60

on-street spaces on the southerly end of Storrs Street, south of Theatre Street. All of the permitted parking areas are located on streets and lots that are owned in fee by the City.

Permits would be valid 8:00AM – 5:00PM Monday through Friday. The general public would be allowed to use these spaces during all other times (nights, weekends, and legal holidays). Spaces would be available on a first come, first served basis daily. If spaces are not available in either location, the permit holder would be required to park in a metered space at their expense.

The proposed Ordinance grants the City Manager the authority to determine the appropriate quantity of permits for these locations, with the goal of maximizing daily occupancy by accounting for a daily vacancy factor. The amount of permits issued may exceed the amount of the parking spots, and, therefore, all parking is on a first-come first-served basis.

The Ordinance also grants the City Manager the authority to set rates for these permits. Permits will be issued on a quarterly basis commencing on April 1, 2014 (to be timed with the commencement of construction of the Downtown Complete Streets Project).

Permits would be valid for a period of three months and would be sold at a cost of \$100 each. This equates to roughly \$33 each month, or \$400 annually. However, City Administration would have the ability to adjust rates depending upon market demand for these spaces.

If these spaces were to be metered, the theoretical maximum annual revenue they could generate is \$1,687.50 annually presuming the following:

- \$0.75 / Hour;
- 9 hours of occupancy per day (8AM to 5PM), 250 days per year (excluding weekends and holidays).

The proposed price of \$100 per quarter represents a 76% discount. This discount is justified due to two factors. First, the relative remote location of these spaces. Secondly, the fact that a valid permit does not guarantee a parking space within the permit area.

The City Parking Committee reviewed this proposal on October 23, 2013 and voted unanimously to endorse this program as discussed herein. Intown Concord, Inc. and the Merchants Roundtable have also expressed support for this proposal.

The City Administration believes this proposal has important economic benefits for Downtown Concord:

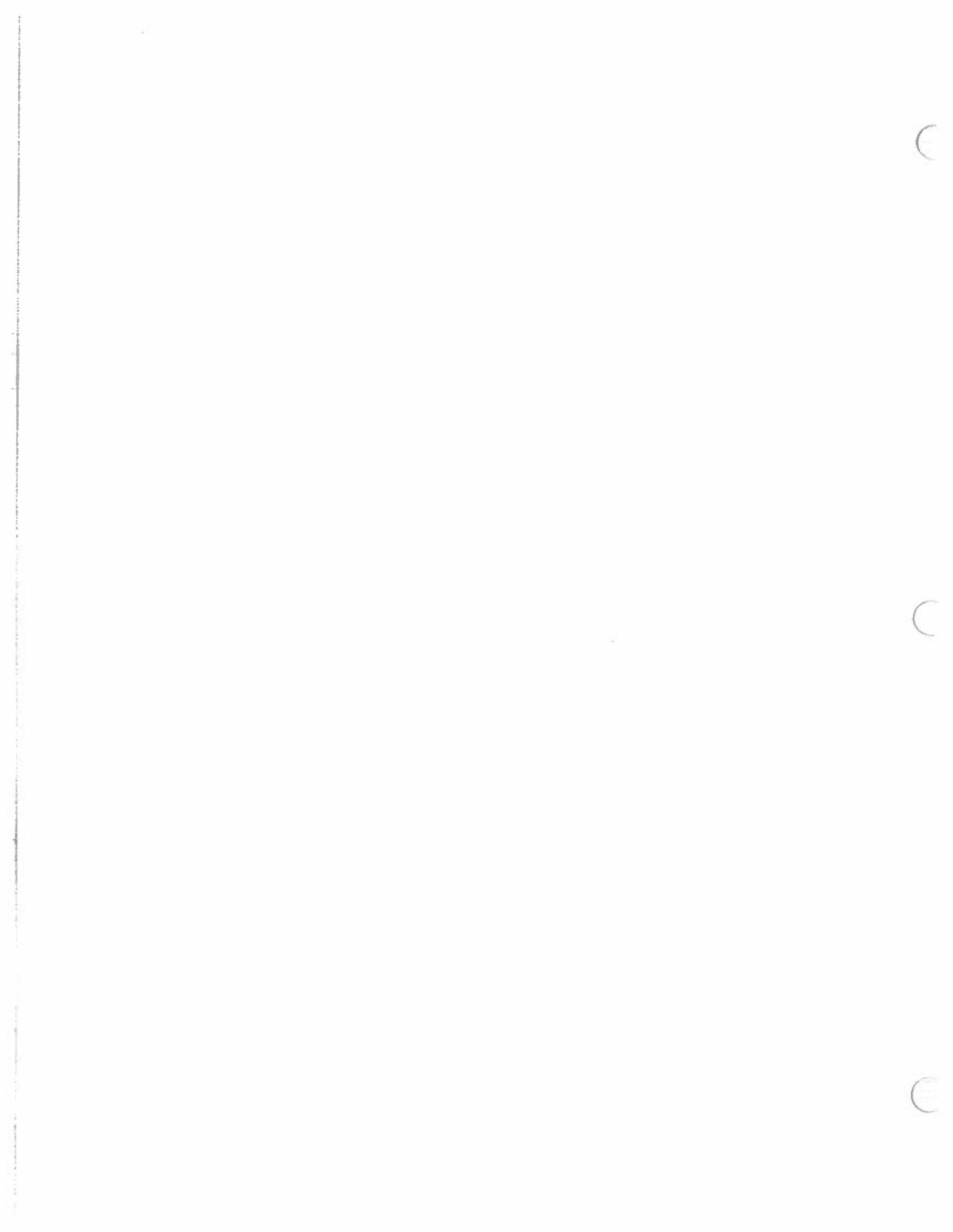
1. Re-opening the on-street spaces will help mitigate the loss of 90 long-term metered parking spaces in Capital Commons Parking Garage, which were recently assigned to the new "Love Your Neighbor" Building at 45 South Main Street.
2. Hopefully, the significantly discounted price will provide sufficient financial incentive for downtown employees to use these remote parking spaces, thereby freeing-up more conveniently located on-street parking for the shopping public.,.

3. This proposal will provide an additional supply of 85 +/- parking spaces which will help mitigate temporary loss of spaces during construction of the Downtown Complete Streets Project.

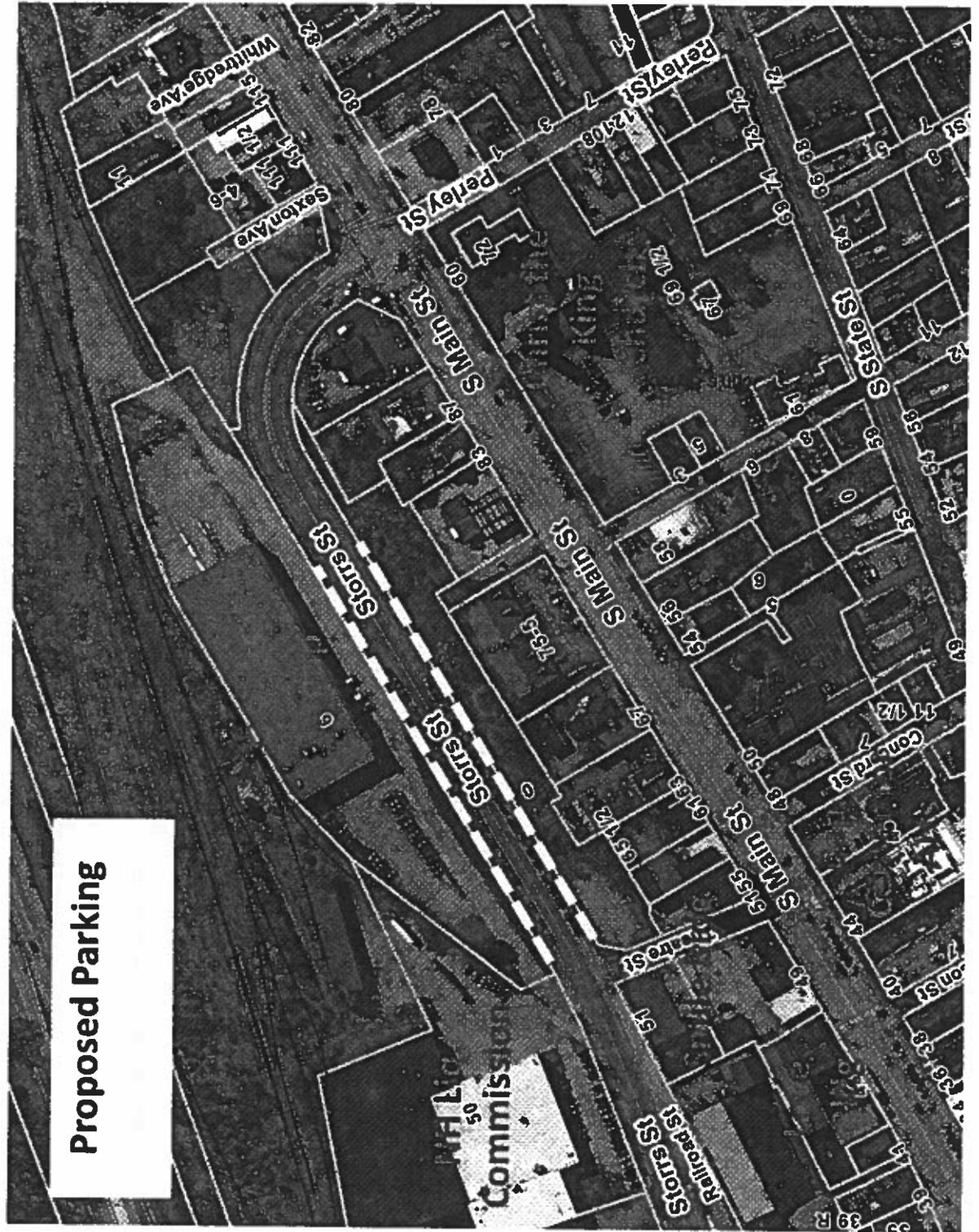
In order to implement this, the City will incur costs for new signage, pavement markings, and miscellaneous expenses. These costs shall be financed with savings from CIP 403 "Parking Vehicle Replacement". Specifically, in FY2014 the City budgeted \$30,000 in capital outlay funds to replace the Parking Division's pick-up truck. Because of the Parking Fund's weak fiscal condition, the vehicle was replaced with a surplus cargo van from the Fire Department. The cost of outfitting the van was approximately \$3,000, leaving \$27,000 available to spend.

The estimated cost to implement this program (i.e. manufacturing and installation of signage, painting of pavement markings, creation of permits, etc.) is approximately \$5,000. Additional expenses might be incurred at the 25 space parking lot beneath Centre Street for removal of vegetation and graffiti, as well as improved lighting and pigeon deterrents.

Maximum potential annual revenues, assuming 85 permits sold at \$100 per quarter (or \$400 per year), is \$34,000.

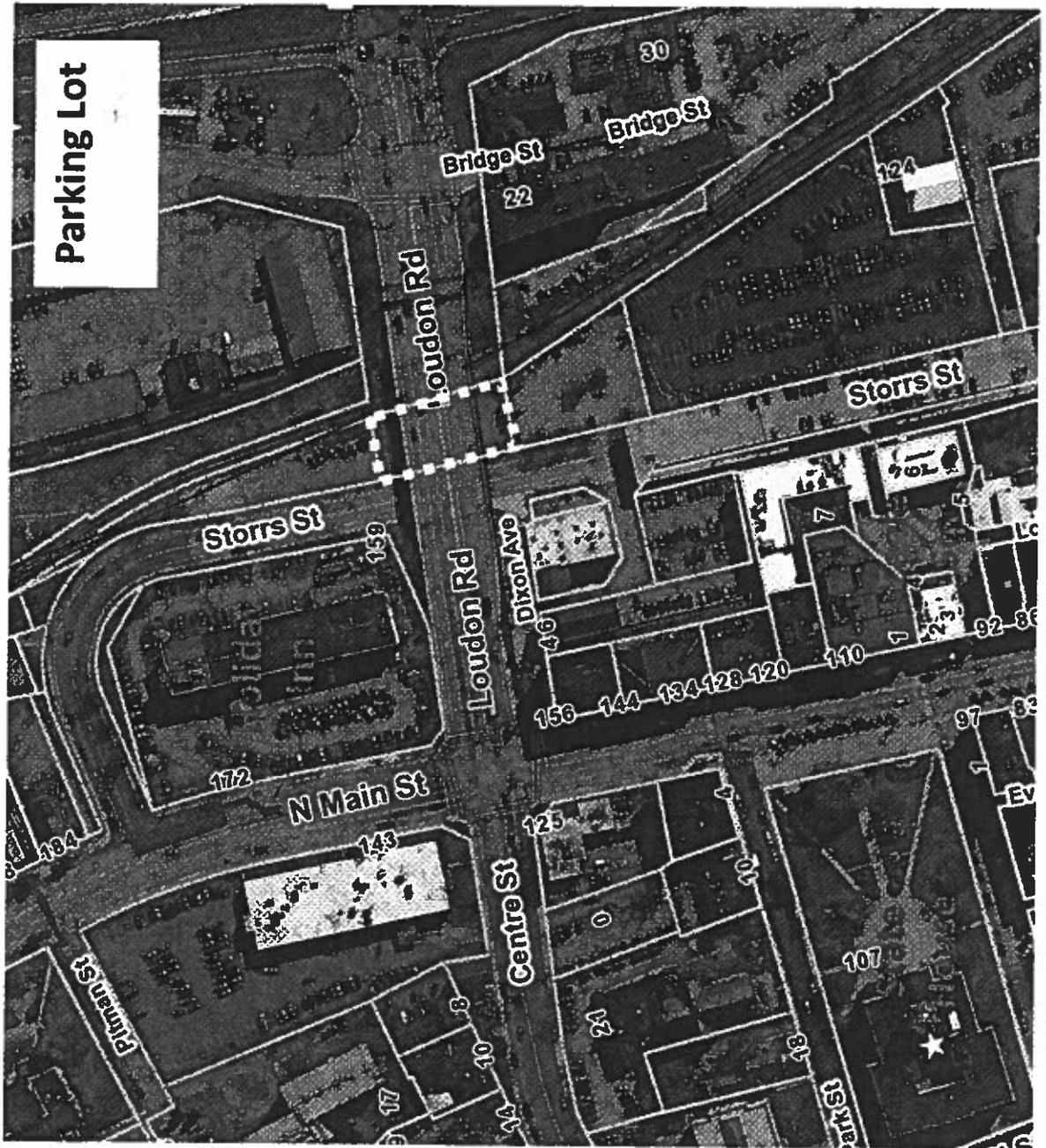


# Proposed On-Street Parking Storrs Street (South of Theatre)

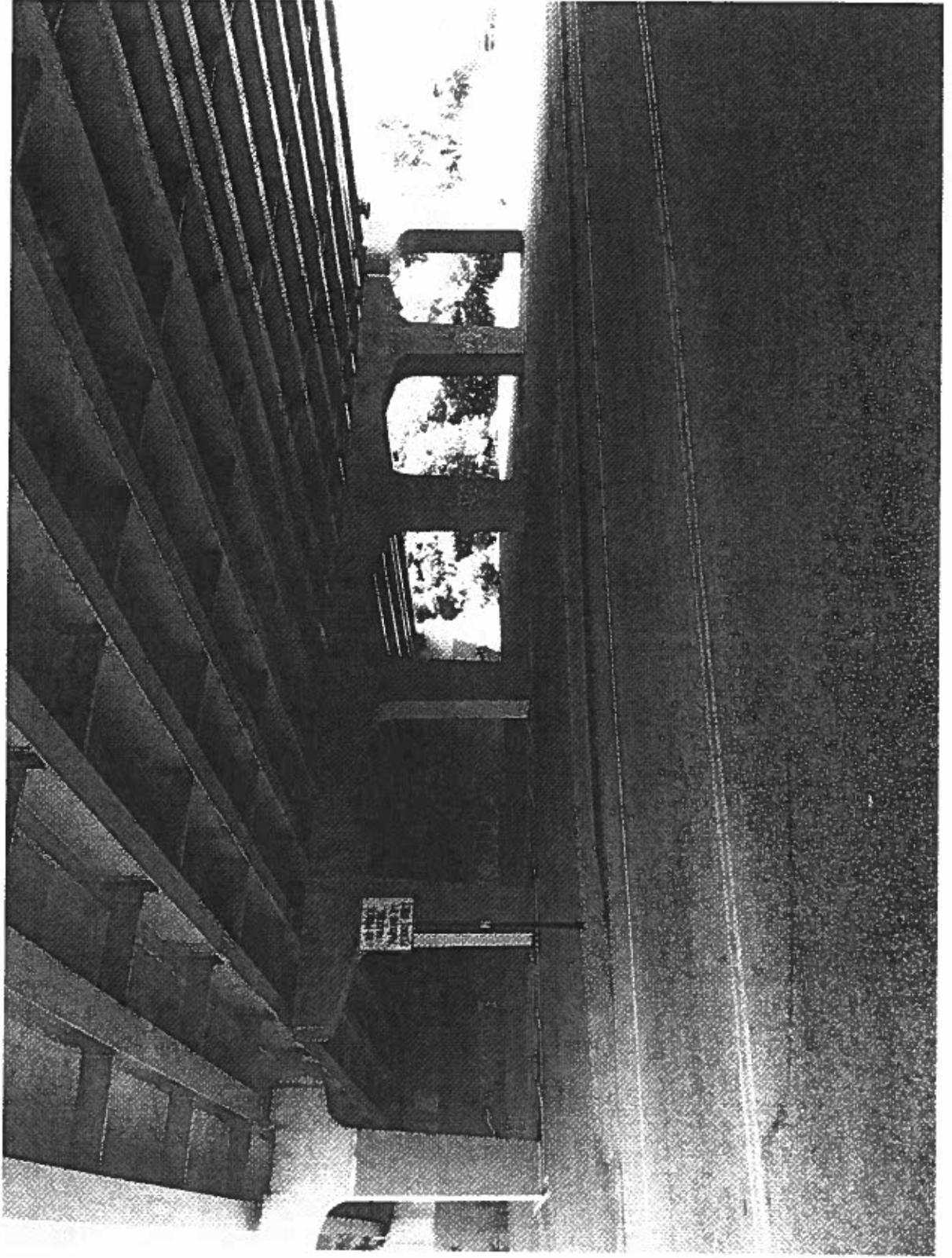


Proposed Parking

Storrs Street Parking Lot  
(Beneath Centre Street Over Pass)



Storrs Street Parking Lot  
(Beneath Centre Street Over Pass)



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# CITY OF CONCORD

*In the year of our Lord two thousand and fourteen*

**RESOLUTION** AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT) FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDING, ALL PART OF THE DESIGN AND CONSTRUCTION OF THE LOUDON ROAD CORRIDOR IMPROVEMENTS PROJECT (CIP #19).

Page 1 of 2

*The City of Concord resolves as follows:*

**WHEREAS,** the FY2014-FY2023 Capital Improvement Plan (CIP) includes a phased, multi-year capital project to design and construct traffic safety, roadway and streetscape improvements along Loudon Road between the intersections at Airport Road/Hazen Drive and D'Amante Drive; and

**WHEREAS,** the FY2013-FY2022 CIP identified this project as CIP #19, Loudon Road (Rte. 9) Corridor Improvements Project, which includes Phase 1 improvements in FY2014 to include project administration, design, permitting, and construction of traffic safety improvements including the reduction of the 4-lane section to a 3-lane section from Airport Road/Hazen Drive to D'Amante Drive (8,000 LF) and related access management strategies; and

**WHEREAS,** as authorized in FY2011, Engineering Services advanced the engineering study and conceptual design of CIP #19, Loudon Road (Rte. 9) Corridor Improvements Project, including reducing the existing four lanes to three lanes and soliciting feedback from the community; and

**WHEREAS,** on May 7, 2012, the City received notification from NHDOT that the use of HSIP funds were approved for safety improvements on Loudon Road from Hazen Drive to D'Amante Drive, including reducing the existing four lanes to three lanes; and

**WHEREAS,** the NHDOT established Highway Safety Improvement Project #28053 for this project and received authorization from Governor and Council on October 16, 2013, to enter into an agreement with the City of Concord to provide funding and services under the Federal Highway Safety Improvement Program through a local project administration process; and

**WHEREAS,** the project will be municipally managed by the City and that funding including project administration, design, permitting and construction will be allocated as follows: 90% NHDOT/Federal and 10% City for all projects costs.

# CITY OF CONCORD

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*In the year of our Lord two thousand and fourteen*

**RESOLUTION** AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT) FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDING, ALL PART OF THE DESIGN AND CONSTRUCTION OF THE LOUDON ROAD CORRIDOR IMPROVEMENTS PROJECT (CIP #19).

Page 2 of 2

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

- 1) The City Council has authorized the City Manager to enter into a municipal agreement with the New Hampshire Department of Transportation (NHDOT) for participation in the Highway Safety Improvement Program for the Loudon Road Corridor Improvements Project (CIP #19), which includes the project administration, design, permitting, and construction of roadway and traffic control improvements along Loudon Road between the intersections at Hazen Drive/Airport Road and D'Amante Drive.
- 2) This resolution shall take effect upon its passage.



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

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

**DATE:** December 31, 2013

**SUBJECT:** Report from Engineering Services Division on the Loudon Road Corridor Improvements Project (CIP 19).

### Recommendation

Accept this report and set the attached resolutions authorizing the City Manager to enter into a municipal agreement and accepting and appropriating the sum of \$1,600,000 in matched Highway Safety Improvement Program (HSIP) funds from the NH Department of Transportation (NHDOT) for the design and construction of Phase 1 traffic safety improvements for the Loudon Road Corridor Improvement Project (CIP #19), for public hearing on February 10, 2014.

### Background

The Loudon Road corridor has for many years been the most crash-prone corridor in the city. The narrow 1.6-mile 4-lane roadway section roughly between Hazen Drive/Airport Road and D'Amante Drive, not including signalized intersections, averages about 100 reported crashes annually, one-third of which involve injuries. Traffic volumes in excess of 20,000 vehicles per day travel this corridor segment which is accessed by multiple side streets and numerous uncontrolled commercial and residential driveway openings. In addition to automobile travel, the mixed land uses along the corridor also generate substantial walking, bicycling and bus transit activity.

A 2001 corridor study prepared by Vanasse Hangen Brustlin, Inc. (VHB), evaluated potential ways to best manage heavy corridor traffic flows, side-street and driveway access, and other non-vehicle travel needs. Considering limited right-of-way width, abutting land development, and neighborhood livability factors, a conversion of this section of the corridor from four-lanes to three-lanes was recommended, along with development of alternate routes that could act to divert some through traffic away from Loudon Road. Regional Drive, completed in 2004, provided this alternate east-west corridor and has been successful in attracting several thousand daily vehicles from otherwise using Loudon Road.

In FY2011, Engineering Services was authorized to update and refine the conceptual design study of corridor improvement needs. Findings and recommendations have been reviewed with the Traffic Operations Committee (TOC), the Transportation Policy Advisory Committee (TPAC) and Ward Councilors (Wards 8 and 9). Representatives from the Manager's office and City Council also met with a number of business owners along the

Loudon Road corridor in the summer of 2013 to discuss the project. On October 16, 2013, the New Hampshire Department of Transportation (NHDOT) was authorized by Governor and Council to enter into a municipal agreement with the city to design and construct the Phase 1 improvements, with \$1,600,000 appropriated for the project: 90 percent from Highway Safety Improvement Project (HSIP) Funds (\$1,440,000) and a 10 percent match by the city (\$160,000). A public information meeting on this project was held on December 18, 2013. This Federal/state-designated project would be administered by the city, with design to begin in early 2014 and construction anticipated for spring 2015.

### Discussion

This report presents a brief overview of the Loudon Road Corridor Improvements Project study, findings and recommendations. Additional project information is available on the project web page at: <http://www.concordnh.gov/DocumentCenter/View/3365>, including conceptual layout plans; typical lane-use sections; traffic simulations; and slide show as presented at the December 18, 2013 public information meeting.

The purpose and need for improvements to this section of the Loudon Road corridor include:

- Enhancing safety and reducing crashes. Similar 4-lane to 3-lane conversion projects nation-wide experience an average 25 percent reduction in crashes.
- Implementing a 'Complete Streets' corridor improvement, including improved sidewalk and street-crossing facilities, safe space for bicycle travel, and improved accessibility at bus stop locations.
- Maintaining the east-west arterial function of the corridor as well as turns at numerous side-streets and driveways.
- Considering future corridor improvements, including: driveway consolidation and alternative access to Loudon Road at controlled intersections; and sidewalk and streetscape improvements.

Other options to mitigate deficiencies along the corridor are generally unrealistic to implement as an effective solution. Installing raised median to eliminate left turns requires that the many corridor left turns be accommodated at select locations. Reconfiguring existing major intersections to accommodate substantial U-turn traffic, or installing intermediate jug-handle turnarounds, both require substantial road improvements well beyond available right-of-way. Business support for elimination/reduction of left turns would also be a challenge. Business/property impacts aside, the livability of a potentially high-capacity road improvement akin to Loudon Road east of D'Amante Drive, or South Willow Street north of I-293 in Manchester, was (and still is) considered inappropriate in the context of the mix-use neighborhood on the Heights.

Area-wide traffic volume monitoring by NHDOT and Central NH Regional Planning Commission indicates that pursuant to the 2004 opening of Regional Drive, weekday traffic to/from the Heights along Old Turnpike Road has increased from a reported 7,400 vehicles per day (vpd) in 2002 to about 11,600 vpd in 2009. During the same years, reported counts on Loudon Road west of Grover Street indicated a decrease in traffic volume from 25,000 in 2002 to about 20,100 in 2009. In the vicinity of the mall, Loudon Road traffic (just south of

Branch Turnpike) has steadily increased due in large part to retail development, with 11,000 vpd reported in 2001 and 18,100 reported in 2010.

Engineering Services began a follow-up engineering study of transportation issues and needs along the corridor in 2011, and with particular attention to updating findings of the 2001 corridor study. Peak period traffic counts were conducted in May 2011 at the three signalized intersections, all intervening side streets and most private driveways along the corridor. The month of May generally reflects an above average traffic condition on most Concord streets and was used for this analysis. Synchro traffic simulations were developed for no-build (4-lane) and build (3-lane) conditions of peak period corridor travel. These simulations indicate workable traffic operations along the corridor under a three-lane conversion. Sample simulations are available on the project web page. Primary corridor delays are at the major signalized intersections, and in particular at the Loudon/East Side intersection which operates at capacity during peaks. No changes to signalized intersection lane-use or operation are proposed as part of this project. Study findings regarding the potential conversion to three lanes are also similar to those findings reported in the 2001 VHB study.

A detailed crash analysis of the four-lane segments between (and not including) the three major signalized intersections was prepared in 2011 and indicated an average of 100 crashes per year, about one third of which involved injuries. Results were submitted to NHDOT in the form of a benefit/cost analysis that indicated that the expected user savings (in terms of cost of crashes) exceeded the cost of the lane conversion by a factor of about four.

Proposed improvements for this project phase are intended to improve safety and enhance livability through a 'complete streets' design. Capacity improvements to promote and manage higher corridor traffic volumes are not intended; maintenance of current traffic levels is expected and additional growth in east-west traffic demand on the heights can be accommodated by I-393 and Regional Drive. Corridor improvements include the following:

- Resurfacing and new lane configuration. Loudon Road will be milled and resurfaced, within existing curb lines, from the intersection at Airport Road/Hazen Drive easterly to the Old Loudon Road intersection just west of D'Amante Drive. The existing four-lane segments will be restriped to include: one 10-foot travel lane in each direction; a 14-foot wide center two-way left-turn lane; and 5-foot safety shoulders (also for bicycle use) on each side. Small raised islands, like those installed at some pedestrian crosswalks on the Route 3 North corridor, will be spaced along the median lane to facilitate safer pedestrian crossings as well as to deter illegal 'through travel' along the median turn lane.
- Major intersections: Existing multi-lane approaches at the three major signalized intersections will be retained together with existing signal operation to maintain current intersection capacity; potential lane reductions *through* these intersections would result in substantial delays and are not realistic options. Loudon Road traffic will alternately merge or diverge between one-lane and two-lane segments; similar operation occurs on Manchester Street south of Old Turnpike Road.

- **Pedestrian Crossings:** Each of the five existing pedestrian crosswalks will be reconstructed to include a median refuge island, push-button activated crosswalk beacons, and accessible ramps.
- **Sidewalks:** At select locations, raised curb and sidewalks will be extended to narrow overly-wide driveway openings to enhance walking safety. Full reconstruction of existing sidewalks along the corridor is not included in the HSIP-funded project. Although sidewalk replacement is programmed in the third phase (sidewalks and streetscapes) of CIP 19 in the out year, the option of funding such improvements now warrants consideration as such cost can be minimized if done concurrently with the street-repaving work.
- **Bicycle Shoulders:** The 5-foot shoulders will accommodate safe bicycle travel, a use not currently provided for along the corridor. At signalized intersections, video detection will be considered, in lieu of current in-pavement loops, to detect bicycles approaching in the shoulders.
- **Bus Stop Pullouts:** Bus pullouts will be developed to the extent practical at the eight existing bus stop locations along the corridor. Accessible sidewalk areas will be provided at these locations.
- **Fire Station:** An emergency vehicle hybrid beacon will be considered at the Heights Fire Station to facilitate emergency access to Loudon Road. A similar installation was recently installed at Central Station on N. State Street as part of the CIP 35 improvements.

Anticipated safety and operational changes of the above-proposed improvements include:

- **Traffic volumes:** Volumes will be capped around the current 21,000 vpd, with no significant changes during most times. Some seasonal peak (December) through traffic and future area growth can be accommodated by I-393 or Regional Drive.
- **Speeds:** High-end speeds will be substantially reduced as traffic speed in a single lane becomes controlled by the prudent driver; options to weave between lanes are eliminated. Overall travel speeds are expected to be reduced slightly, although most delay will be encountered at the existing signals which will not be changed.
- **Safety:** The lane conversion is expected to reduce crashes by about 25 percent. Lower speeds bring the potential for reduced severity. Pedestrian islands at crosswalks that reduce crossing width, coupled with elimination of multi-lane traffic approaches, enhance pedestrian crossing safety.
- **Major intersection operation:** There will be no significant change in signal operations. Most peak delays currently experienced along the corridor result from the capacity condition at the Loudon/East Side intersection; this will not change. As two approach lanes per direction are necessary at each signal location to manage peak volumes through the intersection, it is necessary to introduce merging and diverging areas between one and two lane sections. A regular merge beyond the intersection into a single free-flowing through lane will replace the current condition where the left-most lane may be delayed by coming to a full stop behind a left-turner

(say into Dunkin Donuts or the car wash). During peak times, traffic queues from signals, and particularly the East-Side Drive signal, may become longer as the two-lane signal approach is limited in length and further queuing on the approach is limited to a single lane.

- **Safer Lateral Clearances:** The three-lane conversion improves vehicle-to-vehicle, vehicle-to-curb, vehicle-to-bicycle, and vehicle-to-sidewalk clearances.
- **Side-street left turns:** Left turns from Loudon Road will be safer as they can occur from a dedicated turn lane rather than from a stop in the 'passing lane'. Left turns from side streets or driveways will be delayed similarly to current conditions (peak or off-peak); although turns out will only be against one approaching traffic stream in each direction instead of the current two. Reduced high-end speeds as well as availability of the center turn lane to make a two-stage left turn may improve the left-turn experience for some drivers.
- **Livability:** Reduction in speeds, greater clearance between vehicles, bicycles and pedestrians, enhanced bus stop locations and potential for reduced street noise will enhance the livability of mixed-use corridor. Livability is also enhanced by improving safety and operation of alternate transportation choices, such as bicycle, walking and bus transportation.

The 2001 VHB corridor study identified other corridor improvement needs that are not included in this Phase 1 safety improvement project. In order to address difficult access to residential side streets and driveways east of East Side Drive, a Phase 2 project was envisioned that would relocate Branch Turnpike to a new Loudon Road signalized intersection opposite Northeast Village Drive, with new inter-site connection between Northeast Village Drive and residential complexes to the east and west. A Phase 3 project envisioned pedestrian and streetscape improvements along the project corridor from Airport Road to D'Amante Drive. Phase 2 and Phase 3 improvements are beyond the scope of the Phase 1 study and are programmed for the out-years FY 2017 and FY 2019, respectively.

In the summer of 2013, Administration staff and council representatives met with select owners/operators of businesses along the project corridor to discuss their concerns on business access and to get feedback from the business community regarding the proposed lane-conversion project. TPAC reviewed the progress of the engineering study since 2011 and fully endorsed the proposed lane conversion and complete streets improvements at their September 26, 2013 meeting.

Engineering Services hosted a public information meeting on December 18, 2013 at the Heights Community Center. The well-attended meeting of nearly 50 residents, staff and officials expressed mixed support and concern for the proposed lane-conversion. There was general support for needed safety improvements, but a common concern was a perception that the three-lane conversion would worsen traffic congestion and make it even harder for residents to turn to/from driveways and side streets. Staff noted examples of three-lane roadway segments serving high traffic flows (comparable to the 21,000 vpd along Loudon Road), left-turning traffic and two-to-one-lane traffic merges: Manchester Street near Garvins Falls Road (about 21,000 vpd); North State Street near Penacook Street (about

18,000 vpd); and Williston Road in South Burlington, Vermont (about 20,000 vpd and successfully converted from 4 lanes to three lanes in 2012).

On May 7, 2012, the City received notification from NHDOT that the use of HSIP funds was approved for the proposed conceptual safety improvements on Loudon Road from Hazen Drive to D'Amante Drive, including reducing the existing four lanes to three lanes. The NHDOT established Project #28053 [Federal Project #X-A003(689)] for this project and received authorization from Governor and Council on October 16, 2013, to enter into an agreement with the City of Concord to provide funding and services, with project administration to be provided by the city. Funding including project administration, design, permitting and construction will be allocated as follows: 90% Federal/HSIP (\$1,440,000) and 10% City (\$160,000). This project partnership with NHDOT/FHWA would be similar to that developed for the ongoing CIP 460 Main Street TIGER project and CIP 22 Sewalls Falls Bridge project.

This report to Council accompanies two resolutions, approvals of which are required for project authorization. One resolution will authorize the City Manager to enter into a municipal agreement with the NHDOT to design, permit and construct the project. The other resolution will appropriate the \$1,600,000 in matching project funds, including acceptance of the \$1,440,000 Federal/HSIP funds and appropriation of \$160,000 in General Obligation bonds for the local match.

If Council chooses to not approve the project resolutions, Loudon Road will remain as it exists. There would be no partnership with NHDOT for implementing corridor improvements (which includes full repaving within the project area) and the state-approved HSIP funds would be reallocated by the state for use in another NH community. It is important to note that the Loudon Road corridor on the Heights, however, still needs to be repaved in the near future. The easterly segment in particular needs to be repaved as soon as possible following the recently-completed CIP 85 water main work. Final repaving of the easterly segment was deferred from the CIP 85 project in late 2013 in anticipation of the HSIP project that would include full repaving. Milling and repaving of the corridor between Airport Road and Old Turnpike Road is estimated to cost upwards of \$1M.

In summary, the construction of Regional Drive has been quite effective in providing an alternative to Loudon Road as an east-west access route to the Heights. Crash incidence along this section of Loudon Road remains the highest in the city and among the highest in the state. The proposed lane conversion is a realistic alternative that can both attenuate crash incidence, and at the same time, allow a needed complete street transformation to the corridor. The lane conversion option can reasonably manage the current level of traffic volumes, while additional growth in through traffic has options of alternative east-west routes via I-393 and Regional Drive. Staff findings are consistent with those reported in the 2001 VHB study, and recommended corridor improvements are fully supported by TPAC as well as the NHDOT and FHWA.

RJM/rjm

cc: Chip Chesley, General Services Director  
Ed Roberge, City Engineer  
Brad Osgood, Acting Police Chief  
Dan Andrus, Fire Chief

# CITY OF CONCORD

Bum 12/31/13

1-12

*In the year of our Lord two thousand and fourteen*

**RESOLUTION** ACCEPTING AND APPROPRIATING THE SUM OF ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) IN MATCHED HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDS FROM THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT) FOR THE PURPOSE OF DESIGN AND CONSTRUCTION OF PHASE I TRAFFIC SAFETY IMPROVEMENTS FOR THE LOUDON ROAD CORRIDOR IMPROVEMENTS PROJECT (CIP #19), INCLUDING ONE MILLION FOUR HUNDRED FORTY THOUSAND DOLLARS (\$1,440,000) IN NHDOT GRANT FUNDS AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES OF UP TO ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000) FOR THE LOCAL MATCH PORTION OF THE PROJECT.

Page 1 of 2

*The City of Concord resolves as follows:*

- WHEREAS**, the FY2014-FY2023 Capital Improvement Plan (CIP) includes a phased, multi-year capital project to design and construct traffic safety, roadway and streetscape improvements along Loudon Road between the intersections at Airport Road/Hazen Drive and D'Amante Drive; and
- WHEREAS**, the FY2013-FY2022 CIP identified this project as CIP #19, Loudon Road (Rte. 9) Corridor Improvements Project, which includes Phase 1 traffic safety improvements in FY2014, including the reduction of the 4-lane section to a 3-lane section from Airport Road/Hazen Drive to D'Amante Drive (8,000 LF) and related access management strategies; and
- WHEREAS**, the amount of \$20,000 was appropriated as Resolution No. 8379, dated June 21, 2010, for the completion of the engineering planning study; and
- WHEREAS**, on May 7, 2012, the City received notification from NHDOT that the use of HSIP funds were approved for safety improvements along Loudon Road between the intersections at Airport Road/Hazen Drive to D'Amante Drive; and
- WHEREAS**, given that this project will be funded 90% (\$1,440,000) by HSIP funds and the remaining 10% (\$160,000) will be funded by the issuance of bonds and notes as local match to the grant program; and
- WHEREAS**, RSA 33:9 mandates that a two-thirds vote of all members of the City Council is required to pass a bond resolution, which shall be taken by roll call vote.

# CITY OF CONCORD

*In the year of our Lord two thousand and fourteen*

**RESOLUTION** ACCEPTING AND APPROPRIATING THE SUM OF ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) IN MATCHED HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDS FROM THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT) FOR THE PURPOSE OF DESIGN AND CONSTRUCTION OF PHASE I TRAFFIC SAFETY IMPROVEMENTS FOR THE LOUDON ROAD CORRIDOR IMPROVEMENTS PROJECT (CIP #19), INCLUDING ONE MILLION FOUR HUNDRED FORTY THOUSAND DOLLARS (\$1,440,000) IN NHDOT GRANT FUNDS AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES OF UP TO ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000) FOR THE LOCAL MATCH PORTION OF THE PROJECT.

Page 2 of 2

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

- 1) The sum of .....\$1,600,000  
be and is hereby appropriated as follows:

General Capital Projects Fund

Engineering Services Division

FY 2014 Loudon Road (Rte.9) Corridor Improvements CIP #19 .....\$1,600,000

- 2) Revenue is available as follows:

General Capital Projects Fund

Engineering Services Division

Highway Safety Improvement Funds (HSIP) .....\$1,440,000

General Obligation Bonds.....\$ 160,000

- 3) In order to meet said expenditure the City Treasurer, with approval of the City Manager, is authorized to issue up to \$160,000 in bonds and notes of the City of Concord under the Municipal Finance Act.
- 4) The discretion of the fixing of dates, maturities, rate of interest, form and other details of such bonds and notes and providing for the sale are hereby delegated to the City Treasurer.
- 5) The useful life of the improvements is expected to be in excess of twenty (20) years.
- 6) Sums as appropriated shall be administered under the direction of the City Manager.
- 7) This resolution shall take effect upon its passage.

# CITY OF CONCORD

*In the year two thousand and fourteen*

**RESOLUTION      AMENDING AND RESTATING THE DEVELOPMENT PROGRAM  
AND FINANCING PLAN FOR THE NORTH END OPPORTUNITY  
CORRIDOR TAX INCREMENT FINANCE (NEOCTIF) DISTRICT**

Page 1 of 2

*The City of Concord resolves as follows:*

**WHEREAS,** by Resolution No. 6761, adopted October 20, 1997, the City Council adopted the provisions of NH RSA 162-K, as amended, for the purposes of establishing one or more tax increment financing districts; and,

**WHEREAS,** the City adopted Resolution No. 6802 on March 23, 1998, amended by Resolution No. 7036 on March 13, 2000, Resolution No. 7063 on June 19, 2000 and Resolution No. 7130 on November 13, 2000, and Resolution No. 8540 on March 12, 2012 establishing the North End Opportunity Tax Increment Finance District Boundaries and enacting the Development Program and Financing Plan; and

**WHEREAS,** the City adopted Resolution No. 8473 on June 13, 2011 which amended, restated, and readopted the NECOTIF District in order to complete certain actions associated with revenues derived from the sale of the so-called "Fish Hook Lot" located at 11 Constitution Avenue; and,

**WHEREAS,** the City adopted Resolution No. 8540 on March 12, 2012 which amended, restated, and readopted the NECOTIF District in order to complete certain actions associated with expansion of the District to include certain properties located between Constitution Avenue and Storrs Street, as well as acquisition of the former Agway / Concord Crop Center at 6-9 South Commercial Street; and,

**WHEREAS,** the City adopted Resolution No. 8625 on January 14, 2013 which amended, restated, and readopted the NECOTIF District in order to recodify the district's geography and to remove certain parcels which were inadvertently included within the District by Resolution No. 8540; and,

**WHEREAS,** the City desires to further amend and re-adopt the NEOCTIF District's Development Program and Financing Plan for the purpose of modifying the District's Development Program and Financing Plan with respect to acquisition and improvement of property in order to accommodate extension of Storrs Street to Constitution Avenue, and related activities, as set forth within Capital Improvement Program Project #18, including, but not limited to, acquisition of property owned by Tsunis Holdings, Inc.;

# CITY OF CONCORD

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*In the year two thousand and fourteen*

**RESOLUTION      AMENDING AND RESTATING THE DEVELOPMENT PROGRAM  
AND FINANCING PLAN FOR THE NORTH END OPPORTUNITY  
CORRIDOR TAX INCREMENT FINANCE (NEOCTIF) DISTRICT**

Page 2 of 2

**WHEREAS,** in accordance with RSA 162-K:4, the City Council shall delay a final vote to adopt this resolution shall occur at least 15 days after the public hearing on these proposed amendments.

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

1. In accordance with NH RSA 162-K:6, 162-K:9, and 162-K:10, the City Council hereby amends and restates in its entirety the North End Opportunity Tax Increment Finance District Boundaries, Development Program, and Finance Plan adopted by Resolution No. 6802 on March 23, 1998, amended by Resolution No. 7036 on March 13, 2000, Resolution No. 7063 on June 19, 2000, Resolution No. 7130 on November 13, 2000, Resolution No. 8473 on June 13, 2011, Resolution No. 8540 on March 12, 2012, and Resolution #8625 on January 14, 2013; and,
2. This resolution shall take effect upon passage.



# CITY OF CONCORD

47A

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Matthew R. Walsh, Assistant for Special Projects

**DATE:** December 30, 2013

**SUBJECT:** North-End Opportunity Corridor Tax Increment Finance ("NEOCTIF") District Amendment & Tsunis Holdings, Inc. Acquisition

### Recommendation:

- Accept the following report; and,
- Set the attached resolution adopting and an amended and restated Development Program and Financing Plan for the North End Opportunity Corridor Tax Increment Finance District for public hearing on February 10, 2013; however delay final action until March 10, 2014 per RSA 162-K:4.
- Set the attached resolution authorizing the City Manager to enter into a Purchase and Sales Agreement to acquire the Tsunis Holdings, Inc. property located on Storrs Street and appropriating the sum of \$1,050,000, including \$450,000 from undesignated NEOCITF Fund Balance and authorizing the issuance of bonds and notes in the amount of \$600,000, for public hearing on February 10, 2013; however delay final action until March 10, 2014 per RSA 162-K:4.

### Background:

The North End Opportunity Corridor Tax Increment Finance District (NEOCTIF) was established by Resolution #6802 on March 23, 1998, as amended by Resolution #8625 on January 14, 2013. This district was established to facilitate cleanup and redevelopment of the former Concord Lumber property and surrounding parcels in the vicinity of Horseshoe Pond and Exit 15 on Interstate 93 (now known as Corporate Park at Horseshoe Pond). Since 1998, and excluding moneys for potential purchase of the Tsunis property, the City's total capital investment in the NECOTIF District has totaled \$6,360,200.

Initially the NEOCTIF District contained approximately 50 acres with an assessed value of \$3 million. Today, the District has a total land area of 67.7 acres with an assessed value of \$66,141,500 (or \$976,980 / acre). Of this total, \$50,329,700 is the total value of new development within the District since 1998.

The District has been very successful. Real estate development within the NEOCTIF has significantly surpassed the expectations of the City's original financial pro forma. As a result, in 2005 the City began to allocate a portion of the incremental assessed value from new development to support the City's General Fund, as well as other taxing authorities. This had no negative impact on the District's ability to meet debt service or maintenance cost obligations. Initially, the City released \$16,462,800 in incremental assessed value in FY2005. In FY2014, the amount released was \$25,985,400, which will generate approximately \$664,707 in tax revenues to support the City's General Fund, Concord School District, Merrimack County, and the State of New Hampshire.

The NEOCTIF District will expire upon 1) the City Council determining that all activities set forth within the District's Development Program have been completed and 2) repayment of all outstanding debt. When the District expires, all tax revenues from captured incremental assessed associated with new development built in the District since 1998 will be used to support the City's General Fund, Concord School District, and other taxing authorities.

On March 12, 2012, the City Council approved Resolution 8540. Among other things, this resolution expanded the geography of the NEOCTIF District southerly in order to incorporate various properties located between Constitution Avenue and Storrs Street near the Holiday Inn. The goal of this expansion was, in part, to lay the groundwork for future extension of Storrs Street to Constitution Avenue, as contemplated in Capital Improvement Program (CIP) Project #18.

As of June 30, 2013, the NEOCTIF District has an undesignated fund balance of approximately \$721,081. A portion of these funds are available for capital projects, with the balance held in reserve to offset potential decreases in tax revenues due to changes in the real estate market, as well as abatements.

**Discussion:**

- 1) **Historical Overview:** Since creation of the NEOCTIF District in 1998, the City has desired to construct a vehicular and pedestrian connection between downtown and the NEOCTIF District, as well as remove blight between Interstate 393 and Storrs Street / Bridge Street. A new transportation connection has been desired for improved mobility of traffic, as well as economic development reasons (chiefly to connect employees, residents, and visitors within the NEOCTIF District to Downtown in order to promote commerce).

Since 1998, the City has taken steps to help accomplish this goal. Such steps have included creation of Capital Improvement Project (CIP) Project #18 "Storrs Street North". The City's FY2014 included \$900,000 for property acquisition to secure

necessary rights-of-way for the roadway. However, these funds were "asterisked" in the CIP, meaning that they were not appropriated during the FY2014 budget adoption process. Rather, the appropriation process was postponed until such time as the City could negotiate an agreement with the pertinent property owners.

The City has also incrementally expanded the geography of the NEOCTIF District to include key parcels required for the roadway extension. Further, during 2012, the City acquired and demolished 6-9 South Commercial Street (known as the former Agway Property) to help facilitate this goal. The City's total investment in the Agway property was approximately \$554,000, excluding a \$79,031 reimbursement from insurance proceeds stemming from a fire at the property in August 2012.

The Tsunis property represents the last major acquisition required to establish a corridor between Storrs Street and Constitution Avenue. The property consists of two parcels totaling 4.04 +/- acres, combined. The property has no buildings, but does feature an 18 +/- space surface parking lot. The property also contains some stockpiled building materials, which were abandoned at the property after a plan to expand the Holiday Inn failed to move forward in the early 1990s.

The City and Tsunis Holdings have been engaged intermittently in negotiations concerning this property for more than a decade.

2) Review of Purchase and Sales Agreement: The City Administration has negotiated a purchase and sales with Tsunis Holdings, Inc. A copy of the proposed agreement is attached. The Seller's attorney has indicated that the agreement is acceptable and the Sellers are prepared to sign. Key details of this agreement are as follows:

a. Sale Price: \$700,000 (\$173,267 / acre or \$3.98 / Square Foot). The property is currently assessed at \$361,900 (\$2.05 / Square Foot).

The sale price was based on the recent sale of the 1.43 acre Friendly Kitchen property, which sold in June 2012 for \$250,000 (or \$174,825 / acre or \$4.01 / Square Foot).

b. Conditions: The sale is subject to title and environmental due diligence with results acceptable to the City in its sole discretion.

c. Closing Date: Closing shall occur not later than August 29, 2014.

3) Title Considerations: It is important to note three unique issues with title to the property, as follows:

a. Escheated Rights: First, the property contains several smaller tracts of land, some of which have escheated back to the State of New Hampshire. On May 18, 1993, Tsunis Holdings purchased these rights from the State of New Hampshire for the sum of \$24,430, for the purpose of expanding the former Ramada Inn (now

Holiday Inn). As part of that transaction, the State mandated that the expansion occur by 1998. However, this deadline was later extended to 2003. Ultimately, the expansion never occurred. Consequently, the escheated properties reverted back to State ownership. In order to obtain clear title to the entire property, the City will need to negotiate with the State to acquire the escheated rights. Because Tsunis Holdings paid the State fair market value for these rights in 1993, City Administration hopes these can be re-purchased from the State for a nominal amount. As of the date of this report, discussions with the State were just getting underway.

- b. Rail Crossing Easement: Secondly, the property contains an easement for an “at-grade” crossing over railroad tracks which bisect the site. Pending additional due diligence, the crossing appears to be sufficient for a 2-lane roadway.

The fact the easement provides an “at grade” crossing is significant. Specifically, one of the rail lines bisecting the property has been deemed a “high-speed corridor”. Consequently, new at-grade crossings are no longer permitted. Because the property has a grandfathered crossing, this could make construction of the Storrs Street North extension significantly easier and less expensive. However, the City will need to negotiate with the owners of the railroad, as well as applicable governmental agencies, in order to relocate the existing at-grade crossing easement as might be required by the final design of the future Storrs Street North connector road.

In the event it is not feasible to use the at-grade crossing, a bridge would have to be constructed for the Storrs Street Extension to allow the new roadway to span the high-speed rail corridor.

- c. Construction of Rail Siding: Lastly, as part of the failed expansion of the Holiday Inn in the late 1980s, the owners of the hotel committed to construct a new rail siding as part of relocation of existing rail lines. The siding was never constructed and it is currently unclear whether the State will require the City to construct this siding as part of future extension of Storrs Street and rail modifications related thereto.
- 4) Budget: The proposed budget for this acquisition, related due diligence, and interim land clearing activities is \$1,050,000. Please see the attached detailed budget for more information.
  - 5) NECOTIF Development Program and Financing Plan Update: The Tsunis property is located within the North End Opportunity Corridor Tax Increment Finance (NEOCTIF) District. Therefore, the City Administration proposes using the District to fund acquisition of the property and related activities.

Specifically, the financing package will consist of \$450,000 in cash from the NEOCTIF District’s undesignated fund balance, as well as the issuance of a TIF supported general

obligation bond in the amount of \$600,000. The bond would likely be sold in January 2015 and have a term of 5 years, with the initial debt service payment due on July 1, 2015, with final payment on July 1, 2019. Assuming an interest rate of 3.5%, the annual debt service payment in Year 1 would be \$138,000.

In order to use the TIF District to finance the purchase, the City will need to amend the NEOCTIF Development Program and Financing Plan as required by NH State Law RSA 162-K.

Issuance of this new debt service will result in extending the expiration date for the NEOCTIF District by 3 additional years (FY2016 to FY2019).

Because of certain provisions within State Law, the City must delay taking final action on this amendment until at least 15 days after the public hearing scheduled for February 10, 2014. Hence, City Administration recommends that the City Council undertake votes on this item during its March 2014 regular meeting.

- 6) Timing of Storrs Street North Roadway Extension: Timing for the design and construction of the Storrs Street North Extension is currently unclear, as it will likely be tied to the schedule for the future widening of Interstate 93 through Concord.

Because construction of the northern and southern extensions of Storrs Street, will improve mobility in downtown Concord, the potential exists that a significant portion of local traffic using Interstate 93 might be redirected to Storrs Street. This, in turn, could help partially mitigate the number of new lanes that may have to be constructed for I-93, thereby giving the State incentive to partner with the City on the construction of Storrs Street north.

Currently, extension of Storrs Street is programed within the City's Capital Improvement Program (CIP) as Project #18. The current FY2014 CIP anticipates the following schedule for the roadway extension:

- FY2014: Property Acquisition
- FY2018: Roadway Design
- FY2019: Construction

In 2010 the NH Department of Transportation (NHDOT) developed conceptual layouts for how extension of Storrs Street could be configured. Concept plans prepared by the NHDOT in 2010 area attached to this report. NHDOT's preliminary estimated costs for the Storrs Street extension are as follows:

- \$2.5 million (at grade rail crossing). Adjusting this 2010 estimate for anticipated FY2019 construction, the projected cost is likely to be closer to \$3.9 million assuming a 5% annual escalation in construction costs..
- \$6.3 million (with bridge over railroad). Again, adjusting this 2010 estimate for anticipated FY2019 construction, the project cost is likely to be closer to \$9.8 million, again assuming a 5% annual escalation in construction costs..

While final design and construction of the I-93 widening is still years away, securing the necessary right-of-way for the road now will ensure that sufficient property rights are in place when construction of the roadway is ready to move forward.

- 7) Interim Use: Upon acquisition of the property, the City Administration proposes to remove all abandoned building materials and shrubby vegetation. The property would then be graded, loamed, and seeded. The property would be mowed on a regular basis to keep it reasonably attractive, as well as to prevent shrubby vegetation from re-establishing itself.

To accomplish this, the City will need to secure an Alteration of Terrain (AOT) Permit from the NH Department of Environmental Services. Therefore, this work would likely not occur until spring 2015.

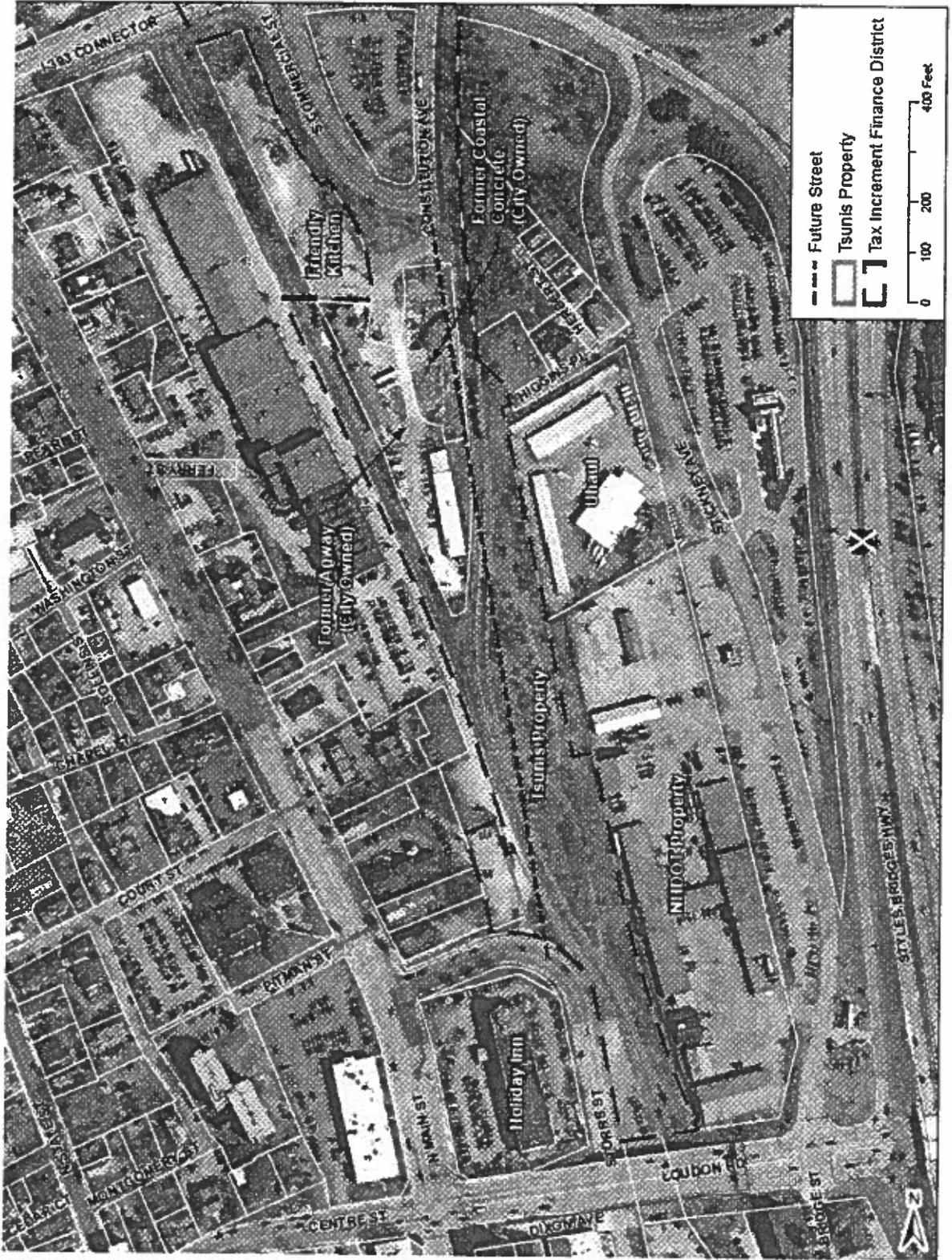
- 8) Residual Property: Staff recommends that the City Council make any residual property associated with the Tsunis property, as well as the former Agway and Coastal Concrete properties (already owned by the City), that is not required for the roadway extension be made available for redevelopment in the future. Property would not be divested of until a Storrs Street Extension has been fully designed and approved by the City Council and State of New Hampshire (as applicable).
- 9) NEOCTIF Advisory Board Input: On March 15, 2011, the NEOCTIF Advisory Board met to discuss expansion of the District and acquisition of required properties to facilitate the Storrs Street North extension. During that meeting, the Advisory Board voted unanimously to recommend that the City Council proceed with this acquisition of required properties, including the Tsunis Holdings parcels, to achieve sufficient right-of-way for the extension. Staff intends to convene a meeting of the NEOCTIF Board to verify their support of this proposal prior to the February 10, 2014 public hearing concerning this proposal.

**Tsunis Holdings Acquisition Budget**

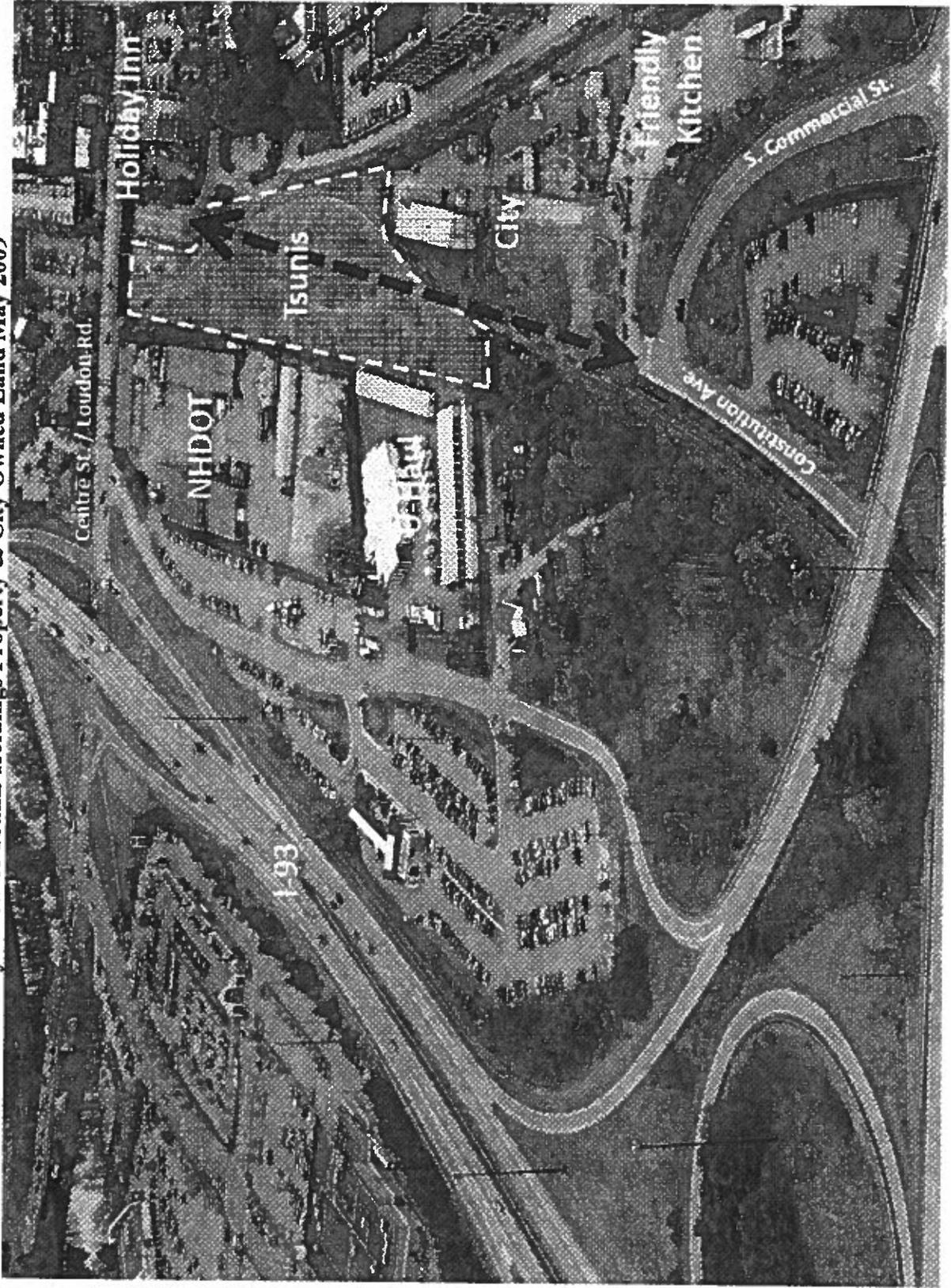
CATEGORY	ESTIMATE	NOTES
<b>Property Acquisition</b>		
Tunis Property Acquisition (4.04 Acres)	\$700,000	Per Friendly Kitchen Sale: \$250,000 for 1.43 Acres. Sold June 21, 2012. Price = \$4.01 / SF or \$174,675/Acre.
State of NH Escheated Rights	\$0	Tunis paid State \$24,430 on May 18, 1993 to the State of NH for 9 parcels, which subsequently reverted back to State due to in-action by Tunis in May 2003 per G&C clauses in transfer agreement.
Tunis At Grade Rail Crossing	\$0	Acquired March 1, 1990. Currently in chain of title.
<b>Environmental Due Diligence / Reporting / Compliance</b>		
Phase I / II ESA Update	\$28,650	Per Nobis Engineering proposal July 2013 + \$10,000 for Additional for Borings
Hazardous Building Materials Survey	\$0	No Structures at Property
Cost Estimating for Remedial Actions	\$5,000	
Demolition Cost Estimates	\$0	
NH Brownfields Covenant Not to Sue Application Support	\$5,000	
Groundwater Management Permit Implementation	\$25,000	Might be required pending results of Phase II activities
<b>Legal &amp; Appraisal Services</b>		
Real Estate Appraisals	\$0	
Legal Counsel for Escheated Rights	\$0	Completed in house by City's Legal Dept.
Closing Costs / Title Insurance	\$7,500	
Boundary Survey	\$12,000	
<b>Taxes</b>		
Property Taxes	\$9,511	Assessed Value = \$361,900. Tax Rate = \$26.34 (current \$25.58 + 3%). Assumes City to pay taxes for remainder of tax year after acquisition (August 2014 - March 2015).

<b>Demolition &amp; Site Cleanup / Prep</b>		
Alteration of Terrain (AOT) Permit	\$21,250	Includes NHDES \$1,250 application fee.
Site Prep - Clear, Grubbing, Grade	\$163,664	Assumes \$0.93 / SF. Clear, grub, loam & seed entire property. Includes removal of miscellaneous building materials.
Demolition	\$0	
Debris Removal (RCP & Structural Steel)	Included above	
Engineering Oversight	\$10,000	Assumes limited part-time oversight
Environmental Cleanup (Soil Removal, Etc.)	\$0	None anticipated at this time
<b>Other Site Improvements</b>		
Construction of rail siding	\$0	Assumes State would release City / Tunis from this requirement. This was imposed on the Holiday Inn at the time of previous expansion plan which subsequently never went forward. If not, carry as part of future roadway construction project.
<b>Relocation Benefits</b>		
Relocation Benefit Per RSA 162-K	\$0	Per RSA 162-K:15 & RSA 162-K:6. Waived by P&S Agreement.
<b>SUBTOTAL</b>	<b>\$987,575</b>	
<b>CONTINGENCY</b>	<b>\$49,379</b>	<b>5% of Subtotal</b>
<b>DEBT SERVICE ISSUANCE</b>	<b>\$12,962</b>	<b>1.25% of Subtotal + Contingency</b>
<b>TOTAL BUDGET</b>	<b>\$1,049,916</b>	<b>Round to \$1.050 Million</b>
<b>Funding Sources</b>		
Cash (NEOCTIF Fund Balance)	\$450,000	
Debt	\$599,916	Round to \$600,000

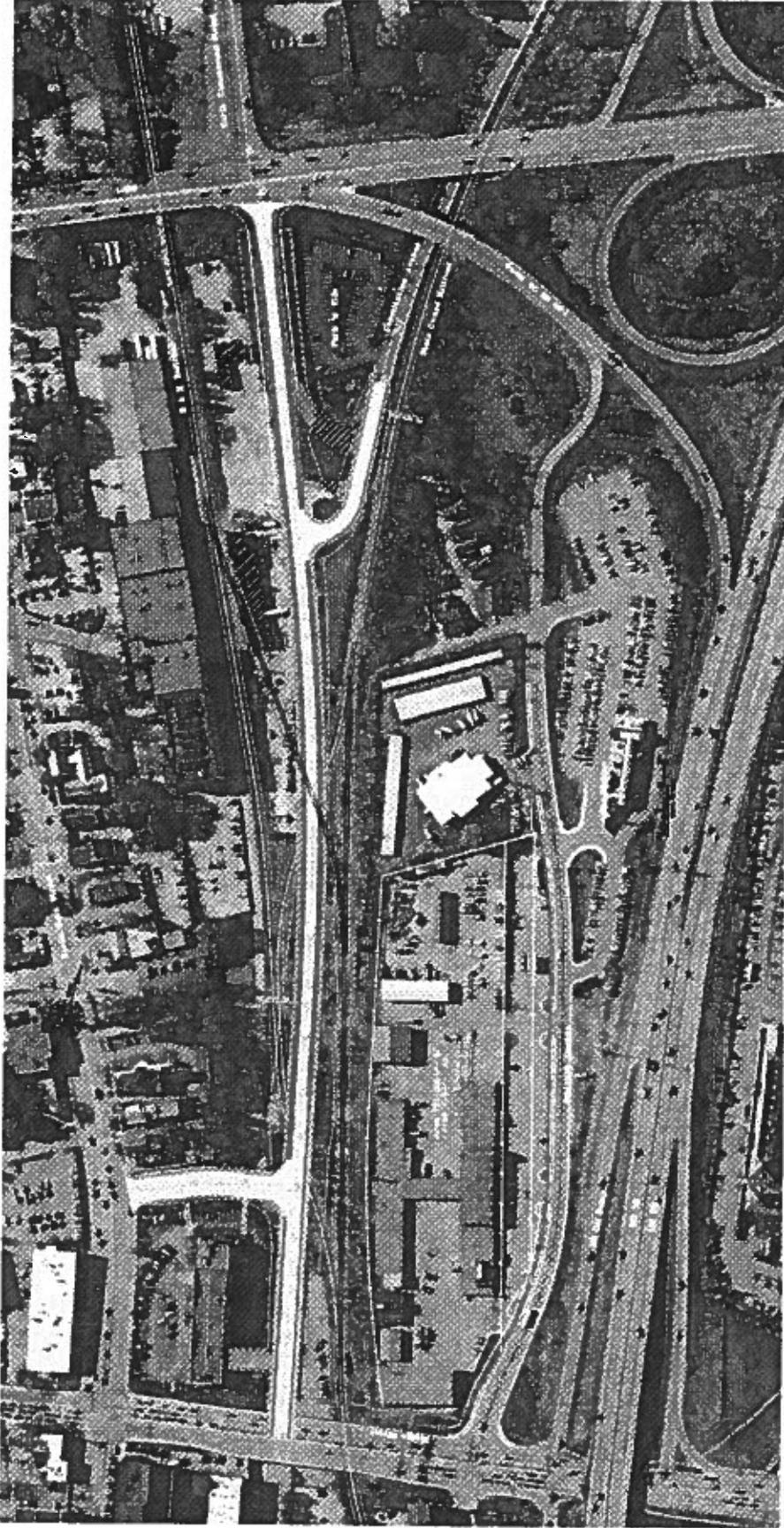
Map of Tsunis Holdings and Other City Owned Properties



**Birdseye View of Tsunis Holdings Property & City Owned Land May 2009**



Conceptual Layout for Storrs Street North Extension  
Prepared by NHDOT, 2010



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**NORTH END OPPORTUNITY CORRIDOR TAX INCREMENT  
DEVELOPMENT PROGRAM AND FINANCING PLAN**

Adopted by Resolution 6802, March 23, 1998  
Amended by Resolution 7036, March 13, 2000  
Amended by Resolution 7063, June 19, 2000  
Amended by Resolution 7130, November 13, 2000  
Amended by Resolution 8473 June 13, 2011  
Amended by Resolution 8540 on March 12, 2012  
Amended by Resolution 8625 on January 14, 2013  
Amended by Resolution [REDACTED] on March 10, 2014

**INTRODUCTION:**

The North End Opportunity Corridor Tax Increment Finance Advisory Board has developed the following Development Program and Financing Plan to encourage the redevelopment of approximately 67.7 +/- acres of the North End of the Opportunity Corridor. The components of the Development Program and Financing Plan include:

- I. Statement of Objectives
- II. District Boundaries
- III. Statutory Compliance
- IV. Development Program
- V. Financing Plan
- VI. District Administration
- VII. Advisory Board Responsibilities

This amendment retains all the original objectives, boundaries, development program, financing plan, district administration, and advisory board responsibilities, as well as the activities and expenses under Section IV, Development Plan and Section V, Financing Plan as previously enacted by Resolutions 6802, 7036, 7063, 7130, 8473, 8540, 8541, and 8625 unless otherwise noted.

**I. STATEMENT OF OBJECTIVES:**

The City Council has identified economic development, expansion of the property tax base, job opportunities, and redevelopment of the "Opportunity Corridor" as top priority goals for a number of years. The adoption of the North End Opportunity Corridor Tax Increment Finance District and the Development Program and Financing Plan provides a valuable legislative tool for implementing redevelopment activities to address those priorities. The initiative of creating the North End Opportunity Corridor Tax Increment Finance District aggressively pursues the following Objectives:

- Create redevelopment opportunities;
- Improve visual image of northerly and easterly entranceway to downtown;
- Expand real estate tax base;

- Expand employment opportunities;
- Preserve important historical, environmental, and architectural character of city;
- Construct, expand, and rehabilitate public roads, utilities, meeting facilities, open spaces, and pedestrian ways to provide improved access and expanded capacities sufficient to encourage private investment in property within the district, as well as areas abutting the District;
- Remove obsolete, deteriorating, and blighted land uses;
- Relocate transportation components to permit efficient use of land for redevelopment; and,
- Implementation of the "Special Design Criteria" in the provision of the Redevelopment District (RDV) Zoning Ordinance (later replaced in 2001 with the adoption of the Opportunity Corridor Performance ("OCP") Zoning District).

## **II. DISTRICT BOUNDARIES:**

The boundary of the North End Opportunity Corridor Tax Increment Finance District shall be as established by Resolution #8625, adopted by the City Council on January 14, 2013 which included the following legal description:

Beginning at a point in the westerly sideline of the Interstate Route 93 right of way at the northeast corner of a parcel known as Map 56A, Block 1, Lot 2; thence

1. Westerly along the northerly line of Map 56A, Block 1, Lot 2 to the easterly sideline of the State of New Hampshire Concord to Lincoln Railroad Line at the northwest corner of Map 56A, Block 1, Lot 2; thence
2. Continuing westerly and crossing the State of New Hampshire Concord to Lincoln Railroad Line right of way to a point in the easterly sideline of the Commercial Street right of way; thence
3. Continuing westerly and crossing the Commercial Street right of way to a point being 10 feet westerly of the westerly sideline of the Commercial Street right of way; thence
4. Southerly and westerly along a line which is parallel to and is offset 10 feet from the westerly and northerly side line of Commercial Street and the northerly side line of a portion of the Horseshoe Pond Lane right of way to a point in the easterly side line of the B&M Railroad Northern right of way; thence
5. Southerly along the easterly side line of the B&M Railroad Northern right of way to the northerly side line of the Horseshoe Pond Lane right of way; thence
6. Continuing southerly and crossing the Horseshoe Pond Lane right of way to the northwest corner of Map 58, Block 1, Lot 1; thence

7. Southerly along the easterly side line of the B&M Railroad Northern right of way and the westerly line of Map 58, Block 1, Lot 1 to the southwest corner of Map 58, Block 1, Lot 1 and the northerly side line of the Interstate Route 393 right of way; thence
8. Continuing southerly and crossing the Interstate Route 393 right of way to the northwest corner of Map 56, Block 1, Lot 3; thence
9. Easterly along the southerly side line of the Interstate Route 393 right of way and the northerly line of Map 56, Block 1, Lot 3 to the northeasterly corner of Map 56, Block 1, Lot 3 and the westerly side line of the S. Commercial Street right of way; thence
10. Southerly, easterly, and southerly along the westerly sideline of the S. Commercial Street right of way to the southeasterly corner of Map 56, Block 1, Lot 3 and the northeasterly corner of Map 55, Block 6, Lot 2; thence
11. Northwesterly along the southerly line of Map 56, Block 1, Lot 3 and the northerly line of Map 55, Block 6, Lot 2 to the southwest corner of Map 56, Block 1, Lot 3 and the northwesterly corner of Map 55, Block 6, Lot 2 at the easterly side line of the B&M Railroad Northern right of way; thence
12. Continuing northwesterly along the same course across the B&M Railroad Northern right of way to the westerly line of the B&M Railroad Northern right of way and the easterly line of Map 55, Block 5, Lot 14; thence
13. Southerly along the westerly line of the B&M Railroad Northern right of way and the easterly line of Map 55, Block 5, Lot 14 to the northeasterly corner of Map 46, Block 5, Lot 3 at the southeasterly corner of Map 55, Block 5, Lot 14; thence
14. Westerly along the northerly line of Map 46, Block 5, Lot 3 and the southerly line of Map 55, Block 5, Lot 14 to the northwesterly corner of Map 46, Block 5, Lot 3 and the easterly line of Map 46, Block 4, Lot 11; thence
15. Northerly along the southerly line of Map 55, Block 5, Lot 14 and the easterly line of Map 46, Block 4, Lot 11 to the northeasterly corner of Map 46, Block 4, Lot 11; thence
16. Westerly along the southerly line of Map 55, Block 5, Lot 14 and the northerly line of Map 46, Block 4, Lot 11 to the northwesterly corner of Map 46, Block 4, Lot 11 and the easterly line of Map 46, Block 4, Lot 6; thence
17. Southerly along the westerly line of Map 46, Block 4, Lot 11 and the easterly line of Map 46, Block 4, Lot 6 to the southeasterly corner of Map 46, Block 4, Lot 6 and the northeasterly corner of Map 46, Block 4, Lot 7; thence
18. Southerly along the westerly line of Map 46, Block 4, Lot 11 and the easterly line of Map 46, Block 4, Lot 7 to the southeasterly corner of Map 46, Block 4, Lot 7 and the

- northeasterly corner of Map 46, Block 4, Lot 8; thence
19. Southerly along the westerly line of Map 46, Block 4, Lot 11 and the easterly line of Map 46, Block 4, Lot 8 to the southeasterly corner of Map 46, Block 4, Lot 8 and the northeasterly corner of Map 46, Block 4, Lot 9; thence
  20. Southerly along the westerly line of Map 46, Block 4, Lot 11, the westerly line of Map 46, Block 4, Lot 10, and the easterly line of Map 46, Block 4, Lot 9 to the southeasterly corner of Map 46, Block 4, Lot 9 and the southwesterly corner of Map 46, Block 4, Lot 10 at the easterly sideline of Storrs Street; thence
  21. Southerly along the easterly sideline of Storrs Street, the southerly line of Map 46, Block 4, Lot 10, the southerly line of Map 46, Block 4, Lot 12, and the westerly line of Map 46, Block 5, Lot 3 to a point at the northerly sideline of Loudon Road; thence
  22. Easterly along the southerly line of Map 46, Block 5, Lot 3 and the northerly sideline of Loudon Road, crossing the New Hampshire Maine Railroad Line right of way, to the southeast corner of Map 46, Block 5, Lot 3 and the southwest corner of Map 46A, Block 2, Lot 1; thence
  23. Northerly, westerly, and northerly along the easterly line of Map 46, Block 5, Lot 3 and the westerly line of Map 46A, Block 2, Lot 1 to the northwest corner of Map 46A, Block 2, Lot 1 and the southwest corner of Map 46A, Block 2, Lot 2; thence
  24. Northerly along the easterly line of Map 46, Block 5, Lot 3 and the westerly line of Map 46A, Block 2, Lot 2 to the northwest corner of Map 46A, Block 2, Lot 2; thence
  25. Easterly along the easterly line of Map 46, Block 5, Lot 3 and the northerly line of Map 46A, Block 2, Lot 2 to a point at the westerly terminus of the Higgins Place right of way; thence
  26. Northerly and easterly along the easterly line of Map 46, Block 5, Lot 3 and the westerly and northerly right of way of Higgins Place to a point at the southwest corner of Map 56, Block 2, Lot 1; thence
  27. Northerly along the easterly line of Map 46, Block 5, Lot 3 and the westerly line of Map 56, Block 2, Lot 1 to the easterly sideline of the State of New Hampshire Concord to Lincoln Railroad Line right of way; thence
  28. Northerly along the easterly sideline of the State of New Hampshire Concord to Lincoln Railroad Line right of way and the westerly lines of Map 56, Block 2, Lot 1, Map 56, Block 2, Lot 4, and Map 56, Block 2, Lot 10 to the northwest corner of Map 56, Block 2, Lot 10 at the southerly sideline of the Interstate Route 393 right of way; thence

29. Continuing northerly across the Interstate Route 393 right of way, the easterly sideline of the State of New Hampshire Concord to Lincoln Railroad Line right of way, and the westerly sideline of the Interstate Route 93 right of way to the northerly sideline of the Interstate Route 393 right of way; thence
30. Continuing northerly along the easterly sideline of the State of New Hampshire Concord to Lincoln Railroad Line right of way and the westerly sideline of the Interstate Route 93 right of way to the southerly corner of Map 56A, Block 1, Lot 6; thence
31. Continuing northerly along the easterly line of Map 56A, Block 1, Lot 6 and the westerly sideline of the Interstate Route 93 right of way to the northerly corner of Map 56A, Block 1, Lot 6; thence
32. Continuing northerly along the easterly sideline of the State of New Hampshire Concord to Lincoln Railroad Line right of way and the westerly sideline of the Interstate Route 93 right of way to the most southerly corner of Map 56A, Block 1, Lots 7, 10, 11, 12, 13, and 14; thence
33. Northerly along the easterly line of Map 56A, Block 1, Lots 7, 10, 11, 12, 13, and 14 and the westerly sideline of the Interstate Route 93 right of way to the northeast corner of Map 56A, Block 1, Lots 7, 10, 11, 12, 13, and 14 at the southerly sideline of the Delta Drive right of way; thence
34. Continuing northerly across the Delta Drive right of way along the westerly sideline of the Interstate Route 93 right of way to the northerly sideline of the Delta Drive right of way and the southeast corner of Map 56A, Block 1, Lot 2; thence
35. Northerly along the easterly line of Map 56A, Block 1, Lot 2 and the westerly sideline of the Interstate Route 93 right of way to the northeast corner of Map 56A, Block 1, Lot 2 and the point of beginning.

Meaning and intending to describe a Tax Increment Finance District as shown on a plan titled: "North End Opportunity Corridor – Tax Increment Finance District," dated October 18, 2012, and prepared by the City of Concord, N.H, as attached to this document as Exhibit #1.

### III. STATUTORY COMPLIANCE:

- A. **General:** The following is inserted to demonstrate compliance with certain legal requirements and thresholds set forth within RSA 162-K:5. Please note that at the time of original adoption on March 23, 1998 by Resolution #6802, the NEOCTIF District was the only Tax Increment Finance District within the City of Concord. Therefore, this section was originally omitted from the Development Program and Financing Plan when initially established in 1998.

1. **Total Acreage:** Per RSA 162-K:5, I, the total acreage included in any one development district when designated shall not exceed 5 percent of the total acreage of the municipality, and when added to the total current acreage within the development districts for which bonds remain outstanding shall not exceed 10 percent of the total acreage of the municipality.

Total Land Area of the City	41,100 Acres
5%	2,055 Acres
10%	4,110 Acres

Sears Block TIF District	21.00 Acres
NEOCTIF District	67.70 Acres*
Penacook Village TIF District	47.09 Acres
<b>Combined Total All TIF Districts</b>	<b>135.79 Acres</b>

\*Includes acreage adjustment resulting from the January 2013 amendment. Prior to the January 2013 amendment, the NEOCTIF District contained 68.3 acres.

2. **Total Assessed Value:** Per RSA 162-K:5, II, the total assessed value of taxable real property of any one development district when designated shall not exceed 8 percent of the most recent total assessed value of taxable real property in the municipality, and when added to the current total assessed value of taxable real property within development districts for which bonds remain outstanding, shall not exceed 16 percent of the most recent total assessed value of taxable real property in the municipality.

Total Taxable Value of the City	\$4,321,396,542
8%	\$345,711,723
16%	\$691,423,477

Sears Block TIF District	\$51,418,000
NEOCTIF TIF District	\$51,165,100*
Penacook Village TIF District	\$11,149,600
<b>Combined Total All TIF Districts</b>	<b>\$113,732,700</b>

\*Reflects assessed value of the District per January 2013 change in geography. Prior to the January 2013 amendment, the District the District had an assessed value of \$49,810,100.

Finding: The proposed TIF District and combination of districts do not exceed the taxable value or land area limitations. Please note that significant capacity remains, both in terms of allowable value and allowable land area, for the creation of additional tax increment finance districts as deemed necessary by the City Council.

#### IV. DEVELOPMENT PROGRAM:

##### A. Public Facilities

1. **Construction:** The following improvements shall be constructed as part of the NEOCTIF District:
  - i. Connector Street (Constitution Avenue): A new street connecting Commercial with South Commercial Street through the railroad underpass under I-393 and I-93 Southbound on-ramp, including realignment of South Commercial Street. March 2012 Amendment Update: This improvement was completed during the period of 1998 and 2001 and is presently known as Constitution Avenue.
  - ii. Intersection Reconstruction: The signalization of I-393 and the intersection of Commercial and South Commercial Streets shall be removed and a new barrier median prohibiting left hand turns shall be constructed to provide for right hand turns only. March 2012 Amendment Update: This improvement was completed during the period of 1998-2001.
  - iii. Commercial Street Reconstruction: Reconstruct Commercial Street from its intersection with I-393 to its intersection with Fan Road, including all slopes, retaining walls, drainage, sidewalks, street widening, landscaping, street furniture and subsurface and above ground utilities. March 2012 Amendment Update: This improvement was completed during the period of 1998-2001.
  - iv. Storrs Street North Extension: Construction of a new public highway to connect Storrs Street to Constitution Avenue and South Commercial Street. This effort shall include relocation, realignment, and reconstruction of railroads. This effort shall also include modification or construction of traffic control devices, pedestrian amenities, and streetscape improvements. Extension of water, sewer, gas, electric, and telecommunications utilities may also be undertaken as part of roadway construction.
  - v. Utilities: Relocate the overhead electric, telephone, cable television and alarm system utility wires existing from the intersection of Commercial Street and Horseshoe Pond Lane northerly along the edge of Horseshoe Pond and the westerly side of Commercial Street to a point approximately 100 feet north of the intersection of Fan Road, to an underground location on the East side of and parallel to Commercial Street. March 2012 Amendment Update: This improvement was completed during the period of 2000-2001.

2. **Open Space Created:** Through private development of property, redevelopment of the NEOCTIF District will provide enhancement to existing important open space elements, including:
  - i. Enhancement of the Horseshoe Pond shore along Commercial Street and Horseshoe Island by eliminating deteriorating and blighted buildings and debris from adjacent and nearby properties and reducing migration of subsurface environmental contamination, thereby improving the quality of the habitat for existing flora and fauna;
  - ii. Preparation of undeveloped flood storage areas to mitigate for developed flood plain in District;
  - iii. Construction of storm water retention areas which, in effect, creates new wetlands; and,
  - iv. Implementation of special design criteria provisions in the Redevelopment District (RDV) Zoning Ordinance throughout the District.
  
3. **Environmental Controls Applied:** The City and private developers shall be required to comply with the various Environmental Controls to assure the redevelopment of the NEOCTIF District adheres to the highest of standards and regulations including, but not limited to, the following:
  - i. Flood plain zoning regulations; flood storage requirements;
  - ii. Oversight of storm water designs and retention areas;
  - iii. Compliance with State of New Hampshire Alteration of Terrain Permits;
  - iv. Compliance with State and Federal regulations for hazardous waste clean-up and monitoring;
  - v. Compliance with BOCA building codes and national Life Safety Code; and,
  - vi. Implementation of US EPA Brownfields Program.
  
4. **Re-Use of Private Property:** The NEOCTIF District is intended to be a redevelopment area for the conversion of blighted or obsolete industrial, warehouse and wholesale properties into higher quality commercial,

hospitality, medical, and office uses. The following private properties shall be acquired by the City and used in the following fashion:

- i. City-owned Concord Lumber Site: The 19 acre City-owned Concord Lumber land shall be transferred to a private or not-for-profit development group for redevelopment for tax revenue generating commercial uses. Redevelopment of this property is now complete due to the development of the Marriott Hotel and Grappone Conference Center, new office buildings at 60, 70, and 80 Commercial Street.
- ii. Riviera, Inc. (Greenland's Corporation): Approximately 11,500 square feet of the 2.5 acre Riviera, Inc. (Greenland's Corporation) land will be acquired in fee simple or easement and will be utilized as street right-of-way across the south "gateway"/entrance to the District. The balance of the property shall be available for private redevelopment. Redevelopment of this property is now complete due to the development of the Weston Solutions Office Building at 45 Constitution Avenue.
- iii. Lockwood-Young Site: Approximately 30,000 sq. ft. of the Lockwood-Young site will be used for street right-of-way. The residual 2.3 acres might be partially retained for future rights-of-way and/or offered for redevelopment purposes and/or possible assembly with other area properties for redevelopment purposes. A portion of this property was redeveloped into a satellite parking lot for offices at 60 Commercial Street.
- iv. GPP Properties (Goulet Supply Co. Inc.): Approximately 400 square feet of GPP Properties land will be acquired for construction of Constitution Avenue. The balance of the property, 34,448 square feet of land and 20,197 square feet of buildings, will be acquired in fee simple title for the widening and redevelopment of Commercial Street. The residual 0.79 acres maybe partially retained for future rights-of-way and/or offered for redevelopment purposes and/or possible assembly with other area properties for redevelopment purposes.
- v. #9 South Commercial Street (Map 55 Block 6 Lot 2): It is anticipated that the majority of this 1.61 +/- acre parcel will be used for future right-of-way associated with construction of a new highway connecting Storrs Street to Constitution Avenue / South Commercial Street. The City may retain any residual acreage not encumbered by the designation of said right-of-way for a public purpose, or may divest of said real estate for private redevelopment.

- vi. Tsunis Property (Map 46 Block 5 Lot 3): It is anticipated that the majority of this 4.04 +/- acre parcel will be used for future right-of-way associated with construction of a new highway connecting Storrs Street to Constitution Avenue. The City may retain any residual acreage not encumbered by the designation of said right-of-way for a public purpose, or may divest of said real estate for private redevelopment.
- vii. Storrs Street Avenue Parking Associate Parcel (Map 46 Block 4 Lot 11): It is anticipated that the majority of this 0.3 +/- acre parcel might be used for future right-of-way associated with construction of a new highway connecting Storrs Street to Constitution Avenue. The City may retain any residual acreage not encumbered by the designation of said right-of-way for a public purpose, or may divest of said real estate for private redevelopment.

## 5. Operation and Maintenance of the TIF District:

### i. Operation and Maintenance:

1. Constitution Avenue, North / South Commercial Street: Upon completion of these roadways, the City shall maintain, plow, and sweep approximately 2,300 linear feet of new streets as described herein; will oversee maintenance of the upgraded storm water system; will maintain landscaped areas, and shall maintain approximately 4,600 linear feet of public sidewalks.
2. Storrs Street Extension: Upon construction of the Storrs Street Extension, the City will maintain, plow, and sweep approximately 1,700 linear feet of new roadway, 3,400 linear feet of sidewalks, lighting, landscaping, as well as a railroad crossing (whether at grade or a bridge).
3. Public Safety: The City Council may assess the NEOCTIF District for the cost of providing police and fire services. Otherwise these expenses shall be borne by the City's General Fund.
4. Public Utilities (Water, Sewer, Storm Drainage): The cost of maintaining public utilities may be provided through rate charges or incremental tax revenues generated within the TIF District, or combination thereof, as determined by the City Council.
5. Private Utilities (Gas, Electric, Telecommunications): The cost of maintaining private utilities shall be done at the expense

of said private utility after initial construction of said utilities is completed.

6. Administration Costs: The City Council may assess fees to the TIF District to cover the labor and overhead costs required to administer the TIF District.
  - ii. Cost: The cost of maintenance and operation of the improvements shall be charged against the incremental tax revenues generated by new development in the TIF. It has been determined that the new improvements have a general public benefit and that no individual assessments shall be levied against district properties. If Tax Increment proceeds are not sufficient to cover the operations and maintenance costs of the district, these costs shall become an obligation of the City's General Fund.
  - iii. Records and Reports: The City will maintain records of the financial activity of the District in accordance with governmental accounting standards and principals. It will include the financial reporting requirements in the Comprehensive Annual Financial Report.

#### **B. Relocation and Displacement:**

1. **General**: The City shall endeavor to comply with the provisions of NH RSA 162-K:15 and 162-K:6 concerning the relocation of persons displaced by the City's acquisition of property or construction of infrastructure only, unless 1) otherwise waived by said property owners or tenants or 2) tenants relocate for other reasons unrelated to the City's proposed activities 3) the city is acquiring the property after it has been put on the market by the owner for reasons unrelated to the City's activities. However, this provision shall not be construed to apply to acquisition of property by private parties through "arms-length" transactions, or construction of development projects by the private sector. The City shall utilize the Uniform Relocation Act of 1970 (as amended) as a general guide when displacing persons for the purpose of acquiring private property for municipal use, or construction of infrastructure to further redevelopment of the District, as applicable.
  - i. Coastal Concrete: The Coastal Concrete Company, together with their tenants, shall be eligible for relocation benefits as afforded herein. Costs to relocate the business will be part of the property Purchase and Sales Agreement financed by TIF bonds as described in Section V Financing Plan.
  - ii. Riviera, Inc. (Greenland's Corporation): The acquisition of Rights-of-Way to cross Riviera, Inc. (Greenland's Corporation) will not adversely affect the future use of that property. No business relocation

is anticipated. This improvement will provide frontage on a City street that the property does not currently enjoy.

- iii. *Railroad Relocation:* The State of New Hampshire is in the process of acquiring the railroad right-of-way and tracks that pass through the TIF District. After acquisition, the track will be relocated easterly of its present locations, from the Interstate 393 bridge to the Fan Road crossing, as part of this Development Program. This relocation cost will be part of the redevelopment expenses assigned to the TIF District as outlined within Section V Financing Plan.
- iv. *Utility Relocation:*
  1. The relocation of the electric utility lines is proposed so that the City-owned land, which is currently bisected by the utility wires, may be united as one parcel. Electric and municipal sewer and water utilities will be similarly relocated, as necessary, through the site.
  2. Relocate the overhead electric, telephone, cable television and alarm system utility wires existing from the intersection of Commercial Street and Horseshoe Pond Lane northerly along the edge of Horseshoe Pond and the westerly side of Commercial Street to a point approximately 100 feet north of the intersection of Fan Road, to an *underground* location on the East side of and parallel to Commercial Street.
- v. *GPP Properties (Goulet Supply Co. Inc.):* Due to the necessity of taking Goulet's entire street frontage on Commercial and Constitutional Avenue, the property will no longer have adequate parking or access and will no longer be economically viable as a retail/wholesale storefront and distribution center. Therefore, it shall be necessary for the City to take the entire property and assist Goulet with a relocation benefit as defined by New Hampshire RSA 124-A, Relocation Assistance and Real Property Acquisition Policy.
- vi. *#9 South Commercial Street (Map 55 Block 6 Lot 2):* The City shall acquire this property for the future construction of a new roadway, together with associated utility improvements, sidewalks, and streetscape improvements, in order to facilitate connection of Storrs Street to Constitution Avenue, as well as possible relocation of railroad lines as part of said improvement. The City shall follow the provisions of this Section relative to relocation of displaced persons, as applicable.

- vii. *Tnunis Property (Map 46 Block 5 Lot 3)*: The City shall acquire this property for the future construction of a new roadway, together with associated utility improvements, sidewalks, and streetscape improvements, in order to facilitate connection of Storrs Street to Constitution Avenue, as well as possible relocation of railroad lines as part of said improvement. This acquisition shall also include purchase of any escheated rights which may have reverted to the State of New Hampshire. The property owner has waived any rights to relocation benefits as part of the purchase and sales agreement for the premises.
- viii. *Storrs Street Avenue Parking Associate Parcel (Map 46 Block 4 Lot 11)*: Pending final design of the connector road between Storrs Street and Constitution Avenue, the City may acquire this property for the future construction of a new roadway, together with associated utility improvements, sidewalks, and streetscape improvements, in order to facilitate connection of Storrs Street to Constitution Avenue, as well as possible relocation of railroad lines as part of said improvement. The City shall follow the provisions of this Section relative to relocation of displaced persons, as applicable.

### **C. Other Program Activities**

- 1. **Acquisition of Land, Easements, and Rights-of-Way**: The City will acquire the following land or easements through negotiations or through powers of eminent domain, including:
  - i. *City-owned Former Concord Lumber Site*: Land previously acquired by the City of Concord General Fund is included in the Tax Increment Financing (TIF) District Development Program. The General Fund will be reimbursed from proceeds of the TIF bond as described in Section V (Financing Plan). The 19 acre property will be offered for redevelopment. The property will be transferred to a private or not-for-profit development group for redevelopment for tax revenue generating commercial uses.
  - ii. *Lockwood-Young*: Approximately 3.0 acres of land currently owned by Lockwood-Young Corporation and occupied by the Coastal Concrete plant on South Commercial Street will be acquired from TIF bond proceeds. Approximately 30,000SF shall be utilized for right-of-way for the proposed connector street. The residual 2.3 acres may be partially retained for future rights-of-way and/or offered for redevelopment.

- iii. Riviera, Inc. (Greenland's Corporation): Approximately 11,500 sq. ft. of the property owned by Riviera, Inc. will be acquired with TIF bond proceeds and utilized for a street and utility right-of-way.
  - iv. Construction and Maintenance Easements: Additional highway, sidewalk, drainage, and utility construction and maintenance easements may be required as necessary in order to facilitate construction of highway related improvements.
  - v. Railroad Right-of-Way: The State Department of Transportation is in the process of acquiring the railroad right-of-way and track that passes through the District. Once the State Department of Transportation completes acquisition and the tracks are relocated, the District may acquire the land not needed for railroad right-of-way for development purposes or utility rights-of-way.
  - vi. GPP Properties (Goulet Supply Co. Inc.): Approximately 400 square feet of GPP Properties land will need to be acquired for construction Constitution Avenue. The balance of the property, 34,448 square feet of land and 20,197 square feet of buildings will need to be acquired in fee simple title for the widening and redevelopment of Commercial Street.
  - vii. Utility and Slope Easements: Right-of way, utility, drainage and slope easements may need to be acquired from Concord Historic Associates LP (Page Belting), New Hampshire Distributors Inc., the Society for the Protection of New Hampshire Forests, and Timothy Woodman.
2. **Pedestrian & Streetscape Improvements, Transportation Connectivity to Areas Outside of the NEOCTIF District**: The City shall undertake the following activities or construct the following improvements as part of its development activities within the NEOCTIF District:
- i. Streetscape Amenities: During the redevelopment of the TIF District, North Commercial Street shall be reconstructed to meet contemporary street standards including installation of lighting systems, street signs, and street furniture, landscaping of street and public property, and other systems compatible with the character of the district. Cost of constructing this improvement will come from TIF supported bond proceeds.
  - ii. Sidewalks: Sidewalks may be constructed or reconstructed connecting the NEOCTIF District to Horseshoe Pond Lane, the adjacent North Main Street Historic District, Commercial Street, South Commercial Street, Stickney Avenue, Storrs Street, and I-393, North Main Street,

and ultimately to Fan Road (a.k.a. Delta Drive), the McAuliffe-Sheppard Planetarium, and the New Hampshire Technical Institute. The cost of constructing these improvements may be funded through a combination of TIF supported bonds, grants, and private contributions.

- iii. *Downtown Highway and Pedestrian Connection*: The City Council hereby affirms that it shall be a City priority to make a physical transportation connection between the Downtown and development within the NEOCTIF District. Said connection shall be the construction of a new road (commonly referred to as Storrs Street North Extension), complete with sidewalks, utilities, and streetscape amenities, roughly situated between Storrs Street and Constitution Avenue / South Commercial Street.

In order to facilitate said connection, the City Council approved Resolution 8540 on March 12, 2012 for the purpose of expanding the geography of the NEOCTIF District to include parcels which shall need to be acquired in order to provide future right-of-way for said roadway.

In addition, the City has created Project #18 in its Capital Improvement Program (CIP) for construction of this roadway extension.

The City, with input from the NEOCTIF Advisory Committee, shall endeavor to acquire private real estate as opportunities arise to carry out this purpose.

Due to the need to acquire multiple private parcels, as well as secure rights to cross the high-speed rail corridor, it is anticipated that the design and construction of said roadway will require a partnership with the NH Department of Transportation, possibly in conjunction with the future widening of Interstate 93.

In the interim, the North End Opportunity Corridor Tax Increment Finance District will explore alternative options for connecting the District with the downtown to encourage vehicular and pedestrian movement back and forth, such as:

1. Well lighted and landscaped walkways along Commercial and Storrs Streets, Stickney Avenue, I-393, Horseshoe Pond Lane, and North Main Street through the Historic District.
2. Shuttle Bus Service including Trolley-like vehicles by private providers.

3. Rail trolleys along existing railroad tracks by private providers.

**3. Property Clean Up and Removal of Blighted & Derelict Structures:** The City shall undertake environmental cleanup, remediation, and demolition activities within the NEOCTIF District in order to prepare property for public improvements or private redevelopment:

*i. Environmental Pollutants:*

1. City Owned Concord Lumber Site: The land owned by the City of Concord, and proposed to be offered for redevelopment, shall require remediation of environmental pollutants to satisfy New Hampshire Department of Environmental Services prior to, or as a condition of, any City planning, zoning, or building permit approvals. The cost of remediation may be funded through a combination of TIF bonds, grants, and private contributions.
2. Lockwood-Young Site: Prior to reconstruction of Commercial Street or construction of Commercial Street Connector or redevelopment of the residual land, the City will need to have a Level 2 Environmental Assessment conducted and remediate environmental pollutants to satisfy New Hampshire Department of Environmental Services. The cost of assessment and remediation may be funded through a combination of TIF supported bonds, grants, and private contributions.

*ii. Buildings, Structures, and Improvements:*

1. City-owned Concord Lumber Site: The land owned by the City of Concord (formerly Concord Lumber), and offered for redevelopment, is to be cleared of buildings, structures, and improvements prior to conveyance.
2. Lockwood-Young Site: The land owned by Lockwood-Young, and offered for redevelopment, is to be cleared of buildings, structures, and improvements prior to conveyance.

**4. Property Disposition:**

- i. City-owned Concord Lumber Site: The City-owned former Concord Lumber property will be transferred to a private or non-profit corporation for redevelopment for hotel, conference and trade centers,*

office, medical, high quality retail use, and/or other commercial uses in accordance with adopted City plans and ordinances. Revenues derived from the sale of properties subdivided from the former Concord Lumber Property shall be reimbursed to the City's Economic Development Reserve Fund in order to reimburse said fund for investments in the NEOCTIF District per Resolution #6808. Said reimbursement was accomplished by Resolutions #6774, 6799, 6963, 6987, 6994 and 7162.

- ii. Lockwood-Young Site: Upon completion of the connector street from Commercial to South Commercial, the City will have 2 parcels of surplus property for potential redevelopment.

The first is a 1.22 acre parcel known as the so-called Fish Hook Lot located at #11 Constitution Avenue. This property was sold by the City to private parties which developed the premises into a parking lot for #60 Commercial Street.

The second is a 0.79 acre parcel located at 1 South Commercial Street. This property is being retained as potential right-of-way for the Storrs Street North Extension. Should any residual property be available after completion the Storrs Extension, the City may retain such real estate as road / railroad right of way, and/or convey said property to a private or non-profit corporation for redevelopment for office, medical, retail use, and/or other commercial uses in accordance with adopted City plans and ordinances.

Revenues derived from the sale of these properties shall be either 1) deposited into the NEOCTIF District project budget for defeasement of TIF supported bonds and notes sold in accordance with Resolution #6807, 2) used to fund the District's annual operating and maintenance expenses, or 3) any other legal purpose.

- iii. GPP Properties (Goulet Supply Co. Inc.): Upon completion of the Commercial Street, the City may have surplus land for potential redevelopment. The property may be partially retained for future rights-of-way and/or conveyed to a private or non-profit corporation for redevelopment for office, medical, retail use, and/or other commercial uses in accordance with adopted City plans and ordinances.

- iv. #9 South Commercial Street (Former Agway) and Tsunis Holding Parcels: These properties are being retained as potential right-of-way for the Storrs Street North Extension. Should any residual property be available after completion the Storrs Extension, the City may retain

such real estate as road / railroad right of way, and/or convey said property to a private or non-profit corporation for redevelopment for office, medical, retail use, and/or other commercial uses in accordance with adopted City plans and ordinances.

5. **Ordinance Changes:** The City shall endeavor to amend, modify, or otherwise adopt changes to the City's Code of Ordinances in order to support redevelopment of the NEOCTIF District as might be deemed prudent by the City Council.
  
6. **Grants:** The City may apply for, accept, and appropriate the use of private foundation grants and/or state and federal grants such as HUD Community Development Block Grants, Economic Development Administration, Environmental Protection Agency, Department of Transportation, and/or other state and federal funds as they become available to assist with on-site and off-site improvements to make the project economically feasible and to assure all improvements are in compliance with city, state, and federal regulations. The City shall not be required to update this Development Program and Financing Plan when accepting grants, providing grants are used to support activities contemplated within this document.

V. **FINANCING PLAN:**

- A. **Statement of Objectives:** (See Section I )
  
- B. **Estimated cost of the Development Program:** The following is a summary of costs associated with various activities within the NEOCTIF District relative to design and construction of public improvements:

Table 1: Summary of Development Costs

Appropriation Number	<u>1</u>	<u>2</u>	<u>3 &amp; 4</u>	<u>5</u>	<u>6</u>	<u>7</u>	Total
<u>Resolution Number</u>	<u>6808, 6809</u>	<u>6807</u>	<u>6993 &amp; 7037</u>	<u>7064 &amp; 7065</u>	<u>8540 &amp; 8541</u>	<u>TBD</u>	
Date Appropriated	April 13, 1998	April 13, 1998	March 13, 2000	June 19, 2000	March 12, 2012	March 10, 2014	
Development Activity							
Property, Easements, & Right-Of-Way Acquisition	\$550,000	\$800,000	\$20,000				\$1,370,000
Goulet Property Acquisition			\$310,000				\$310,000
Goulet Supply Relocation Benefit			\$20,000				\$20,000
#9 South Commercial Street Acquisition, Relocation, & Demolition					\$230,000		\$230,000
Tsunis Holdings, Inc. Storms Street Acquisition & Related Activities						\$1,050,000	\$1,050,000
Utility Relocation		\$250,000		\$770,700			\$1,020,700
Building Demolition / Environmental Cleanup (1)							\$0
Railroad Relocation		\$500,000					\$500,000
Highway Improvements		\$1,000,000					\$1,000,000
Commercial St. Improvements Including Inspections & Administration			\$1,265,000				\$1,265,000
Design Services			\$100,000				\$100,000
Legal Services	\$49,500						\$49,500
Contingency / Overruns		\$90,000	\$250,000				\$340,000
Bond Costs			\$10,000				\$10,000
Capitalized Interest		\$145,000					\$145,000
Total	\$599,500	\$2,765,000	\$1,975,000	\$770,700	\$230,000	\$1,050,000	\$7,410,200
(1) CRDC Pledged				\$100,000			\$100,000
(2) Donal Associates Underground Utilities				In Kind Donation			

- C. **Proposed sources of revenue to meet cost of Development Program:** The following is a summary of funding sources and amounts appropriated for costs incurred by the NEOCTIF District:

**Table 2: Summary of Appropriations**

Original TIF Appropriation (1998 Original Appropriation)	\$2,785,000
Commercial Street Improvements Supplemental Appropriation	\$1,725,000
Economic Development Reserve Transfer*	\$849,500
Underground Wiring TIF Amendment	\$670,700
CRDC Pledge for Underground Utilities	\$100,000
Donal Associates Pledge to Trench & Install Conduits	In Kind
9 South Commercial Street Acquisition & Demolition March 2012	\$230,000
Tsunis Holdings, Inc. Storrs Street Acquisition 2014 - Fund Balance and TIF Supported G.O. Bond.	\$1,050,000
<b>Total Project Appropriation</b>	<b>\$7,410,200</b>
<i>*(Includes Conference Center / Trade Show appropriations prior to TIF Enactment for activities included within this Development Program and Financing Plan)</i>	

- D. **Estimated annual cost of Development District:** The following is a summary of estimated annual debt service and operating costs for the NEOCTIF District:

**Table 3: Summary of Estimated Annual Debt Service & Operating Costs**

Previously Authorized Debt (1998, 2000)	\$376,170
Average Annual Debt Service (Tsunis Holdings Purchase) FY 2014	\$130,800
Annual Operating & Maintenance Costs (FY 2014)	\$125,850
<b>Total Estimated Annual Cost (FY2014)</b>	<b>\$632,820</b>

- E. **Sources of revenue to meet annual cost of Development District:** The FY2014 assessed value of incremental development within the NEOCTIF District is \$50,329,700. This will generate approximately \$1,313,182 in incremental property tax revenues, which are eligible to be captured by the NEOCTIF District and retained to support TIF debt service and operating expenses.

Because new incremental development within NEOCTIF District has far exceeded the amount required to support debt service and operating expenses, the City Council, since FY2005, has released a portion of the incremental assessed value on an annual basis to support the City's General Fund, as well as the Concord School District, Merrimack County, and State of New Hampshire. In FY2014, the City Council released \$25,985,400, which yielded approximately \$678,001 in tax revenues for these entities, combined.

**F. Duration of the Program's Existence:** The NEOCTIF District shall remain in place until both of the following occur:

1. The City Council determines that the activities described within this Development Program, as amended, are accomplished; and,
2. All debt service issued to construct improvements set forth within the Development Plan and supported by the NEOCTIF District is retired or other legally defeased. Debt service shall include, but not be limited to; all TIF supported general obligation bonds and notes, as well as appropriations from the City's Economic Development Reserve ("EDR") Fund. All moneys appropriated from the EDR Fund are to be reimbursed to the EDR Fund by the NEOCTIF District, with interest.

**G. Estimated Impact of Tax Increment Financing Upon All Related Taxing**

**Jurisdictions:** The following is a summary of initial reduction in the assessed value available to the City's General Fund, School District, and State of New Hampshire, as a result of the acquisition of private property by the City to carry out the development program:

1. Lockwood Young Property (City Assessor's Parcel 56/1/2): A loss of assessed value in the amount of \$420,400 due to the City's acquisition of this property for right-of-way purposes. The City's acquisition of the property made it tax exempt.
2. GPP Properties (Goulet Supply Co. Inc.) Property (City Assessor's parcel number 58/2/5): A loss of assessed value in the amount of \$271,400 due to the City's acquisition of this property for right-of-way purposes. The City's acquisition of the property made it tax exempt.
3. 6-9 South Commercial Street (City Assessor's Parcel 55/6/2): A loss of assessed value in the amount of \$350,500 due to the City's acquisition of this property for right-of-way purposes. The City's acquisition of the property made it tax exempt.
4. Tsunis Holdings, Inc. Property / Storrs Street (City Assessor's Parcel #46/5/3): A loss of assessed value in the amount of \$361,900 due to the City's acquisition of this property for right-of-way purposes. The City's acquisition of the property made it tax exempt.

The incremental assessed value resulting from new development within the NEOCTIF District will replace the assessed value lost due to the acquisition of these properties. Further, since FY2005, the City has released a portion of the incremental assessed value on an annual basis to support the City's General Fund, as well as the Concord School District, Merrimack County, and State of New Hampshire. In

FY2014, the City Council released \$25,985,400, which yielded approximately \$678,001 in tax revenues for these entities, combined.

- H. Captured value dedicated towards retirement of TIF supported bonds and notes and repayment of contributions from the City's Economic Development Reserve Fund:** Up to 100% of the captured value of the District shall be dedicated for retirement of TIF supported bonds and notes as well as repayment of appropriations from the City's Economic Development Reserve Fund. (RSA 162-K:10 II, a).

Because new incremental development within NEOCTIF District has far exceeded the amount required to support debt service and operating expenses, the City Council, since FY2005, has released a portion of the incremental assessed value on an annual basis to support the City's General Fund, as well as the Concord School District, Merrimack County, and State of New Hampshire. In FY2014, the City Council released \$25,985,400, which yielded approximately \$678,001 in tax revenues for these entities, combined.

- I. Annual Allocation of Captured Value:** In regard to 162-K:10, II, b, the City, as part of its annual budgeting process, shall determine the amount of incremental assessed value required to support the NEOCTIF District's debt service and operating costs. With respect to surplus incremental assessed value (and property tax revenues associated therewith), the City Council may elect to have the NEOCTIF District retain said surplus value or to release any portion of said surplus value to the City's General Fund, Concord School District, Merrimack County, and State of New Hampshire.

**VI. DISTRICT ADMINISTRATION:**

The administration of the Development District shall be by the City Manager who shall make an annual financial report to the Council. The annual financial report may be in the form of the City's Comprehensive Annual Financial Report (CAFR), annual budget, or other document created to fulfill this requirement.

**VII. ADVISORY BOARD RESPONSIBILITIES:**

In accordance with RSA 162-K:14, the City Council passed Resolution #6681 on February 18, 1997, delineating the respective powers and duties of the Advisory Board. The Advisory Board shall consist of seven people, the majority of whom are landowners or tenants within or adjacent to the NEOCTIF District, as appointed by the City Manager and confirmed by the City Council.

The Advisory Board shall advise the governing body and district administration on planning, construction, and implementation of the development program and on maintenance and operation of the district after the program has been completed until such time as debt service has been fully repaid and the District is terminated.

The Advisory Board shall have 30 days to appeal any decision by the District Administration to the City Council for a final decision. The Advisory Board shall meet as frequently as circumstances require, as deemed necessary by the City Manager or the membership of the Advisory Board.



**Exhibit 1**  
*North End Opportunity Corridor – Tax Increment Finance District*  
Prepared by the City of Concord, N.H. (October 18, 2012)

Buy  
12/31/13  
1-14

# CITY OF CONCORD

*In the year two thousand and fourteen*

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AND SALES AGREEMENT WITH TSUNIS HOLDINGS, INC. FOR REAL ESTATE LOCATED ON STORRS STREET AND APPROPRIATING THE SUM OF \$1,050,000, INCLUDING \$450,000 FROM NEOCTIF UNDESIGNATED FUND BALANCE AND THE ISSUANCE OF \$600,000 IN NEOCTIF SUPPORTED BONDS AND NOTES, TO FACILITATE ACQUISITION OF PROPERTY AND RELATED ACTIVITIES.**

Page 1 of 3

*The City of Concord resolves as follows:*

**WHEREAS,** Tsunis Holdings, Inc. owns certain real estate located on Storrs Street, City Assessor's Parcel Map 46 Block 5 Lot 3; and,

**WHEREAS,** the real estate is comprised of two parcels, known as Lot A and B, which total 4.036 +/- acres, as shown on Plan #10396 recorded at the Merrimack County Registry of Deeds; and,

**WHEREAS,** the subject real estate is located within the North End Opportunity Corridor Tax Increment Finance (NEOCTIF) District; and,

**WHEREAS,** the City desires to acquire this property for the purpose of establishing a future right-of-way for construction of a new roadway to connect Storrs Street to Constitution Avenue and South Commercial Street, as currently contemplated in Capital Improvement Program (CIP) Project #18; and,

**WHEREAS,** the estimated cost to acquire the property, as well as complete related site improvements and related activities is \$1,050,000; and,

**WHEREAS,** as of June 30, 2013 the NEOCTIF Fund had an undesignated fund balance of \$721,081 available, of which \$450,000 shall be appropriated to support the purchase of this property and related activities, therefore a net appropriation of \$600,000 shall be required to complete this transaction and related activities; and,

**WHEREAS,** the \$600,000 in funding required shall be secured through issuance of bonds and notes to be supported by the North End Opportunity Corridor Tax Increment Finance (NEOCTIF) District; and,

# CITY OF CONCORD

*In the year two thousand and fourteen*

**RESOLUTION**      **AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AND SALES AGREEMENT WITH TSUNIS HOLDINGS, INC. FOR REAL ESTATE LOCATED ON STORRS STREET AND APPROPRIATING THE SUM OF \$1,050,000, INCLUDING \$450,000 FROM NEOCTIF UNDESIGNATED FUND BALANCE AND THE ISSUANCE OF \$600,000 IN NEOCTIF SUPPORTED BONDS AND NOTES, TO FACILITATE ACQUISITION OF PROPERTY AND RELATED ACTIVITIES.**

Page 2 of 3

**WHEREAS,**      the City desires to utilize available fund balance within the NEOCTIF District as well as future incremental property tax revenues generated within the District for this purpose; and,

**WHEREAS,**      this is a purpose for which funds are not included in the FY14 adopted budget and RSA 33:9 mandates that a two-thirds vote of all members of the City Council is required to pass a bond resolution, which shall be taken by roll call vote.

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

1. The sum of .....\$1,050,000  
be and is hereby appropriated as follows:

NEOCTIF  
Tsunis Holdings Purchase .....\$1,050,000

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

NEOCTIF  
Fund Balance .....\$ 450,000  
Bonds and Notes .....\$ 600,000  
Total .....\$1,050,000

3. In order to meet said expenditure the City Treasurer, with approval of the City Manager, is authorized to issue up to \$600,000 in bonds and notes of the City of Concord under the Municipal Finance Act. These bonds shall also be tax increment finance bonds issued under RSA 162-K.

# CITY OF CONCORD

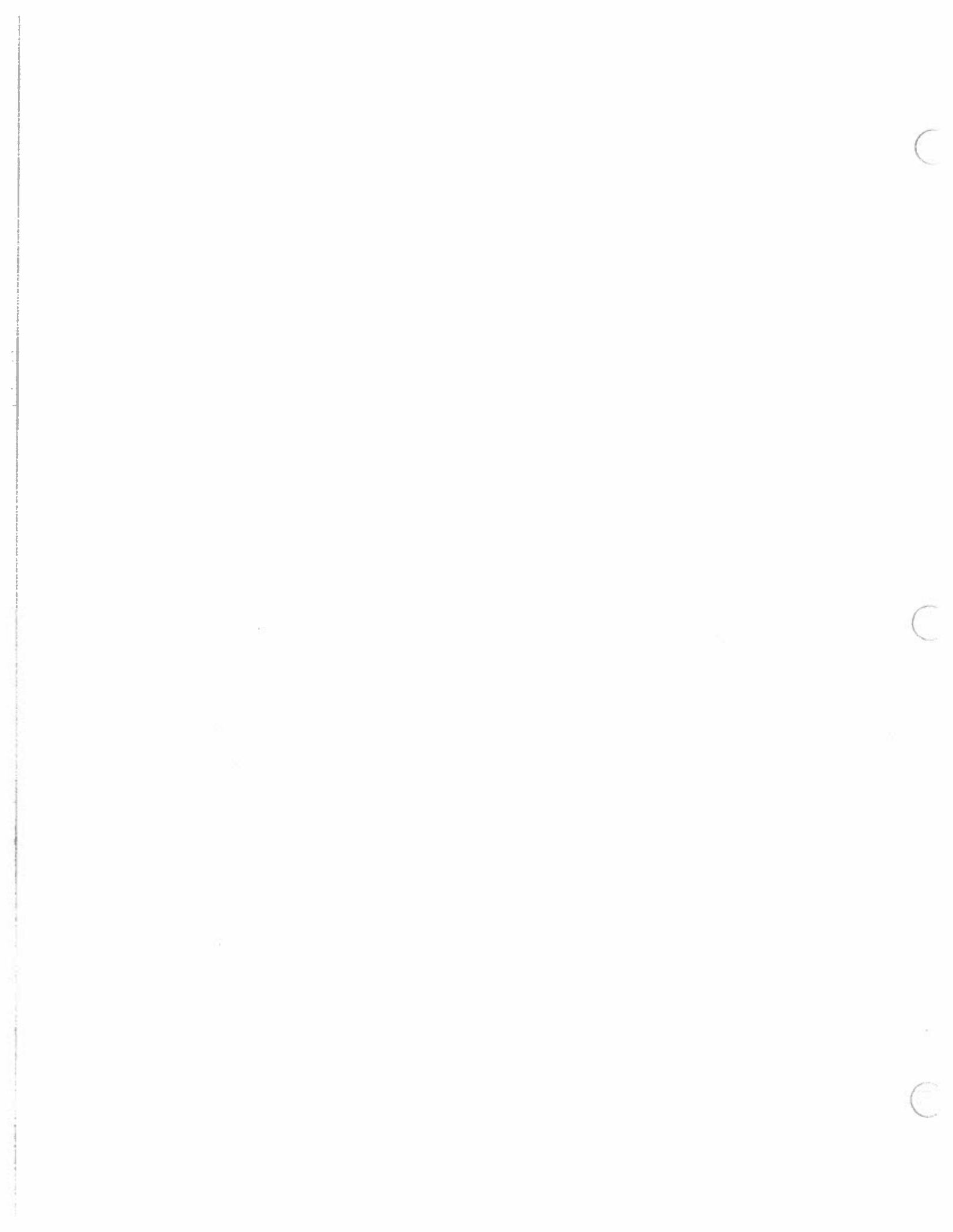
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*In the year two thousand and fourteen*

**RESOLUTION      AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AND SALES AGREEMENT WITH TSUNIS HOLDINGS, INC. FOR REAL ESTATE LOCATED ON STORRS STREET AND APPROPRIATING THE SUM OF \$1,050,000, INCLUDING \$450,000 FROM NEOCTIF UNDESIGNATED FUND BALANCE AND THE ISSUANCE OF \$600,000 IN NEOCTIF SUPPORTED BONDS AND NOTES, TO FACILITATE ACQUISITION OF PROPERTY AND RELATED ACTIVITIES.**

Page 3 of 3

4. The discretion of the fixing of dates, maturities, rate of interest, form and other details of such bonds and notes and providing for the sale are hereby delegated to the City Treasurer.
5. The useful life of the improvements is expected to be in excess of twenty (20) years.
6. These funds shall be available for any purpose associated with the acquisition of the Tsunis Holdings, Inc. property, including, but not limited to, acquisition of real estate, environmental due diligence, legal due diligence, architectural and engineering services, land planning services, title due diligence, boundary surveys, consultant services, demolition and environmental clean-up services, or any other lawful purpose related to redevelopment of this or any other properties within the NEOCTIF District.
7. Sums as appropriated shall be administered under the direction of the City Manager.
8. This resolution shall take effect upon its passage.



## PURCHASE AND SALES AGREEMENT

This **PURCHASE AND SALES AGREEMENT** ("Agreement") is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014 by and between Tsunis Holdings Inc. having a principal place of business at 172 North Main Street, Concord, New Hampshire 03301 (referred to the "Seller") and the City of Concord, a New Hampshire municipal corporation, with a principal place of business at 41 Green Street, Concord, New Hampshire 03301 (referred to as "the City" or "the Buyer") (referred to individually as a "Party" and collectively as the "Parties").

### RECITALS

This Agreement relates to the sale of real estate located on Storrs Street, Concord, New Hampshire (the "Premises"), City Assessing Department Parcel Map 46 Block 5 Lot 2.

This Agreement is entered into upon the basis of the following facts and intentions of the Parties:

- I. The City wishes to encourage cleanup, redevelopment and revitalization of that portion of Concord known as the North-End Opportunity Corridor in order to remove blight, foster tax base and job creation, as well as promote transportation connections from Downtown to the Grappone Conference Center and Corporate Park at Horseshoe Pond;
- II. The Seller owns certain real estate, comprised of two separate tracts, located on Storrs Street Concord, New Hampshire consisting of 4.036 +/- acres of land, combined, as further described herein and depicted on Exhibit 1;
- III. The City acknowledges that it will need to acquire title to certain escheated parcels from the State of New Hampshire (the "Escheated Parcels") in order to make title to the Premises marketable.
- IV. The City, subject to the contingencies set forth within this Agreement, desires to acquire the Premises; and,
- V. All Parties signatory to this Agreement are willing to proceed upon the terms and conditions of this Agreement.

NOW, THEREFORE, the Parties hereby agree as follows:

## 1. DESCRIPTION OF PREMISES AND REAL ESTATE TRANSACTION:

- 1.1. **General:** Pending the results of the City's due diligence and the other conditions in this Agreement, the Seller intends to sell to the City, and the City intends to acquire from the Seller, the Premises, consisting of two lots known as Lot #A with approximately 3.484+/- acres of land and Lot #B with approximately 0.553 acres of land, as shown on the attached plan titled "Exhibit 1".
- 1.2. **Purchase Price:** The City shall acquire the Premises for the sum of SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00) cash at Closing.
- 1.3. **Deposit:** No deposit shall be required for this transaction.
- 1.4. **Payment of Purchase Price:** The Purchase Price shall be paid in full by the Buyer to the Seller at Closing and conveyance of the Premises to the Buyer.
- 1.5. **Access to Premises:** The Seller hereby grants authorization to the Buyer, its employees, representatives, consultants, and agents to enter the Premises for the purpose of completing due diligence and for all other purposes necessary to carry out the terms of this Agreement.

The Buyer and the Seller shall coordinate all access to the Premises by third parties working on behalf of the Buyer as part of the Buyer's due diligence.

The Buyer shall indemnify, defend, and hold harmless the Seller from and against any and all claims, actions, damages or losses arising out the Buyer's activities pursuant to this paragraph during its inspection and subsequent tasks related thereto which are caused solely by the Buyer's negligence. The Buyer shall require any and all contractors who are retained for the purpose of completing due diligence or for any other purpose necessary to carry out the terms of this Agreement, and who will need to access the Premises, to obtain a certificate of insurance in the amount of \$2 million aggregate, \$1 million per occurrence naming the Seller as an additional insured. The Buyer shall also require any such contractors to execute the City's standard indemnification form naming both the City and the Seller as indemnified parties. The standard indemnification form shall be as follows, unless written approval of a requested change is granted by both the Buyer and Seller:

"The contractor agrees to indemnify, defend and save harmless the City and Tsunis Holdings, Inc., their officials, officers, agents and employees from any and all claims and losses accruing or resulting to any and

all contractors, subcontractors, suppliers, laborers and any other person, firm, or corporation furnishing or supplying work, services, materials or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm or corporation which may be injured or damaged by the contractor in the performance of this contract. In any case, the foregoing provisions concerning indemnification shall not be construed to indemnify the City or Tsunis Holdings, Inc. for damage arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the City, Tsunis Holdings, Inc. or their employees. This indemnification shall survive the expiration or early termination of this contract."

- 1.6. **Closing:** Closing shall occur no later than August 29, 2014. The Parties agree that all Closing documents, including Warranty Deed for conveyance of the Premises, easement deeds (if applicable) and other Closing documents, shall not be recorded at the Merrimack County Registry of Deeds and that cash shall not be exchanged between the Parties until all of the Buyer's Contingencies, as set forth in Article 2, have been achieved or satisfied.
- 1.7. **Title and Deed Restrictions:** In addition to the terms and conditions set forth within this Agreement, the conveyance of the Premises by the Seller to the Buyer shall be of good and marketable title thereto by Warranty Deed and insurable for the benefit of the City by a title insurer licensed in the State of New Hampshire and acceptable to the Buyer pursuant to an ALTA standard form title insurance policy in an amount equal to the Purchase Price, insuring that the Buyer holds marketable fee simple title to the Premises, at Buyer's expense and subject to the following:
- a) Existing matters of record accepted and approved by the City.
  - b) Acquisition by the City of the Escheated Parcels (which the cost of resolving shall not be at the Seller's expense).
- 1.8. **Seller's Affidavits and Certificates:** If requested to do so by the Buyer, the Seller, at the Closing, shall deliver such affidavits (in customary form) as may be required by the Buyer or Buyer's title insurance company with respect to: (1) parties in possession of the Premises, (2) rights of third parties and title claims in or to the Premises, and (3) mechanic's and materialmen's liens affecting the Premises.

- 1.9. **Deed Preparation; Recording Fees:** The Seller shall convey the Premises by Warranty Deed. The Seller shall prepare all deeds (including easement deeds, if any) at its expense. The Seller will deliver the draft deeds to the Buyer as soon after the execution of this Agreement as possible. The Buyer shall review the deeds within ten (10) business days of receipt from the Seller and provide comments to the Seller. The Seller shall address the comments and respond in a timely manner and revise the Warranty Deed or Easement Deeds no later than ten (10) business days prior to the Closing.
- 1.10. **Transfer Taxes and Recording Fees:** The Parties shall pay their respective shares of normal and customary recording fees and transfer taxes customarily associated with real estate transactions. The parties acknowledge that the Buyer is exempt from the Real Estate Transfer Tax pursuant to RSA 78-B:2, I. To the extent the Seller is not exempt from the real estate transfer tax, Seller agrees to pay their respective half of the transfer tax in the customary fashion.
- 1.11. **Discharge of Liens:** The Seller shall, at its expense, pay or discharge all liens, mechanics liens, encumbrances, and attachments, if any, which may exist on the Premises through the date of Closing or filed after recording of the deed transferring the Premises to the City due to an action by the Seller prior to recording of the transfer deed, except those which the parties agree will not be discharged in accordance with Section 1.7 above. To enable the Seller to make conveyance as herein provided, the Seller may, at the time of delivery of the deed, use the Purchase Price or any portion thereof to clear the title or any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed. The Seller shall also be entitled to use the proceeds to pay off any mortgagee, pursuant to standard customary practices for real estate transactions and conveyances, and receive therefrom a discharge(s) to be recorded in the ordinary course of business.
- 1.12. **Prorating of Property Taxes and Utility Costs:** At the time of recording of the Deed, the Seller shall be required to pay all property taxes and utilities (as applicable) for the Premises through the date of Closing.
- 1.13. **Delivery of Premises, Removal of Tenants, Property to be Retained by Seller.** The Seller shall deliver possession of the Premises to the Buyer in its AS IS, WHERE IS condition, free and clear of all tenants and third parties. Buyer acknowledges that the Property has piping, catch basins, manholes and other personal property located there. Seller, at its discretion, may remove such items, but is not obligated to remove them.

- 1.14. **Title Insurance:** If applicable, the Seller shall execute all customary documents required by the Buyer's Title Insurance Company.
- 1.15. **Real Estate Broker's Fees & Commissions:** Each Party hereby affirms that no real estate broker or realtor represents either Party in this transaction. The Parties agree that the acting Party shall be responsible for any broker's commission or compensation related to this transaction due to action by that Party.
- 1.16. **Environmental Contamination, Due Diligence, and Indemnification:**

- 1.16.1. **Environmental Reports Commissioned by the Seller:**  
The Seller shall provide the Buyer with copies of any and all environmental studies, assessments, or reports which it has in its possession.

The Buyer acknowledges and agrees that it may not rely upon the representations, certifications, and statements contained therein without the express written consent of the parties who authored such reports or generated said data. Further, the Buyer acknowledges that the provision of such materials by the Seller does not constitute any representation or warranty by the Seller related to environmental conditions or potential presence of hazardous materials at the Premises.

- 1.16.2. **Due Diligence:** The Buyer shall have the right to conduct such studies and investigations it deems necessary with respect to the environmental condition of the Premises and any environmental contamination or hazardous material related thereto. Said studies and investigations shall be completed no later than July 31, 2014, which period shall be referred to as the Environmental Inspection Period.

The Seller shall provide the Buyer (or its agents, employees, consultants, contractors, and representatives) reasonable access to the Premises during the Environmental Inspection Period for the purpose of carrying out any environmental investigations or other due diligence required by the Buyer. In order to complete such examinations or investigations, the Buyer may undertake soil borings, test pits, or installation of groundwater monitoring wells. The Buyer shall perform these tasks at its own risk and at its own expense. The Buyer accepts full responsibility for the use of the Premises during its inspections and due diligence, and acknowledges

that such access is subject to the indemnity provisions of Section 1.5.

The Buyer hereby discloses that it may undertake said due diligence through grant or technical assistance programs provided by the U.S. Environmental Protection Agency (the "US EPA"). The Seller shall execute all documents required by the Buyer and the US EPA related to completion of said due diligence, including a right of entry form as required by the US EPA.

1.16.3. **Results of Environmental Due Diligence:** If based upon examination of data and reports provided by the Seller or upon the results of the Buyer's own environmental tests, examinations, investigations, or studies, the Buyer determines that the Premises are not acceptable because of the presence of environmental contamination, hazardous materials, or other buried materials at the Premises, the Buyer shall have the following options, as follows:

1.16.3.1. Terminate this Agreement in which case the Seller shall return the Buyer's deposit in full, following which this Agreement shall be null and void, and of no further force or effect; or,

1.16.3.2. Accept the Premises in its "as is condition" and proceed to Closing, subject to other contingencies as set forth within this Agreement.

1.16.4. **Completion of Transaction and Environmental Conditions:** If the Buyer proceeds to Closing either relying upon environmental due diligence, tests, studies, or investigations completed by the Buyer or previously by the Seller, the Buyer shall accept full responsibility for the Premises in its "as is" environmental condition with respect to the potential presence of hazardous waste or other buried materials regardless whether such waste or other materials were identified by said due diligence, tests, studies, or investigations.

1.17. **Seller's Disclosures:** The Seller makes no warranties or representations regarding environmental contamination or sub-surface conditions at the Premises.

- 1.18. **Casualty and Condemnation:** In the event that the Premises, prior to Closing, are damaged by fire, flood, collapse, or other casualty, or is subject to an eminent domain proceeding, the Buyer at any time after the occurrence of such damage or casualty may elect to terminate this Agreement by written notice, in which event all other obligations of the Parties hereunder shall cease, any Deposits shall be returned to the Buyer, and this Agreement shall thereupon be void and of no further force or effect.

In the event of partial eminent domain (leaving suitable residual Premises area for the Buyer's Project), the Buyer may choose to proceed with the acquisition and redesign of its intended use of the Premises to accommodate the portion of Premises taken and the Parties shall negotiate an extension of timing requirements for Closing. Further, the Parties shall agree to reduce the Purchase Price in an amount directly proportionate to the total lot area seized by said taking.

The City warrants and represents to the Seller that the City has no plans to take all or any portion of the Premises by eminent domain and is unaware of plans by any other entity to do so.

- 1.19. **Relocation:** The Seller hereby waives any and all relocation assistance which it might be eligible for under RSA 162-K:6 and 162-K:15 as a result of the property being located within the North End Opportunity Corridor Tax Increment Finance ("NEOCTIF") District.

2. **BUYER'S CONTIGENCIES:** The City's obligation to Close on acquisition of the Premises shall be subject to the following contingencies, the failure to satisfy any one of which shall give the City any of the options set forth below and, in addition, the right to withdraw from this Agreement, after which the City shall have no further obligation to the Seller.

- 2.1. **Title:** Upon execution of this Agreement by the Parties, the Buyer shall perform a title examination of the Premises, and must be reasonably satisfied that title to the Premises is good, marketable and insurable, subject to the City, at its expense, negotiating conveyances from the State of New Hampshire for the Escheated Parcels. In the event that the title to the Premises is not good, marketable and insurable, the Seller shall be provided a reasonable period of time, no less than thirty (30) days, within which to resolve such title defects. Buyer acknowledges that the Premises is subject to a mortgage and that the Seller shall work with its lender(s) to obtain a discharge of such mortgage with respect to the Premises. Such discharge may be delivered at Closing. In the event that such defects cannot be resolved to the Buyer's reasonable satisfaction, the Buyer, at its sole option, may proceed with any of the following options:

- 2.1.1. Afford the Seller any additional amount of time which the Buyer solely deems reasonable to cure said Title defects; or,
  - 2.1.2. Terminate this Agreement, in which case the Buyer shall be entitled to the return of the Deposit (if any), following which this Agreement shall be null and void, and of no further force or effect; or,
  - 2.1.3. The Parties may renegotiate the Purchase Price to appropriately account for the condition of the Premises' Title and then proceed to Closing.
- 2.2. **Environmental Due Diligence:** This Agreement is specifically contingent upon the City completing environmental due diligence with results acceptable to the City in its sole discretion, in accordance with Section 1.16 of this Agreement. In the event that such due diligence yields results which indicate the Premises contains hazardous materials the Buyer shall have the ability to pursue any of the options set forth within Section 1.16.3.
- 2.3. **Enrollment of Premises in NH Brownfields Program:** This Agreement is specifically contingent upon the City successfully enrolling the Premises in the New Hampshire Brownfields Program (a.k.a. "Covenant Not to Sue Program") as administered by the NH Department of Environmental Services. This cannot be accomplished until the City has completed its environmental due diligence in accordance with this Agreement. Because the City plans to file its application as a "prospective purchaser" of the Premises, the Seller shall execute any documents necessary to enroll the Premises into this program. The City shall complete the application process at its sole expense.
- 2.4. **Amendment of North End Opportunity Corridor Tax Increment Finance ("NEOCTIF") District and Funding Appropriation by City Council:** This Agreement is specifically contingent upon the City Council conducting public hearings and obtaining the necessary votes for the purpose of:
- 2.4.1. Amending and re-adopting the North End Opportunity Corridor Tax Increment Finance (NEOCTIF) District Development Program and Finance Plan in accordance with RSA 162-K in order to use TIF funds to finance this acquisition and related expenses;
  - 2.4.2. Appropriation of funds from the NEOCTIF District by the City Council to finance purchase of the Premises and all related due diligence.

In the event the City Council does not conduct the necessary public hearings or obtain the votes required by March 10, 2014, the Seller may elect to terminate this Agreement, following which this Agreement shall be null and void, and of no further force or effect.

- 2.5. **Rail Road Crossing Easements**: This Agreement is specifically contingent upon the City's verification that rail road crossing easements associated with the Premises exist, are legally valid, assignable to the City, and suitable for the construction of a new two lane highway and infrastructure related thereto for the purpose of connecting Storrs Street to Constitution Avenue / South Commercial Street.
- 2.6. **Escheated Rights Agreement with State of New Hampshire**: This Agreement is specifically contingent upon the City entering into an agreement with the State of New Hampshire to acquire the Escheated Parcels upon such terms and conditions acceptable to the City.

3. **SELLER'S CONTINGENCIES**: Deleted in its entirety.

4. **REPRESENTATIONS AND WARRANTIES**

4.1. **Representations and Warranties of the Buyer**. The City hereby represents and warrants to the best of its knowledge and belief that:

- 4.1.1. The execution and delivery of this Agreement and the performance of the City's obligations hereunder have been duly authorized by such municipal action as necessary, and this Agreement constitutes the legal, valid and binding agreement of the City, enforceable against the City in accordance with its terms subject only to the conditions set out in this Agreement.
- 4.1.2. Subject to the conditions set out in this Agreement, neither the execution or delivery by the City of this Agreement, the performance by the City of its obligations in connection with the transactions contemplated hereby, nor the fulfillment by the City of the terms or conditions hereof conflicts with, violates or results in a breach of any constitution, law or governmental regulation applicable to the City, or conflicts with, violates or results in a breach of any term or condition of any judgment or decree, or any agreement or instrument, to which the City is a party or by which the City or any of its properties or assets are bound, or constitutes a default there under.
- 4.1.3. Except as set forth in this Agreement, no approval, authorization, order or consent of, or declaration, registration or filing with, any Governmental Authority is required for the valid execution and delivery of this Agreement by the City, except such as have been duly obtained or made or disclosed in this Agreement.
- 4.1.4. There is no action, suit or proceeding, at law or in equity, or official investigation before or by any court or Governmental Authority, pending or threatened against the City, wherein an unfavorable decision, ruling or

finding would materially adversely affect the performance by the City of its obligations hereunder or the performance by the City of its obligations under the transactions contemplated hereby, or which, in any way, questions or may adversely materially affect the validity or enforceability of this Agreement, or any other agreement or instrument entered into by the City in connection with the transactions contemplated hereby.

**4.2. Representations and Warranties of the Seller.** The Seller hereby represents and warrants to the best of its knowledge and belief that:

- 4.2.1. The Seller has the power and authority to execute, deliver and carry out the terms and provisions of this Agreement and all necessary action has been taken to authorize the execution, delivery and performance by it of this Agreement. This Agreement will, upon execution and delivery thereof by the Seller, constitute valid, legal and binding obligations of the Seller enforceable against the Seller in accordance with the respective terms thereof.
- 4.2.2. Neither the execution or delivery by the Seller of this Agreement, the performance by the Seller of their obligations in connection with the transactions contemplated hereby, nor the fulfillment by the Seller of the terms or conditions hereof conflicts with, violates or results in a breach of any constitution, law or governmental regulation applicable to the Seller, or conflicts with, violates or result in a breach of any term or condition of any judgment or decree, or any agreement or instrument, to which the Seller are a party or by which the Seller or any of its properties or assets are bound, or constitutes a default there under.
- 4.2.3. No approval, authorization, order or consent of, or declaration, registration or filing with, any Governmental Authority is required for the valid execution and delivery of this Agreement by the Seller, except such as have been duly obtained or made.
- 4.2.4. There is no action, suit or proceeding, at law or in equity, or official investigation before or by any court or Governmental Authority, pending or threatened against the Seller, its principal(s), affiliate(s), or entities controlled by its principal(s), wherein an unfavorable decision, ruling or finding would materially adversely affect the performance by the Seller of their obligations hereunder or the performance by the Seller of its obligations under the transactions contemplated hereby, or which, in any way, questions or may adversely materially affect the validity or enforceability of this Agreement or any other agreement or instrument entered into by the Seller in connection with the transactions contemplated hereby.

## 5. GENERAL PROVISIONS

- 5.1. **Cooperation**: The Buyer and the Seller agree to cooperate with each other in order to achieve the purposes of this Agreement and, in connection therewith, to take such further actions and to execute such further documents as may reasonably be requested by the Seller, the Buyer, or their representatives, agents, and consultants.
- 5.2. **Entire Agreement; Amendments**. This Agreement embodies the entire agreement and understanding between the Parties hereto relating to the subject matter herein and supersedes all prior agreements and understandings between the Parties. This Agreement may not be changed, modified, waived, discharged or terminated orally, but only by an instrument in writing signed by each of the Parties hereto or by the Party against which enforcement is sought. Any change, modification or amendment, which requires the consent or approval of a Governmental Authority, shall be effective only upon receipt of such approval.
- 5.3. **Binding Effect; Successors and Assignors**. The terms and provisions of this Agreement and the respective rights and obligations of the Parties hereunder shall be binding upon, and inure to the benefit of, their respective heirs, successors, assigns, and nominees.
- 5.4. **Headings**. The headings to the sections and subsections of this Agreement have been inserted for convenience of reference only and shall not modify, define, limit or expand the express provisions of this Agreement.
- 5.5. **Exhibits**. All exhibits referred to in this Agreement are hereby incorporated by reference and expressly made a part hereof.
- 5.6. **Governing Law**. This Agreement shall in all respects be governed by, and construed and enforced in accordance with, the laws of the State of New Hampshire.
- 5.7. **Enforceability**. Any provision of this Agreement that is determined to be illegal or unenforceable by a court of competent jurisdiction, shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof; and the Parties agree to negotiate in good faith to amend the Agreement to provide for each party to the Agreement the same relative rights and obligations existing prior to such determination of illegality or unenforceability.
- 5.8. **Consent to Jurisdiction and Venue**. The Buyer and Seller submit to the jurisdiction of the courts of the State of New Hampshire and the courts from which an appeal from such trial venue may be taken or other relief

may be sought for purposes of any action or proceeding arising out of this Agreement or any related agreement. All legal actions taken by the Parties shall be commenced in Merrimack County New Hampshire Superior Court. Both Parties hereby waive their right to a jury trial.

- 5.9. **Independent Parties.** The Buyer and Seller are independent parties under this Agreement, and nothing in this Agreement shall be deemed or construed for any purpose to establish between any of them or among them a relationship of principal and agent, employment, partnership, joint venture, or any other relationship other than independent parties.
- 5.10. **Survival of Agreement.** The agreements, covenants, indemnities, representations and warranties contained herein shall survive the execution and delivery of this Agreement.
- 5.11. **Waivers.** Failure on the part of any Party to complain of any action or non-action on the part of the other Party, no matter how long the same may continue, shall not be deemed to be a waiver of any such Party's rights hereunder. No waiver at any time of any provision hereof by any Party shall be construed as a waiver of any other provision hereof or a waiver at any subsequent time of the same provision.
- 5.12. **No Rights Conferred Upon Others.** Except as expressly set out herein, nothing in this Agreement shall be construed as giving any individual, corporation, limited liability company, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government, other than the Parties hereto, their successors and permitted assigns, any right, remedy or claim under or in respect of this Agreement or any provision hereof.
- 5.13. **Preservation of Rights.** Nothing herein or in any Related Agreement shall limit or be construed to limit in any way rights or remedies the City may have for the collection of real property taxes under law, unless expressly set forth herein.
- 5.14. **Time of the Essence.** The Parties agree that time is of the essence in performance of their respective obligations under this Agreement
- 5.15. **Good Faith and Fair Dealing.** Unless expressly stated otherwise in this Agreement, whenever a party's consent or approval is required under this Agreement, or whenever a party shall have the right to give an instruction or request another party to act or to refrain from acting under this Agreement, or whenever a party must act or perform before another party may act or perform under this Agreement, such consent, approval, or instruction, request, act or performance shall be reasonably made or

done, or shall not be unreasonably withheld, delayed, or conditioned, as the case may be.

- 5.16. **Municipal Approvals.** The execution of this Agreement does not preempt or supersede the review process or powers of any City or other governmental Board, Committee, Commission, or Department, or excuse the parties from the requirement to apply for and receive all necessary permits and approvals from all applicable City or other governmental Boards, Committees, Commissions, or Departments.
- 5.17. **Warranties and Representations:** The Buyer and Seller each acknowledge that they have not been influenced to enter into this transaction or relied upon any warranties or representations not specifically set forth or incorporated into this Agreement.
- 5.18. **Saving Clause:** In the event that any of the terms or provisions of this Agreement are declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this Agreement, the remaining terms and provisions that are not effected thereby shall remain in full force and effect.

#### LIST OF EXHIBITS

- Exhibit 1 Land in Concord NH Boston & Maine Corporation to Tsunis Holdings, Inc. prepared by Holden Engineering and Surveying, Inc. dated May 24, 1988, recorded at the Merrimack County Registry of Deeds as Plat #11145, as well as a sketch plan titled "Compilation of Concord Tax Maps Land of Tsunis Holdings, Inc." undated, prepared by Orr & Reno detailing approximate location of escheated rights parcels.

**[The remainder of this page left blank intentionally]**

Executed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**BUYER**

**CITY OF CONCORD**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Thomas J. Aspell, Jr., City Manager  
Duly Authorized

**STATE OF NEW HAMPSHIRE  
COUNTY OF MERRIMACK**

In \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, personally appeared **THOMAS J. ASPELL, JR.**, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he executed said instrument for the purposes therein contained as his free and voluntary act and deed.

\_\_\_\_\_  
Justice of the Peace/Notary Public

**SELLER**

**TSUNIS HOLDINGS INC.**

By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Duly Authorized

**STATE OF NEW HAMPSHIRE  
COUNTY OF MERRIMACK**

In \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, personally appeared \_\_\_\_\_, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he executed said instrument for the purposes therein contained as his free and voluntary act and deed.

\_\_\_\_\_  
Justice of the Peace/Notary Public

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11145

Recorded July 18, 11:15 AM, 1989

Owner: Thomas E. Rubin, Esq. & Family

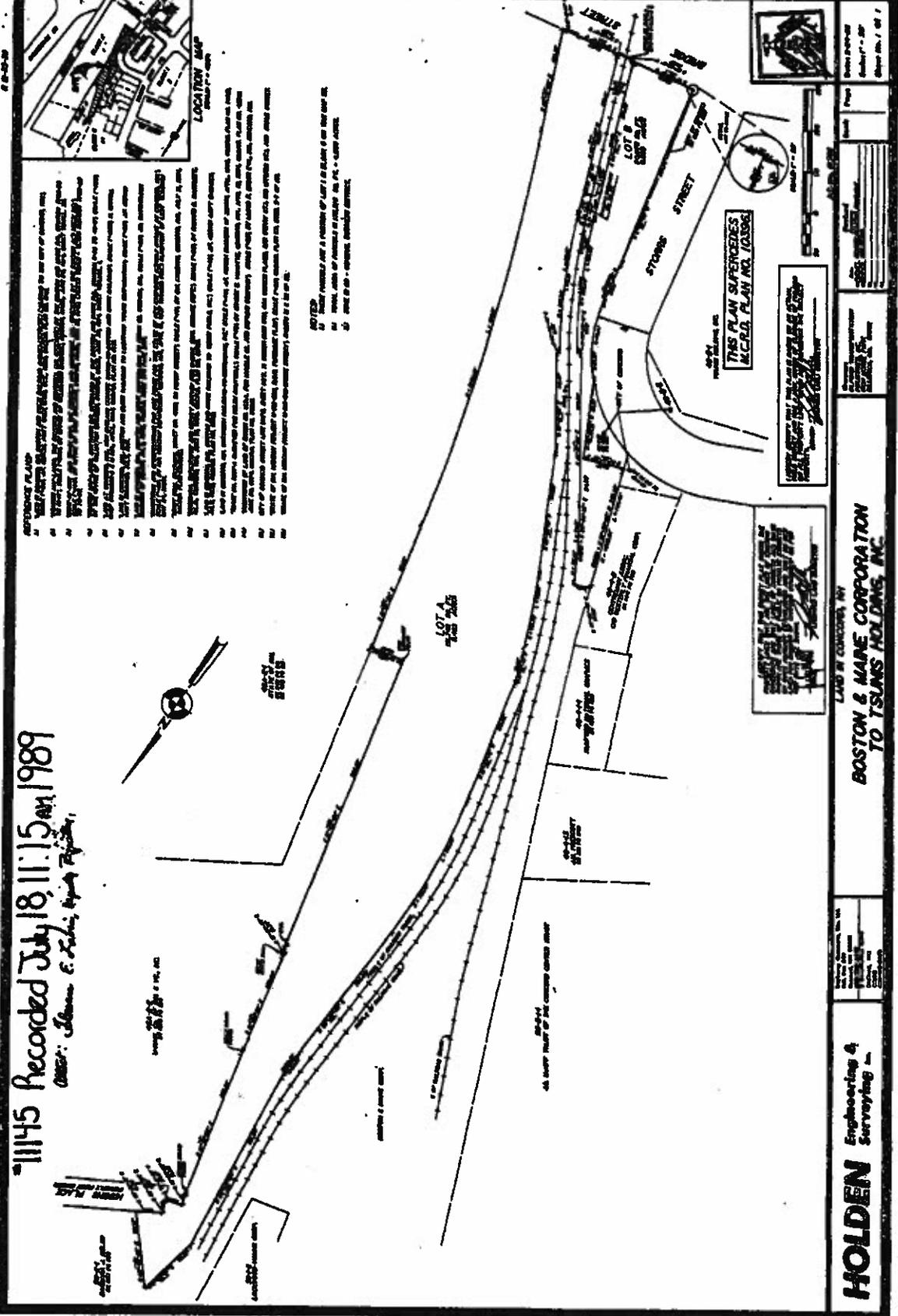


**REFERENCE PLANS:**

- 1. THE PLAN OF THE BOSTON & MAINE CORPORATION TO TSUMS HOLDING, INC. RECORDED JULY 18, 1989.
- 2. THE PLAN OF THE BOSTON & MAINE CORPORATION TO TSUMS HOLDING, INC. RECORDED JULY 18, 1989.
- 3. THE PLAN OF THE BOSTON & MAINE CORPORATION TO TSUMS HOLDING, INC. RECORDED JULY 18, 1989.
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- 10. THE PLAN OF THE BOSTON & MAINE CORPORATION TO TSUMS HOLDING, INC. RECORDED JULY 18, 1989.

**NOTES:**

1. THIS PLAN IS A PART OF THE PLAN OF THE BOSTON & MAINE CORPORATION TO TSUMS HOLDING, INC. RECORDED JULY 18, 1989.
2. THIS PLAN IS A PART OF THE PLAN OF THE BOSTON & MAINE CORPORATION TO TSUMS HOLDING, INC. RECORDED JULY 18, 1989.
3. THIS PLAN IS A PART OF THE PLAN OF THE BOSTON & MAINE CORPORATION TO TSUMS HOLDING, INC. RECORDED JULY 18, 1989.



THIS PLAN SUPERSEDES ALL PREVIOUS PLANS FOR THIS PROJECT.

**HOLDEN** Engineering & Surveying, Inc.

BOSTON & MAINE CORPORATION TO TSUMS HOLDING, INC.

Project Name	BOSTON & MAINE CORPORATION TO TSUMS HOLDING, INC.
Project No.	11145
Scale	AS SHOWN
Date	JULY 18, 1989
Drawn By	[Name]
Checked By	[Name]
Approved By	[Name]

11145



# CITY OF CONCORD

*In the year of our Lord two thousand and fourteen*

**RESOLUTION** ACCEPT AND APPROPRIATE THE SUM OF TWENTY-THREE THOUSAND THREE HUNDRED DOLLARS (\$23,300) IN GRANT FUNDING FROM THE DEPARTMENT OF SAFETY, STATE HOMELAND SECURITY AND EMERGENCY MANAGEMENT EXERCISE AND EVALUATION PROGRAM, FOR FUNDING OF A HOMELAND SECURITY EXERCISE IN CONJUNCTION WITH CONCORD HOSPITAL.

Page 1 of 2

*The City of Concord resolves as follows:*

- WHEREAS,** the Concord Police Department has received notification from the Department of Safety - Homeland Security and Emergency Management Exercise and Evaluation Program that the City of Concord has been approved to receive funding in the amount of \$23,300 to conduct a Homeland Security Exercise; and
- WHEREAS,** the Concord City Council approved Resolution #8706, adopted October 15, 2013, at their regular meeting authorizing the City Manager to apply for the above grant; 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,** the Concord Police Department, in conjunction with the Concord Fire Department, Merrimack County Sheriff's Office, NH State Police and Bow Police Department, desire to utilize this exercise to assess the response and interoperability capabilities of each agency in an active shooter incident; and
- WHEREAS,** there is no financial match required for this grant program; and
- WHEREAS,** this appropriation is for a purpose not included in the FY14 adopted budget, therefore Section 37 of the City Charter requires a two-thirds vote of the City Council.

# CITY OF CONCORD

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*In the year of our Lord two thousand and fourteen*

**RESOLUTION** ACCEPT AND APPROPRIATE THE SUM OF TWENTY-THREE THOUSAND THREE HUNDRED DOLLARS (\$23,300) IN GRANT FUNDING FROM THE DEPARTMENT OF SAFETY, STATE HOMELAND SECURITY AND EMERGENCY MANAGEMENT EXERCISE AND EVALUATION PROGRAM, FOR FUNDING OF A HOMELAND SECURITY EXERCISE IN CONJUNCTION WITH CONCORD HOSPITAL.

Page 2 of 2

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

1. The sum of.....\$23,300  
be and is hereby appropriated as follows:

Miscellaneous Special Revenue Fund  
Police Department  
Professional Development (Training).....\$23,300

2. Revenue for this project is available as follows:

Miscellaneous Special Revenue Fund  
Police Department  
2013 Dept. of Safety - Homeland Security and Emergency Management  
Exercise and Evaluation Program.....\$23,300

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

FA

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Chief John F. Duval  
Concord Police Department

**DATE:** December 17, 2013

**SUBJECT:** State Homeland Security Exercise Funds Appropriation

### Recommendation

Accept and appropriate the amount of twenty-three thousand three hundred dollars (\$23,300) of grant funding provided through the New Hampshire Department of Safety Homeland Security and Emergency Management Exercise and Evaluation Program. Said funding has been approved by the grantor to conduct an exercise designed to assess and evaluate the Department's response to an active shooter incident 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 training sessions regarding their expected responses to an active shooter incident as well as how law enforcement intends to respond given this type of critical event. This training is being overseen by the Concord Hospital Security Director and Concord Police personnel.

In addition, Concord Hospital has revised its "Code Silver" policy which outlines hospital personnel roles during an active shooter event. Concord Hospital has approached the Concord Police Department and requested we conduct an exercise in a joint fashion in order to assess both the initial law enforcement and staff response, and also the Mass Casualty Incident operational plan with the Concord Fire Department.

The intention of conducting this exercise is to identify and evaluate any deficiencies and shortcomings that present during the training scenario. This exercise will also assess the interoperability between law enforcement, emergency services and civilian staff.

### Discussion

The New Hampshire Department of Safety Homeland Security and Emergency Management Exercise and Evaluation Program has approved the Department's grant application and has set aside grant funds in the amount of \$23,300 for the Department to conduct this exercise. This grant funding will cover overtime expenses for personnel as well as backfill, supplies, evaluators, food supplies, and other incidentals that may occur with conducting such an exercise. 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.

The location of this training, Concord Hospital, is a preferred location by Homeland Security, and has the full support of the hospital administration. In addition to Concord Police Department and Concord Hospital personnel, this exercise will also include personnel and assets from the NH State Police, Merrimack County Attorney's Office, Bow Police Department, and Concord Fire Department. Costs associated with the participation of these agencies in this exercise have also been included in the grant appropriation.

Pending City Council approval this exercise is anticipated to be conducted during the end of March 2014.

*Ben M. J. [Signature]*  
1/3/14

1-16

# CITY OF CONCORD

*In the year of our Lord two thousand and fourteen*

**RESOLUTION** ACCEPTING AND APPROPRIATING THE SUM OF TWENTY-ONE THOUSAND SIX HUNDRED TWENTY-ONE DOLLARS (\$21,621) FROM THE NEW HAMPSHIRE CHARITABLE FOUNDATION FOR MANAGEMENT AND MAINTENANCE OF MUNICIPAL PROPERTY.

*The City of Concord resolves as follows:*

**WHEREAS,** on October 29, 2013 the City received notification from the New Hampshire Charitable Foundation of a grant award in the amount of \$21,621 to support projects that enhance the special character and vitality of Concord's downtown and its neighborhoods, and encourage citizen participation in municipal affairs and community life; and

**WHEREAS,** the City has determined that upgrades and improvements are needed in the stairwell and other interior areas of City Hall; and

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

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

1. The sum of .....\$21,621  
be and is hereby appropriated as follows:

Special Revenue Fund  
City Hall Improvements.....\$21,621

2. Said revenue shall be available as follows:

Special Revenue Fund  
NH Charitable Foundation FY2014.....\$21,621

3. Sums as appropriated shall be expended under the direction of the City Manager.

4. This resolution shall take effect upon its passage.



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Brian G. LeBrun, Deputy City Manager

**DATE:** December 27, 2013

**SUBJECT:** FY 2014 New Hampshire Charitable Foundation Grant

### Recommendations:

- Accept the following report; and,
- Set the attach resolution accepting and appropriating the sum of \$21,621 from the New Hampshire Charitable Foundation for public hearing on February 10, 2014.

### Background:

On October 29, 2013 the City Administration received notification from the New Hampshire Charitable Foundation that the City has been awarded \$21,621 in unmatched grant funds.

The City has been receiving these funds from the Charitable Foundation for more than a decade.

### Discussion:

As Council knows, the City typically receives an annual allocation from the New Hampshire Charitable Foundation for the purpose of undertaking special projects to improve the community, and City properties/facilities in the community.

City Administration recommends using the FY2014 installment to make improvements in City Hall stairwell areas. There have been significant funds allocated to the City Hall roof, front entrance steps and the exterior of Green Street Community Center in recent years as well as tremendous improvements to the lobby area from donated funds. However, very little funds have been allocated to make any improvements to the other interior areas of City Hall including the stairwells. The stairwells are one of the main focal points of citizens and customers visiting the facility, and are in need of attention and upgrades. While these funds will not completely refurbish these interior spaces, it will help start the improvement process.

These projects will be managed by the Public Properties Division of the General Services Department.



# CITY OF CONCORD

1-17  
TJA

## REPORT TO MAYOR AND THE CITY COUNCIL

**DATE:** January 2, 2014  
**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

**From:** "Duval, Carrie" <[CDuval@concordpolice.com](mailto:CDuval@concordpolice.com)>

**Date:** December 2, 2013 at 4:14:30 PM EST

**To:** "Mitchell, Keith" <[KMitchell@concordpolice.com](mailto:KMitchell@concordpolice.com)>, "Duval, John" <[JDuval@concordpolice.com](mailto:JDuval@concordpolice.com)>

**Subject:** Compliment for Officer

Mary Whitman, 9 Wiggin Street, called this afternoon to compliment the very nice officer who responded to her neighborhood at 5:30 am this morning.

She said a Concord Monitor deliveryman reported a door open at a house on his route – it was unusual so he called the police. An officer knocked on Mary's door and identified himself. She spent a few minutes talking to him about the neighborhood (the neighbors have an informal neighborhood watch). She said she wanted to call and let us know that he was very nice and very kind. She said she forgot to get his name but he was in his 20's and had dark hair. She was also grateful that the police responded so quickly.

I told her I would pass her comments along to the Officer and his Supervisors.

Carrie

---

Carrie R. Duval  
Administrative Assistant - Chief's Office  
Concord Police Dept.  
35 Green St.  
Concord, NH 03301  
603-230-3730  
603-225-8519 (fax)  
E-mail: [cduval@concordpolice.com](mailto:cduval@concordpolice.com)

**From:** Mike%20Russell [<mailto:m.russell3@comcast.net>]

**Sent:** Wednesday, November 27, 2013 6:55 PM

**To:** Andrus, Dan

**Subject:** November 26/27, 2013

Chief,

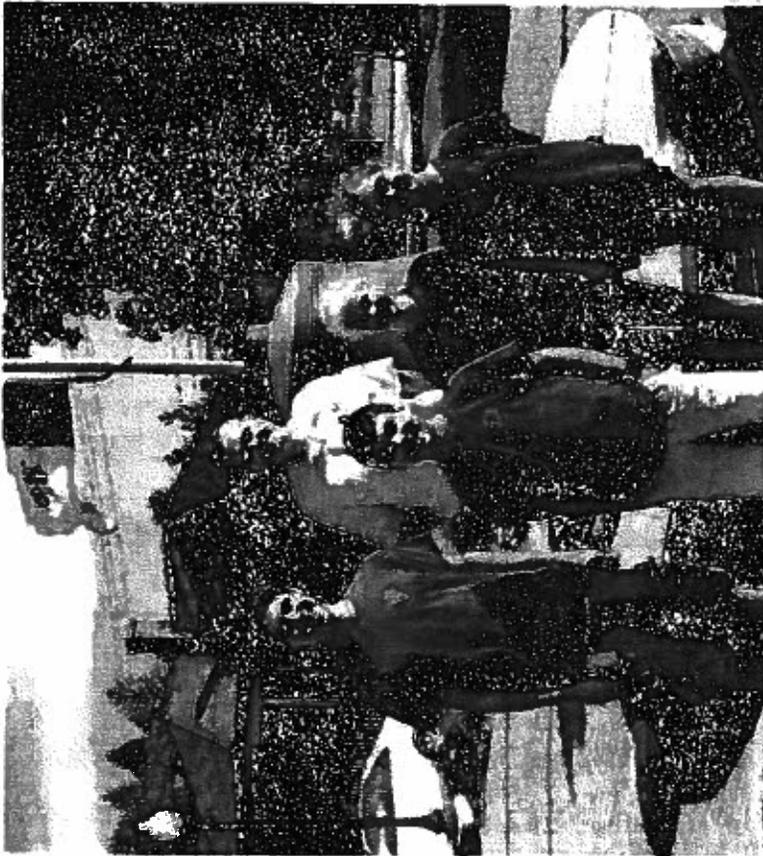
During the late evening hours of November 26, 2013 my family was awakened by the sound that no one wants to hear, **smoke alarms going off in the house**. I checked the house and found a smoke condition on the first floor of the home. The alarms had stopped but the smoke condition remained. I checked the wood stove and chimney and all appeared fine.

Needless to say I felt that it was important to have it checked to make sure my family and home were safe. I called dispatch and advised of the situation, he told me that they would have someone on the way to check the situation.

Within a short time units arrived. The good news is that it was an apparent down draft (*this has never happened before*) and all was OK. Your folks took their time checking the home to make sure there was nothing going on in then walls/chimney that we could not see and they did not leave until they were satisfied that all was fine. They were courteous and polite and reassuring. I apologized several times for having them respond, and I was reassured that it was not a problem as this is their job.

I was able to sleep much better knowing my family was safe and I want to thank you and the members of the department for their service to us very fortunate citizens of Concord.

Mike Russell and family  
32 Runnells Road  
Concord, NH 03303



Dear Fire Marshal Sean Brown,

Thank you for all the time you have spent with us over the past few weeks. You have been a great resource for our team. We really appreciate it. Thank you for all your feedback and for helping us gain more information by meeting others in your field.

Sincerely,

Team 4-1-1

Jessiebilliam  
Aienstra

Jakob Grant

Results based on total surveys received for November 2013

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

I received services related to (circle all that apply): (Total surveys completed: (13)

City Council	Elections	Vital Records	Dog Licensing
( )	(1)	(9)	( )

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

Were you greeted promptly and friendly?

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

Was your wait for service reasonable?

(Worst)	1	2	3	4	5	6	7	(Best)
	( )	( )	( )	( )	( )	( )	(13)	

Was the staff person knowledgeable?

(Worst)	1	2	3	4	5	6	7	(Best)
	( )	( )	( )	( )	( )	( )	(13)	

Was your transaction complete and accurate?

(Worst)	1	2	3	4	5	6	7	(Best)
	( )	( )	( )	( )	( )	( )	(13)	

Comments and suggestion

“More room/privacy for forms.”

“Both clerks were very helpful.”

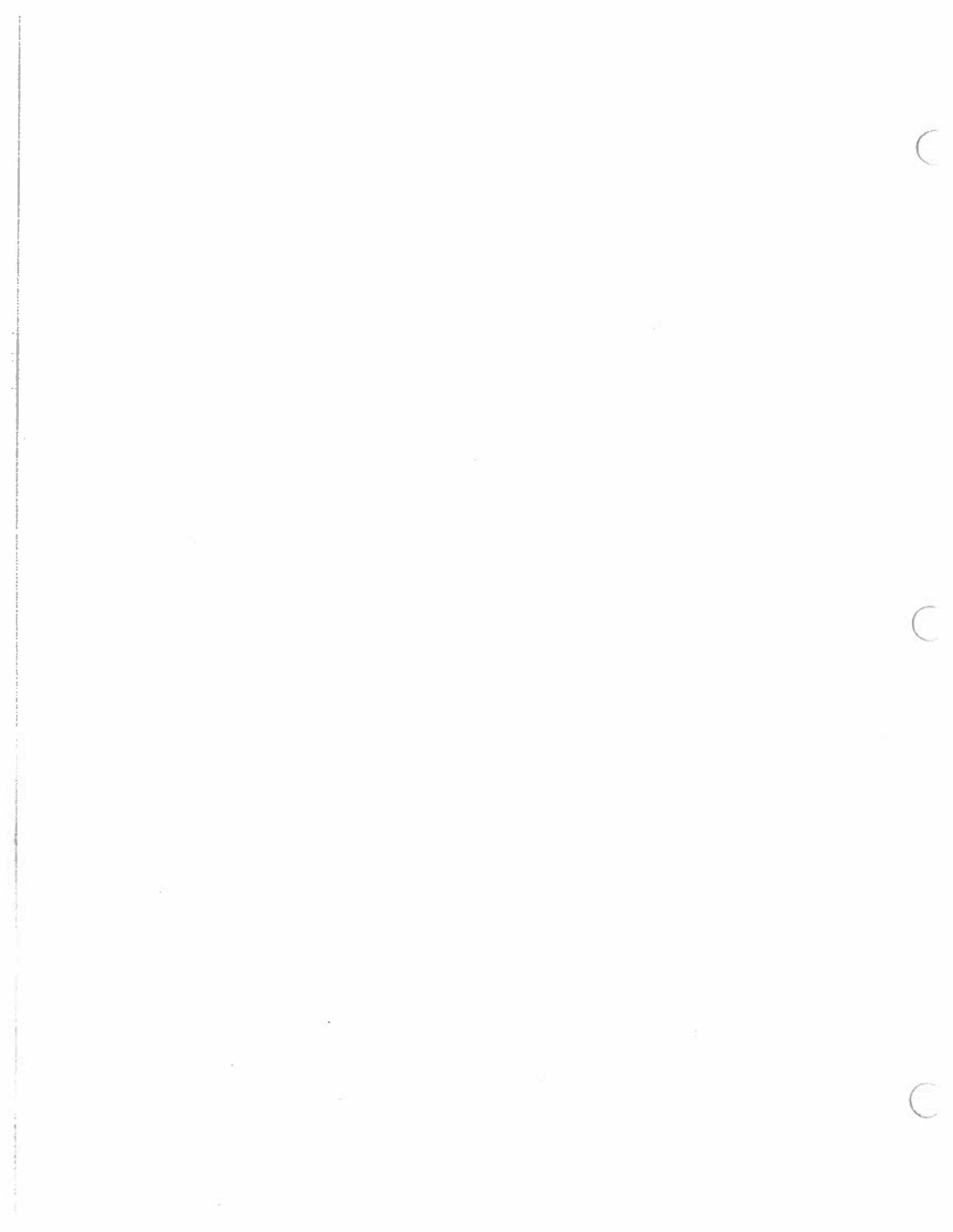
“Great services.”

“Woman that helped me was very friendly and knowledgeable.”

“Always great to deal w/Colette,”

“Very nice and thorough. Thank You!”

“Lower prices.”





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

1-18  
170

**PATRICIA A. IMMEN**  
LIBRARY DIRECTOR  
603-225-8670

**TO:** Honorable Mayor and City Council  
**FROM:** Patricia A. Immen, Library Director  
**RE:** Authorization to Accept Monetary Gifts Totaling \$2,160.12 as  
Provided for Under the Preauthorization Granted by City Council  
**DATE:** December 27, 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:

<b>Donor</b>	<b>Amount</b>	<b>Purpose</b>
Concord Public Library Patrons	\$599.50	Fees paid by patrons to replace lost and damaged library materials from 11/25/2013 through 12/26/2013
Concord Public Library Book Sale	\$1,230.62	Revenue from sale of used and donated books, audio materials and videos from 11/25/2013 through 12/26/2013
Ann D. Kolb	\$50.00	Purchase library materials for Penacook Branch in memory of Lillian Soderstrom
Elizabeth G. Mahon	\$30.00	Purchase library materials in memory of Betty Bourgault
Gail M. Painchaud	\$50.00	Purchase library materials in memory of Pearl & Dick Painchaud
Sue Finigan - Costa Mesa, CA	\$50.00	Purchase library materials as a thank you for excellent service
Christine Weeden and the Concord Writer's Group	\$150.00	Purchase library materials.
<b>TOTAL</b>	<b>\$2,160.12</b>	

**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

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# CITY OF CONCORD

1-19  
TAA

## REPORT TO THE MAYOR AND CITY COUNCIL

**To:** Honorable Mayor and City Council  
**From:** Jacqueline Whatmough  
**Re:** Authorization to expend the donation of \$400  
**Date:** December 19, 2013

### Recommendation

It is recommended that City Council approve the acceptance and expenditure of the above cited monetary donation from Mr. Arthur Aznive and his family.

### Background

Funds are requested to be expended under the authority established pursuant to resolution number 8120 adopted December 10, 2007.

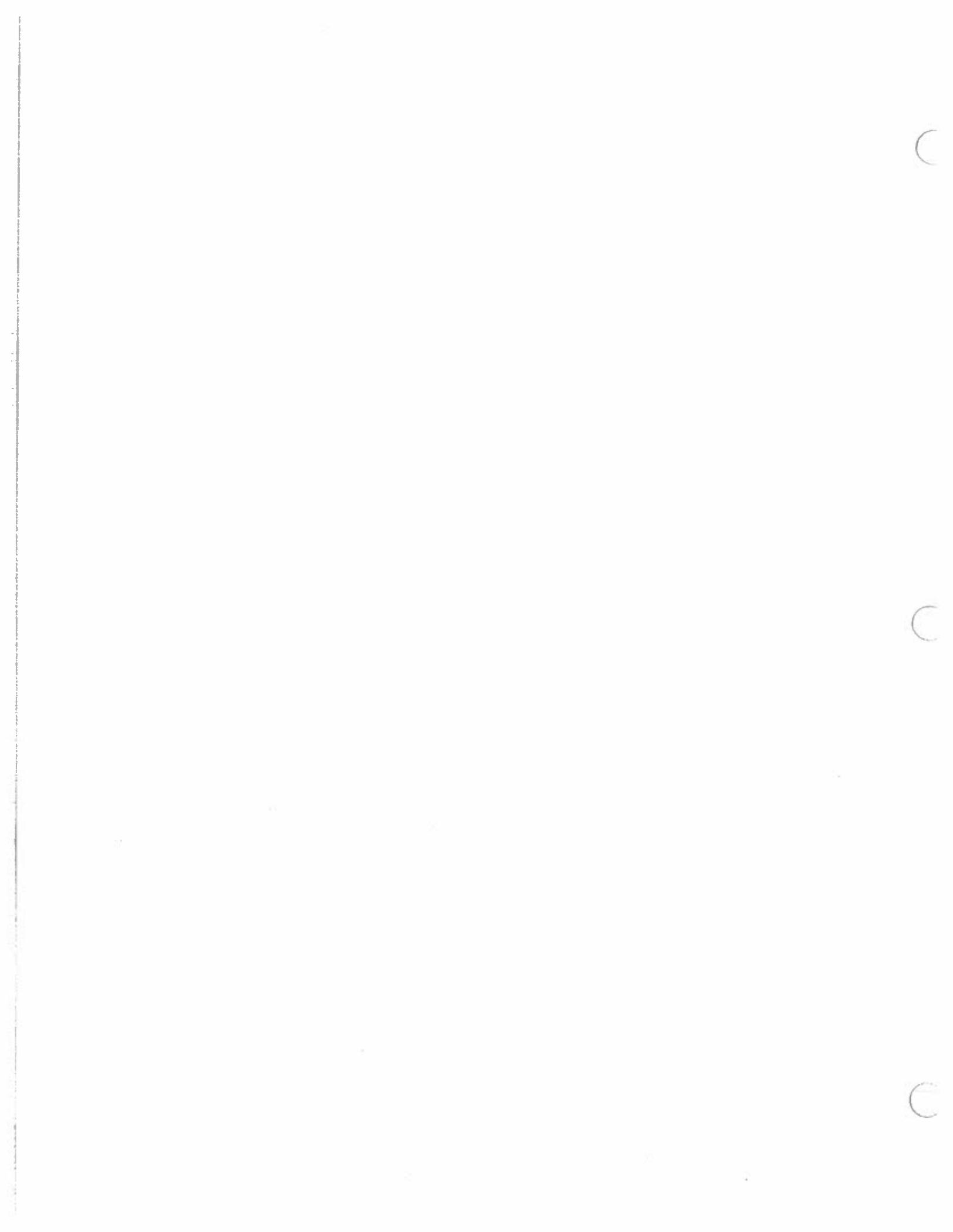
The purpose of this gift, donation or grant as stated above are a condition of the grantor or benefactor and is consistent with and presents no conflict or obstacle to the accomplishment of city council goals, the code of ordinances or the operating functions of the department.

A copy of this communication has been sent to the grantor or benefactor for their information and with the thanks of the City Council and the citizens of the City of Concord.

### Discussion

Mr. Aznive and his family continue to be very generous to Concord Human Services during our Christmas program. Mr. Aznive and his brothers donate money in memory of their mother, Charlotte, to help out boys at Christmas. We very much appreciate this generosity and know that Charlotte would be very proud of her sons for helping others out. We were able to help out 8 boys this year due to the kindness of the Aznive family.

**Cc:** City Manager  
City Clerk  
City Controller  
Arthur Aznive





# CITY OF CONCORD

TJA

## Report to Council, Recommendation From FPAC

**FROM:** Brian LeBrun – Deputy City Manager Finance  
**DATE:** December 19, 2013  
**SUBJECT:** FPAC Recommendation on FY 2015 Tax Rate Target

### Recommendation

Accept and approve this report on providing the City Manager discretion to present a fiscally conservative budget that is in keeping with the City and FPAC goals for FY2014-15 as recommended by the Fiscal Policy Advisory Committee.

### Background

In Fiscal Year 2014, FPAC has recommended providing the City Manager discretion to present a fiscally conservative budget that is in keeping with the City and FPAC goals. Again for the FY 2015 budget, FPAC has recommended to keep the same process and provide the City Manager with the latitude to present a fiscally responsible budget without a specific tax rate target.

### Discussion

The Fiscal Policy Advisory Committee discussed the outcome of not providing the City Manager with a specific tax rate target for the FY 2014 budget. The consensus was that the process during the last budget deliberations went very well and that the City should use the same process again for Fiscal Year 2015. The committee also commented that the City Manager kept the City Council well informed during the budget development and they anticipate the same for FY 2015.

cc: City Manager

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# CITY OF CONCORD

1-21

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## Report to Council

**FROM:** Michael Jache, City Treasurer  
**DATE:** December 17, 2013  
**SUBJECT:** December 10, 2013 Bond Sale

### Recommendation

Accept this report on the December 10, 2013 bond sale in the amount of \$2.953 million dollars at and interest rate of 2.729%. Out of a total of four bids received, the winning bid was submitted by Fidelity Capital Markets.

### Background

Each year the Treasurer's Office works with the City's financial advisor to issues bonds on the national bond market. Over the last several years the bond sales have ranged from approximately \$6 million to nearly \$15 million dollars.

### Discussion

The December 10th bond sale was very successful and \$2.953 million of bonds were sold. The final TIC on the Bonds, after resizing the issue to reflect the premium being generated by the bid, came down to 2.729%. The par amount of the issue was reduced to \$2,953,000 from \$3,048,000 due to the size of the premium.

Generally it takes approximately 60 days to prepare for an eventual bond sale and includes the efforts of City staff, school staff, county staff, bond council, financial advisors and rating agencies. Once the amount of the sale is determined which may be a combination of new bonds and refinancing of older bonds, the City works with its financial advisors, First Southwest Co. to develop an official statement. This statement is issued to the bond market to provide details of the sale. Along the way, the City also works with its bond council to be certain that the City has met all compliance requirements for the sale. Shortly before the sale, City staff and its financial advisor will hold a rating call with the rating agency or agencies to review the City's credit worthiness. Usually within 5-7 days of the call, the rating agency will assign a rating (currently AA+ from Standard and Poor's Rating Service) for the sale and affirmed a rating on all existing bonds.

After all the tasks and requirements have been met, the financial advisor works with the City to schedule a date for the actual bond sale. The City may receive several qualified bids, this year a total of four bids were submitted and the bonds were sold to the lowest qualified bidder. After the sale has occurred, it generally takes between 7 -10 days for all paperwork to be signed and funds deposited to City accounts.

cc: City Manager

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# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Daniel L. Andrus, Fire Chief

**DATE:** December 31, 2013

**SUBJECT:** Report from the Fire Chief on an Update on Recent Events for the Capital Area Mutual Aid Fire Compact

### Recommendation

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

### Background

The Capital Area Mutual Aid Fire Compact and the City of Concord enjoy a close relationship by virtue of having the regional communications center under the direction of the Fire Department, as well as through training, emergency responses, and other activities. Revenue from shared services is the second largest line item in the Fire Department revenue budget, being estimated at \$475,000 for the current fiscal year. This report will provide a brief update on new developments in the Compact.

1. Chief Coordinator Richard Wright has announced his retirement which will become effective on or about May 31, 2014. Chief Wright has served in this position since 1989 and served with the Concord Fire Department from 1957 to 1970. The Board of Directors is charged with selecting a replacement.
2. The Compact has applied for a grant with the New Hampshire Department of Homeland Security and Emergency Management for a technical assistance with a continuity of operations plan. The grant application was done in conjunction with the Lakes Region Communications Center as the two centers provide back up operations for each other to assure uninterrupted emergency communications services. Captain Ernest Petrin, Communications Supervisor, has been very successful in obtaining and administering grant funding as the Capital Area communications center serves 25 agencies in three counties in central New Hampshire. This has allowed the center to remain technologically and operationally up to date. A brief history of grant funding was presented in a December 2011 report and is reproduced here.

2007	\$100,000	Replace five radio base stations at Plausawa Hill, Mt. Kearsarge, Gould Hill, Wolf Hill, and Fort Mountain
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2008-2009	\$247,713.54	Replace radio dispatch console hardware and software
2009-2010	\$252,170	Microwave radio controls for all primary sites and the Lakes Region Communications Center with interconnectivity among all system components (Mutual Aid Compact contributed an additional \$28,000)
2011-2013	\$25,200	Maintenance contracts for 24 hour service for radio consoles and base stations.
2012-2013	\$15,600	Maintenance contracts for microwave radio equipment
2011-2012	\$21,000	Provide training for Capital Area and Lakes Region dispatchers to achieve full system interoperability
2012-2013	\$152,155	Replace computer aided dispatch servers and hardware and upgrade software
Total	\$813,838.54	

The total amount of the grant request is \$19,500 for both agencies.

**Discussion**

The Fire Department will continue to report significant developments in this grant application and will address any fiscal impacts to the City of Concord through appropriate resolutions and reports.



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

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

**DATE:** December 20, 2013

**SUBJECTS:** Report from the City Engineer recommending that the City Manager be authorized to accept a public sidewalk easement deed across a portion of land owned by PRM Holdings, LLC, and known as 39 – 49 North Main Street; a public sidewalk easement deed across a portion of land owned by TPC, Inc., and known as 125 North Main Street; and a public drainage easement deed across a portion of land owned by the Chester A. Hoadley and the Elizabeth K. Hoadley Irrevocable Trusts, and known as 72 West Parish Road.

### Recommendations

Accept this report which recommends that the City Manager be authorized to:

- 1) Accept a public sidewalk easement deed from PRM Holding, LLC ("PRM"), for the reconstruction of sidewalk facilities across a portion of its land on the west side of North Main Street;
- 2) Accept a public sidewalk easement deed from TPC, Inc. ("TPC"), for the reconstruction of sidewalk facilities across a portion of its land on the west side of North Main Street; and
- 3) Accept a public drainage easement deed from the Chester A. Hoadley and the Elizabeth K. Hoadley Irrevocable Trusts ("Hoadley"), for the construction of drainage facilities across a portion of their land at the corner of West Parish Road and Carter Hill Road.

### Background

As part of CIP 460, the Concord Downtown Complete Streets Improvement Project, the City is reconstructing the sidewalk adjacent to and along the property of PRM, which includes several businesses including Joe King's Shoe Shop, and reconstructing the sidewalk adjacent to and along the property of TPC, which includes the business known as The Prescription Center. A portion of the existing sidewalk that was last constructed during the 1970's urban renewal project will be reconstructed as part of the Main Street streetscape improvements.

Due to flooding of the roadways at the intersection of West Parish Road and Carter Hill Road, a new closed drainage system and rip-rap were installed at the intersection. A small portion of the rip-rap, approximately 84 square feet, was installed across private property.

**Discussion**

Staff has been working with PRM, TPC, and the Hoadleys to finalize the public sidewalk easement deeds and the public drainage easement deed so that they are acceptable to all parties. Staff recommends that the City Manager be authorized to accept the easement deeds and have them recorded at the Merrimack County Registry of Deeds.

peg/ELR

cc: Paul E. Gendron, City Surveyor

TJA



# City of Concord

City Solicitor's Office  
41 Green Street

Concord, New Hampshire 03301

James W. Kennedy  
City Solicitor

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

Danielle L. Pacik  
Deputy City Solicitor

## REPORT TO MAYOR AND THE CITY COUNCIL

FROM: James Kennedy, City Solicitor  
DATE: December 18, 2013  
SUBJECT: PSNH's requested release of the City's easement upon land parcel 122-2-8

### Recommendation

Accept this report.

### Discussion

Public Service of New Hampshire (PSNH) has requested that the City release a right-of-way easement upon land parcel 122-2-8 located at the end of Farmwood Road. The Council has asked whether the City is entitled to compensation for releasing the easement and whether the City should establish a policy for releasing right-of-way easements.

There is no legal requirement that the City receive a fee or payment for the release of a right-of-way easement, and, therefore, it is appropriate to evaluate each request individually. The City may establish a policy that, before making a decision regarding the release of a right-of-way easement, it first determine whether it paid money or other consideration to acquire the easement. As part of this policy, if consideration was paid, the City should determine the fair market value of the easement and may negotiate a fee to effectuate the release. Where no consideration was paid in the acquisition of an easement, as a matter of policy, the City may require the party requesting the release of the easement to pay the applicable drafting and recording fees. An explanation should be provided to the extent it is determined that it is appropriate to deviate from this policy.

In this case, in 1985, the City obtained a right-of-way easement for an extension of Farmwood Road as part of a proposed subdivision. There is no evidence that the City paid or provided any consideration for this right-of-way easement. Rather, it appears that the City's Planning Board required that it be granted the right-of-way easement in accordance with its approval of the 1985 subdivision. See attached October 24, 2013 Planning Board Report to the Mayor and City Council.

However, the City may have paid easement drafting and recording fees at Merrimack County Registry of Deeds to obtain the easement. To the extent that the City releases the easement here, it may require that PSNH pay the recording fees and draft the pertinent documents to release the said easement.

11-23

TAA



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Concord Planning Board

**DATE:** October 24, 2013

**SUBJECT:** Request for the Release of a Right of Way Easement for a Future Road at the end of Farmwood Road by Public Service of New Hampshire

### Recommendation

Accept this report thereby granting the petition to release a right-of-way easement at the end of Farmwood Road as requested by Public Service Company of New Hampshire (PSNH) on parcel 122-2-8.

### Background

PSNH became aware of the existence of a right-of-way easement for an extension of Farmwood Road across parcel 122-2-28 when they began to design a new switching station immediately north of the Oakhill Substation at the terminus of Farmwood Road.

This right-of-way was first conveyed to the City in 1985 as part of a duplex subdivision apparently for the future extension of Farmwood Road. It is assumed that the developer intended to further develop Farmwood Road and create additional lots on the land that is now owned by PSNH.

Farmwood Road was constructed and accepted by the City, however the developer was foreclosed upon and only one duplex unit was built. Fourteen of the duplex lots were converted to 18 single family lots in 1989 and the remnant parcel, lot 122-2-8, was sold to PSNH in 1990. The future right-of-way easement was again conveyed to the City, presumably due to the effect of the foreclosure on the 1985 easement.

### Discussion

The current land uses, including the existing and planned PSNH sub-stations and existing single family residences along Snow Pond Road, together with the limited development potential of the adjacent properties and the presence of wetlands and Snow Pond Outlet make the extension of Farmwood Road easterly from its present terminus, highly unlikely.

The only undeveloped property located between the PSNH property and Graham Road is parcel 123-4-2 at 17 Graham Road. This parcel is in the RO Zoning District which allows for low density residential cluster development. This parcel has significant areas of wetlands and steep slopes with the best developable land located near Graham Road. Any future low density residential development at that location can be provided access from Graham Road.

In light of the aforementioned factors, the Concord Planning Board, at its October 16, 2013 meeting, unanimously recommended that City Council release this future Farmwood Road right-of-way easement.



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** David Gill, Parks and Recreation Director  
**DATE:** January 6, 2014  
**SUBJECT:** Naming the Basketball and Tennis Courts at Keach Park

### Recommendation

Review and accept this report

### Discussion

At their September meeting, the Parks and Recreation Advisory Committee discussed the referral requesting naming the tennis and basketball court at Keach Park to Hatch Courts.

The Recreation and Parks Advisory Committee, based on the information available, does not support naming the courts Hatch Courts.

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1-26

# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

TJA

FROM: Craig Walker, Zoning Administrator  
DATE: December 31, 2013  
SUBJECT: Request by ZBA for City to Review Possible Amendment to current Sign Regulations

### **Recommendation:**

The Zoning Board of Adjustment is requesting that the City review its existing Sign Regulations, Article 28-7, to address whether it is appropriate to amend the current regulations as they pertain to "scroller" signs.

### **Background:**

The Zoning Board of Adjustment recently received a request for a variance to allow a "scroller" type sign for fuel price display on a freestanding sign at a motor vehicle fuel filling station within the City of Concord. A "scroller" is a type of sign that contains a vinyl scroll that can scroll up or down to display a specific image in the display window. In the case of the fuel price display, there are numbers on the vinyl scroll that can be changed to show the current price. The application for a variance stated that the fuel prices would be changed no more than twice a day. A photograph of the proposed "scroller" sign is attached, along with information about the sign product.

### **Discussion:**

The City of Concord's Ordinance currently prohibits any sign that has any parts or surface that move, and, therefore, a "scroller" sign is not permitted under the Sign Regulations. In accordance with the Ordinance, the ZBA denied the variance request to allow a "scroller" sign because the City's Sign Regulations as applied to the property did not interfere with the reasonable use of the property, as is required for a finding of hardship in a variance request.

During the ZBA's discussion on this case, there was a sentiment expressed that the prohibition on mechanical scroller signs that are infrequently changed may be an unintended consequence of the ordinance that cannot be remedied by variance.

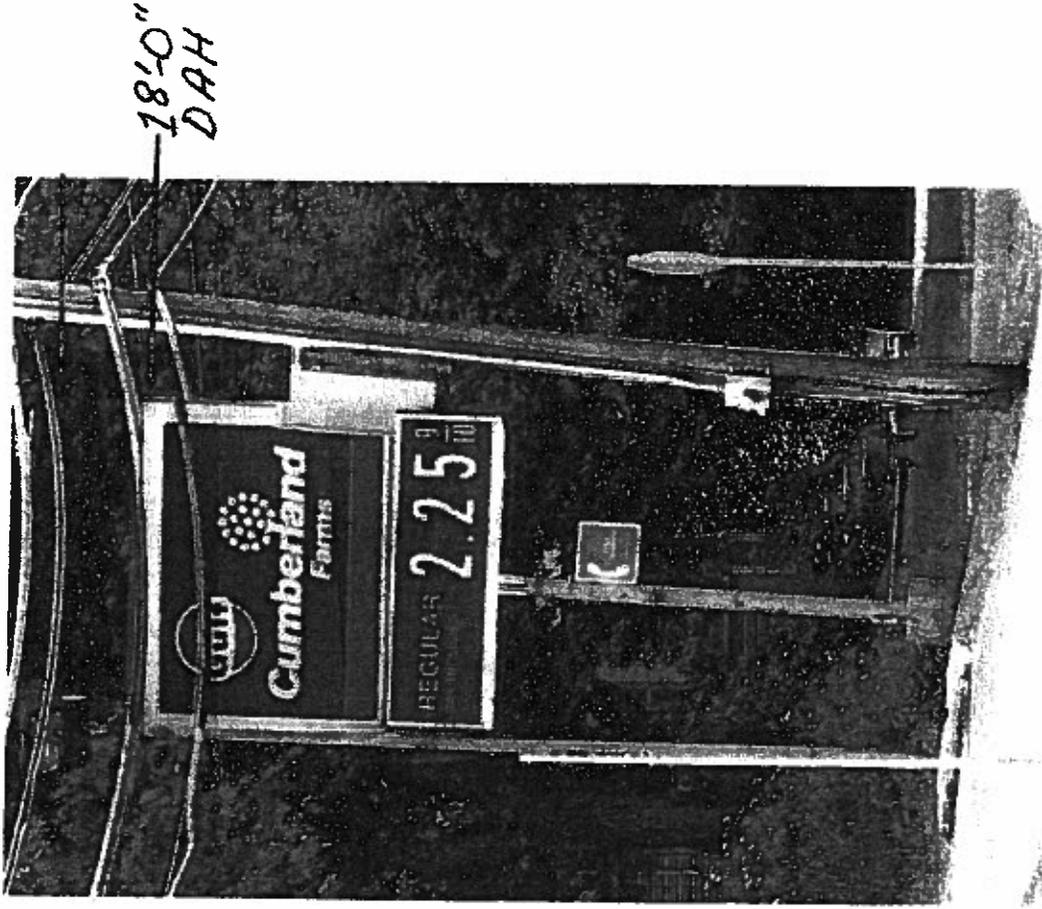
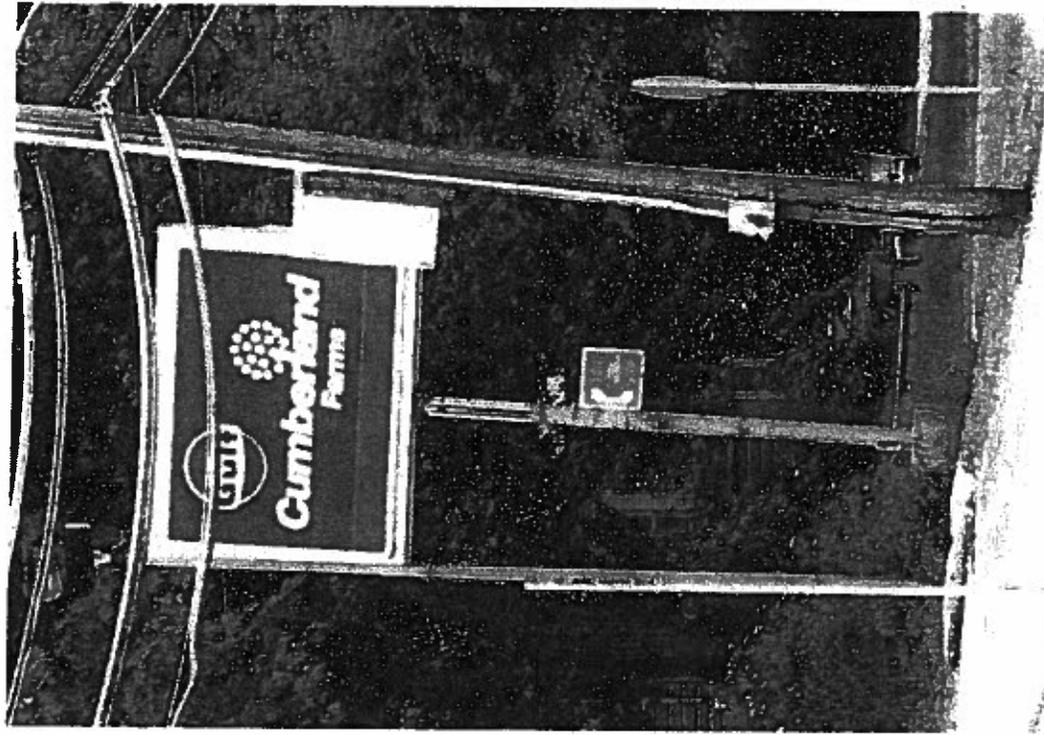
As a result, it may be necessary for the City Council to determine whether an amendment to the City's Sign Regulations is appropriate to authorize this type of signage.

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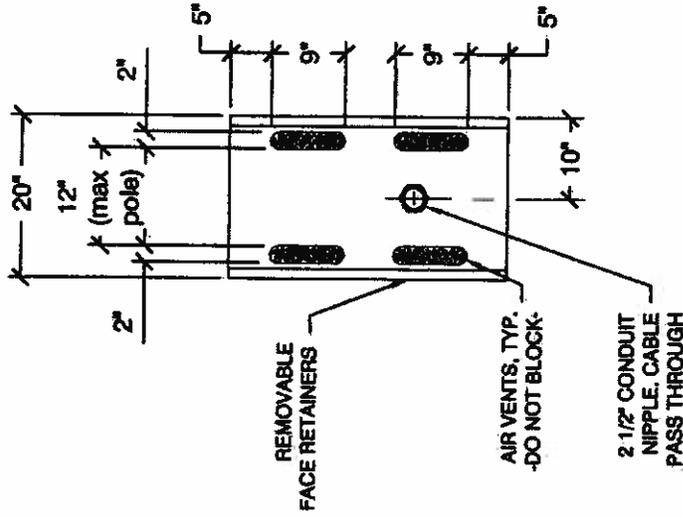
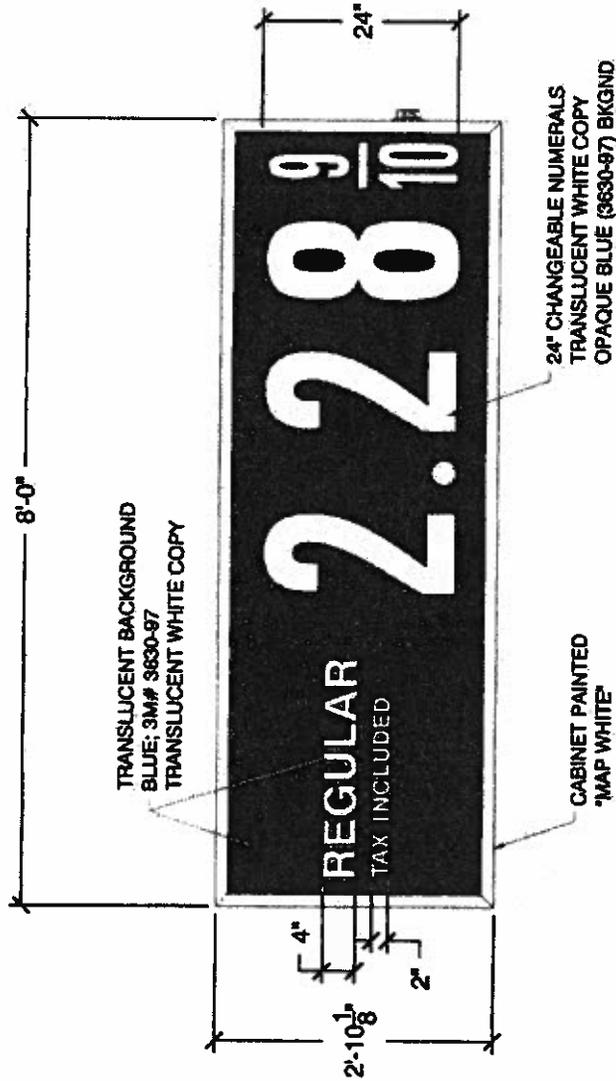
SCOPE: REMOVE REMOTE 6'X4' MANDAL PRICE SIGN  
REMOVE 6'X8' CF SIGN  
INSTALL NEW 9'X8' WITH 6'X8' CF AND  
2-10 1/8" X 8" SCROLLER" PRICE SIGN



EXISTING PYLON  
AND PRICE SIGN = 72 SF

PROPOSED PYLON  
72 SF

**SIGN SPECIFICATION & CUT-SHEET**



CUSTOMER	CUMBERLAND FARMS
ADDRESS	
PHONE #:	
SALES ORDER#	
ORDER#	D DILLINDER
DATE	04/08/2011
ORDER BY	CCS
EST. AREA	22.75 sq ft

2000 DELTA DRIVE  
COLORADO SPRINGS,  
CO 80910-1071  
303-584-9098  
800-758-8036

**SKYLINE**  
MODEL 24" SINGLE PRODUCT  
DOUBLE FACE  
FUEL PRICE DISPLAY

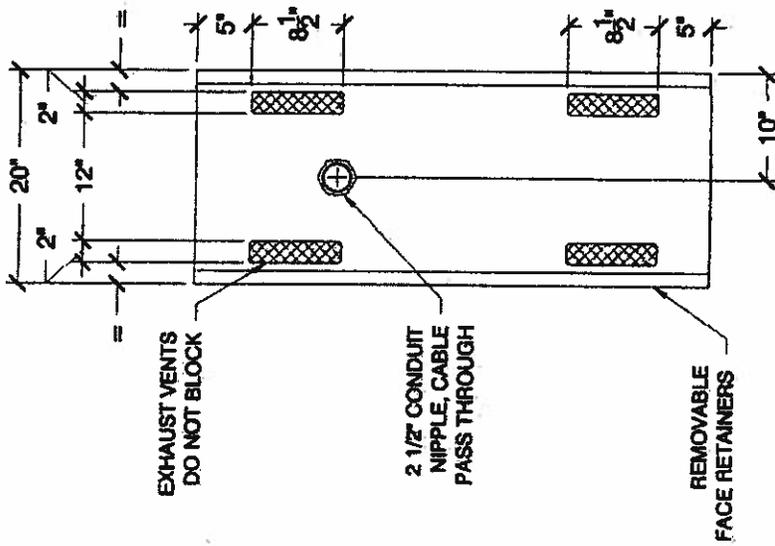
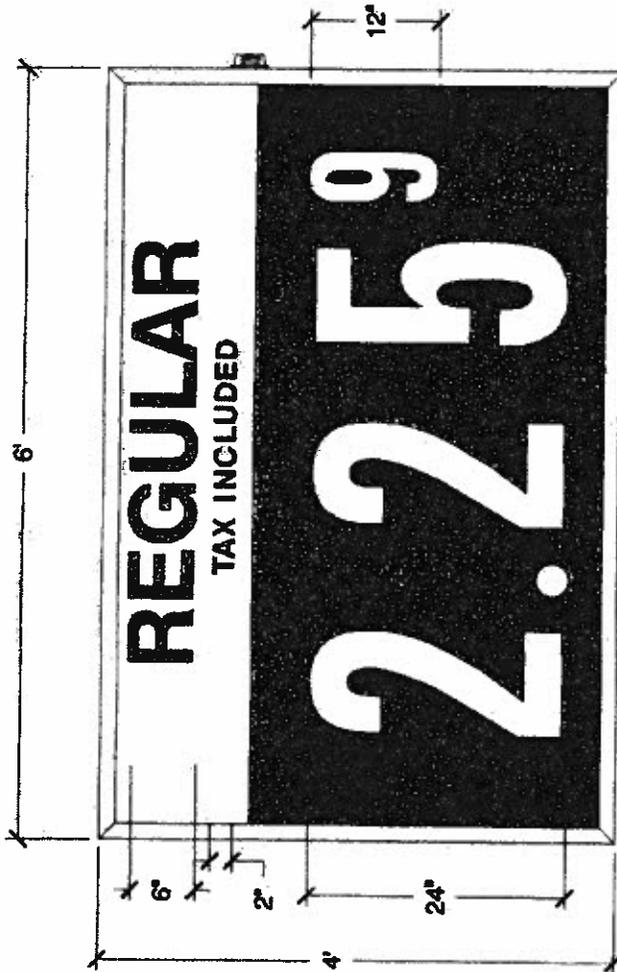
All installation details are suggested only. Skyline Electric is not responsible for installation in accordance with National Electrical Code (NEC) and all applicable codes. Unless otherwise specified, all materials shall be of the highest quality. Products, etc. shall have no responsibility for wind loads, vibrations, or electrical details. These are the sole responsibility of the buyer.

<b>PROPOSAL DRAWING SPECIFICATIONS</b>
DRAWING NUMBER: CUMB2203-040711-02 REV. A
REVISION DATE: 04/08/2011
CATALOG NUMBER: PCS-24SPDFSSG
PLEASE SIGN OR INITIAL IF DRAWING IS APPROVED
APPROVED: _____
DATE: _____



\*SIGN TOLERANCES: + 1/8" - 1/2"

Flourescent Interior Illumination:  
T-12-800 H.O. - F-48T12/CW/HO. qty 6  
Magnetic Ballast:  
348 DR. qty 2  
Input Voltage: 120 VAC  
TOTAL = 3 Amps



SIGN SPECIFICATIONS		COMMODITY DETAILS	
<b>NUMERAL DETAILS:</b>	BLUE WHITE	<b>LETTERING:</b>	UPPERCASE: <input checked="" type="checkbox"/> UPPER & LOWER: <input type="checkbox"/> BOTH SIDES APPEAR AS SHOWN: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> *IF NO, PLEASE SPECIFY* FONT: HELVETICA REGULAR
<b>BACKROUND:</b>	2-4 1/4"	<b>LEFT:</b>	BKGRD COLOR: WHITE COPY COLOR: BLUE 301
<b>COPY:</b>	HEIGHT: 2-4 1/4" WIDTH: 6-0" DEPTH: 20"		
<b>MOUNTING DETAILS:</b>	WHITE		
<b>BETWEEN POLES:</b>	YES		
<b>MAX POLE SIZE:</b>	12"		
<b>ACTUAL POLE SIZE:</b>	*SIGN TOLERANCES: + 1/8 - 1/2"		
	<b>LIGHTING:</b> T-12-800 H.O. FLUOR LAMPS		
	*PLEASE SPECIFY ANY ADDITIONAL MOUNTING REQUIREMENTS*		

PLEASE SIGN OR INITIAL IF DRAWING IS APPROVED  
APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

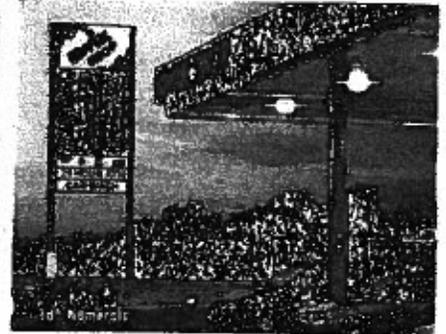
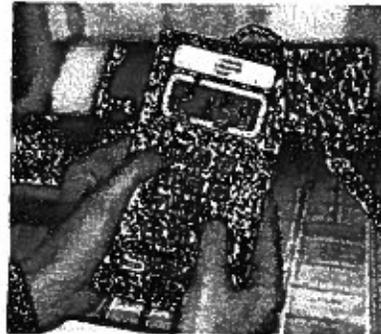
**CUMBERLAND FARMS**  
 ADDRESS: \_\_\_\_\_  
 PHONE: \_\_\_\_\_  
 SALES OFFICE: \_\_\_\_\_  
 DATE: 09/21/2009  
 DRAWN BY: JMG  
 SIGN AREA: 24.00 sq ft

880 DELTA DRIVE  
 COLUMBIA SPRINGS,  
 CO. 80707-1072  
 303-786-0400  
 303-786-0404

**SKYLINE PRODUCTS**  
 MODEL 24 SINGLE PRODUCT  
 DOUBLE FACE  
 FUEL PRICE DISPLAY  
 PCS-24SPDFTG

All transactions deals are suggested only.  
 with NATIONAL START ELECTRICAL  
 AND BUILDING CODES, unless  
 specifically contacted for Skyline  
 Products, Inc. shall have no responsibility  
 for wind loads, installers, or electrical  
 details. These are the sole responsibility  
 of the buyer.

# Change Prices Immediately, Accurately, and Reliably with SalesAdvantage Electronic Price Displays



## Pull in Traffic, Pull in Profits™

Realize profits and beat the competition with ruggedized electronic price displays that perform 24/7/365. Attract customers. Accurately display highly legible prices. Make price changes quickly, safely, and automatically.

Skyline Products' SalesAdvantage Electronic Price Displays provide long-term legibility and bullet-proof reliability. This translates to:

- An attention-getting advertisement that attracts business
- Quality electronic price signs that reflect your store's quality by presenting a clean, professional image
- Prices that are continuously and correctly displayed—key to your bottom line

Established in 1971, Skyline Products™ has led the way with patented, internally illuminated electronic price displays that give your business a sales advantage:

- Patented technology—The ruggedized, precision-control design reliably operates in extreme conditions.
- Comprehensive control solutions from the control system experts—Engineered to meet the needs of any store anywhere, enabling you to quickly respond to market demands.
- ISO 9001:2000 certified—Our team of engineers and craftsmen consistently meet exacting standards to manufacture the highest-quality signs.

### Increase Profits

According to the NACS State of the Industry Annual Report 2003, top-performing convenience stores utilize an aggressive fuel-pricing strategy, resulting in:

- 62% higher in-store revenues,
- 47% more fuel sales,
- And increased profitability—  
from \$12,000 to \$106,000  
per store per year!

SalesAdvantage Electronic Price Displays are key to successfully implementing this strategy, offering:

- the responsiveness to make immediate price changes
- the highest degree of reliability and accuracy
- the highest legibility, day or night
- an attractive price display (your store's most important advertisement)

SalesAdvantage Electronic Price Displays give you a competitive edge to become a top performer.

Ask about our  
Engineering Division™  
Specialists

**CALL TODAY!**  
**(800) 759-9046**

**SKYLINE**  
PRODUCTS

# CITY OF CONCORD

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*In the year of our Lord two thousand and fourteen*

## RESOLUTION IN RECOGNITION OF THE SERVICES OF ELIZABETH BLANCHARD

**WHEREAS**, Elizabeth Blanchard faithfully served the City of Concord, New Hampshire as a member of its City Council from January 1, 2002 through December 31, 2013; and

**WHEREAS**, during said period she has devoted innumerable hours and unending efforts in service to the citizens of Concord encouraging democratic involvement and participation in local government decision-making by assuring that all voices were heard and treated with respect and courtesy; and

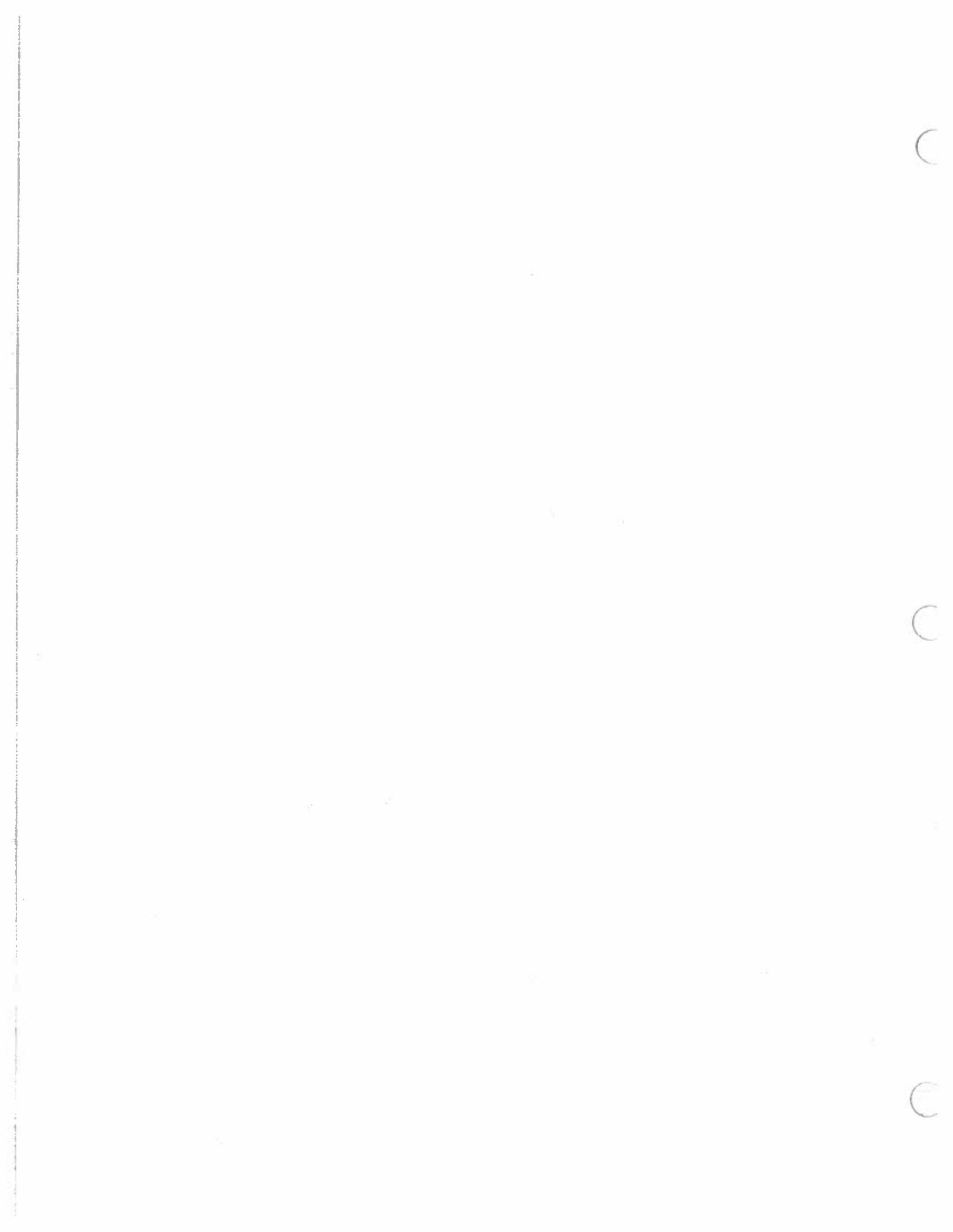
**WHEREAS**, she made many significant contributions to the improvement of the municipality championing the city's less privileged and fighting against improper development, earning a reputation as a straight-talking leader; and

**WHEREAS**, Elizabeth Blanchard performed diligently on behalf of the City of Concord serving on seventeen boards and committees during her tenure as a City Councilor, most recently serving on the Community Development Advisory Committee, the Rules Committee, the Solid Waste Advisory Committee and the Tax Exemption Policy Committee; and

**WHEREAS**, he has distinguished himself during City Council deliberations by his integrity and passion for the citizens of the City of Concord; and

**WHEREAS**, she has earned the respect and confidence of her many friends and associates in the city government who have been privileged to know and work with her.

**NOW, THEREFORE, BE IT RESOLVED** that we, the members of the Concord City Council, the citizens of the City of Concord as well as members of city staff do hereby record our appreciation for her years of service and commitment to the City of Concord promoting the community's welfare, our esteem for her abilities and our respect for her high character.



# CITY OF CONCORD

*In the year of our Lord two thousand and fourteen*

## RESOLUTION IN RECOGNITION OF THE SERVICES OF MICHAEL DELLOIACONO

**WHEREAS**, Michael DelloIacono faithfully served the City of Concord, New Hampshire as a member of its City Council from January 1, 2010 through December 31, 2013; and

**WHEREAS**, during said period he has devoted innumerable hours and unending efforts in service to the citizens of Concord encouraging democratic involvement and participation in local government decision-making by assuring that all voices were heard and treated with respect and courtesy; and

**WHEREAS**, he made many significant contributions to the improvement of the municipality championing the city's less privileged and fighting against improper development, earning a reputation as a straight-talking leader; and

**WHEREAS**, Michael DelloIacono performed diligently on behalf of the City of Concord serving on eight boards and committees during his tenure as a City Councilor, most recently serving on the Energy and Environment Advisory Committee and the Solid Waste Advisory Committee; and

**WHEREAS**, he has distinguished himself during City Council deliberations by his integrity and passion for the citizens of the City of Concord; and

**WHEREAS**, he has earned the respect and confidence of his many friends and associates in the city government who have been privileged to know and work with him.

**NOW, THEREFORE, BE IT RESOLVED** that we, the members of the Concord City Council, the citizens of the City of Concord as well as members of city staff do hereby record our appreciation for his years of service and commitment to the City of Concord promoting the community's welfare, our esteem for his abilities and our respect for his high character.

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# CITY OF CONCORD

*In the year of our Lord two thousand and fourteen*

## **RESOLUTION IN RECOGNITION OF THE SERVICES OF JENNIFER KRETOVIC**

**WHEREAS**, Jennifer Kretovic faithfully served the City of Concord, New Hampshire as a member of its City Council from January 1, 2012 through December 31, 2013; and

**WHEREAS**, during said period she has devoted innumerable hours and unending efforts in service to the citizens of Concord encouraging democratic involvement and participation in local government decision-making by assuring that all voices were heard and treated with respect and courtesy; and

**WHEREAS**, she made many significant contributions to the improvement of the municipality championing the city's less privileged and fighting against improper development, earning a reputation as a straight-talking leader; and

**WHEREAS**, Jennifer Kretovic performed diligently on behalf of the City of Concord serving on seven boards and committees during her tenure as a City Councilor serving on the Community Development Advisory Committee, the Facilities Naming Committee, the Golf Course Advisory Committee, the Parking Committee, the Public Safety Board, the Transportation Policy Advisory Committee and the Public Transportation Sub Committee; and

**WHEREAS**, she has distinguished herself during City Council deliberations by her integrity and passion for the citizens of the City of Concord; and

**WHEREAS**, she has earned the respect and confidence of her many friends and associates in the city government who have been privileged to know and work with her.

**NOW, THEREFORE, BE IT RESOLVED** that we, the members of the Concord City Council, the citizens of the City of Concord as well as members of city staff do hereby record our appreciation for her years of service and commitment to the City of Concord promoting the community's welfare, our esteem for her abilities and our respect for her high character.

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# CITY OF CONCORD

*In the year of our Lord two thousand and fourteen*

## RESOLUTION IN RECOGNITION OF THE SERVICES OF RICHARD PATTEN

**WHEREAS**, Richard Patten faithfully served the City of Concord, New Hampshire as a member of its City Council from January 1, 2008 through December 31, 2013; and

**WHEREAS**, during said period he has devoted innumerable hours and unending efforts in service to the citizens of Concord encouraging democratic involvement and participation in local government decision-making by assuring that all voices were heard and treated with respect and courtesy; and

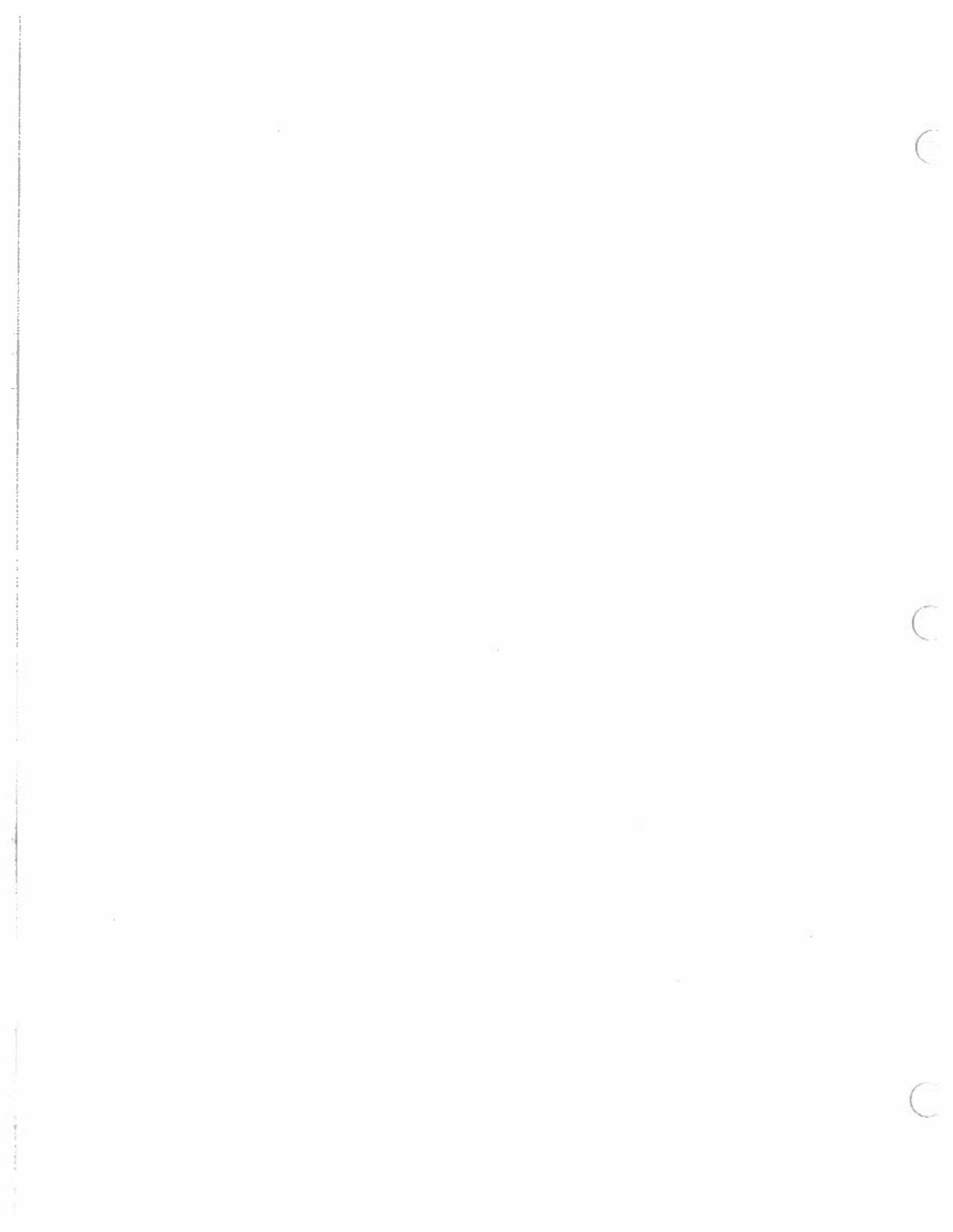
**WHEREAS**, he made many significant contributions to the improvement of the municipality championing the city's less privileged and fighting against improper development, earning a reputation as a straight-talking leader; and

**WHEREAS**, Richard Patten performed diligently on behalf of the City of Concord serving on seven boards and committees during his tenure as a City Councilor, most recently serving on the Airport Advisory Committee, the Public Safety Board, the Tax Exemption Policy Committee and the Utility Appeals Board; and

**WHEREAS**, he has distinguished himself during City Council deliberations by his integrity and passion for the citizens of the City of Concord; and

**WHEREAS**, he has earned the respect and confidence of his many friends and associates in the city government who have been privileged to know and work with him.

**NOW, THEREFORE, BE IT RESOLVED** that we, the members of the Concord City Council, the citizens of the City of Concord as well as members of city staff do hereby record our appreciation for his years of service and commitment to the City of Concord promoting the community's welfare, our esteem for his abilities and our respect for his high character.



# CITY OF CONCORD

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*In the year of our Lord two thousand fourteen*

**RESOLUTION** AUTHORIZING THE CITY MANAGER TO ACCEPT A GIFT OF 12.507 ACRES OF LAND FROM PUBLIC SERVICE OF NEW HAMPSHIRE FOR CONSERVATION PURPOSES AND TO MERGE PROPERTIES

*The City of Concord resolves as follows:*

WHEREAS, Public Service Company of New Hampshire (PSNH) is the owner of 64.44 acres land at the end of Farmwood Road and as mitigation for wetland buffer impacts for a new switching station and connecting transmission lines is proposing to donate 12.507 acres to the City of Concord for passive outdoor recreational use and conservation purposes; and

WHEREAS, PSNH is currently developing a switching station next to their existing substation at the end of Farmwood Road. The City of Concord Planning Board approved a Conditional Use Permit (CUP) on October 16, 2013, for both the construction of the switching station and associated transmission lines, and also granted a CUP to allow the disturbance of 101,713 square feet, or 2.34 acres, of wetland buffers; and

WHEREAS, The Planning Board granted the CUP for PSNH pursuant to Article 28-4-3, Wetland Buffers and Setbacks, subject to the condition that the area of the property located north of Farmwood Road, and westerly of the existing power line right-of-way, be conveyed to the City for conservation purposes as mitigation for the extensive wetland buffer impacts; and

WHEREAS, This new parcel will not have frontage on a public street but abuts an existing City conservation parcel (122C-1-19) along its entire northern boundary; and

WHEREAS, In order to comply with the City of Concord Zoning Ordinance, the City would need to undertake a voluntary merger of the proposed 12.507 property and the existing adjacent 51.08 acre conservation property to the north, parcel 122C-1-19; and

WHEREAS, The Conservation Commission has reviewed the donation of land and voted unanimously to recommend that the land be accepted as part of a system of open space that connects with other conservation lands easterly of Mountain Road and southerly of Sanborn Road; and

# CITY OF CONCORD

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*In the year of our Lord two thousand fourteen*

**RESOLUTION** AUTHORIZING THE CITY MANAGER TO ACCEPT A GIFT OF 12.507 ACRES OF LAND FROM PUBLIC SERVICE OF NEW HAMPSHIRE FOR CONSERVATION PURPOSES AND TO MERGE PROPERTIES

**WHEREAS,** The 12.507 acre parcel to be to be conveyed includes a portion of Snow Pond Outlet, wetlands and wetland buffer areas, flood plain and areas of vegetative shoreland. No existing or proposed power line right-of-way is located on the parcel to be conveyed.

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

- 1) That the City Manager be authorized to accept this donation of land from PSNH;
- 2) That the City Manager be authorized to merge this 12.507 acre parcel with the conservation land immediately to north, parcel 122C-1-19;
- 3) That this property shall remain as conservation land, in perpetuity, as a condition of the donation of the land to the City of Concord; and
- 4) That this Resolution shall take effect upon passage.



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Stephen Henninger, Assistant City Planner

**DATE:** November 26, 2013

**SUBJECT:** Resolution accepting from Public Service of New Hampshire (PSNH) the donation of a 12.507 acre property north of Farmwood Road to the City of Concord for passive outdoor recreational use and conservation purposes as mitigation for a Conditional Use Permit issued by the Planning Board; and authorizing the City Manager to voluntarily merge this property with an abutting City owned conservation property of 51.08 acres.

### Recommendation

Approve the attached resolution to authorize the City Manager to accept a donation from PSNH of 12.507 acres of property for passive outdoor recreation and open space purposes north of Farmwood Road; and authorize the City Manager to voluntarily merge this property with the abutting 51.08 conservation parcel (MBL 112C-1-19).

### Background

The City of Concord Planning Board approved a Conditional Use Permit (CUP) for PSNH on October 16, 2013, for both the construction of a new switching station and associated transmission lines, as well as to allow the disturbance of 101,713 square feet, or 2.34 acres, of wetland buffers. The Planning Board granted the CUP pursuant to Article 28-4-3, Wetland Buffers and Setbacks, subject to the condition that the area of the property located north of Farmwood Road, and westerly of the existing power line right-of-way, be conveyed to the City for conservation purposes as mitigation for the extensive wetland buffer impacts.

In compliance with this condition, PSNH is proposing to subdivide from their existing 64.44 acre lot a 12.507 proposed conservation parcel and convey said parcel to the City of Concord.

### Discussion

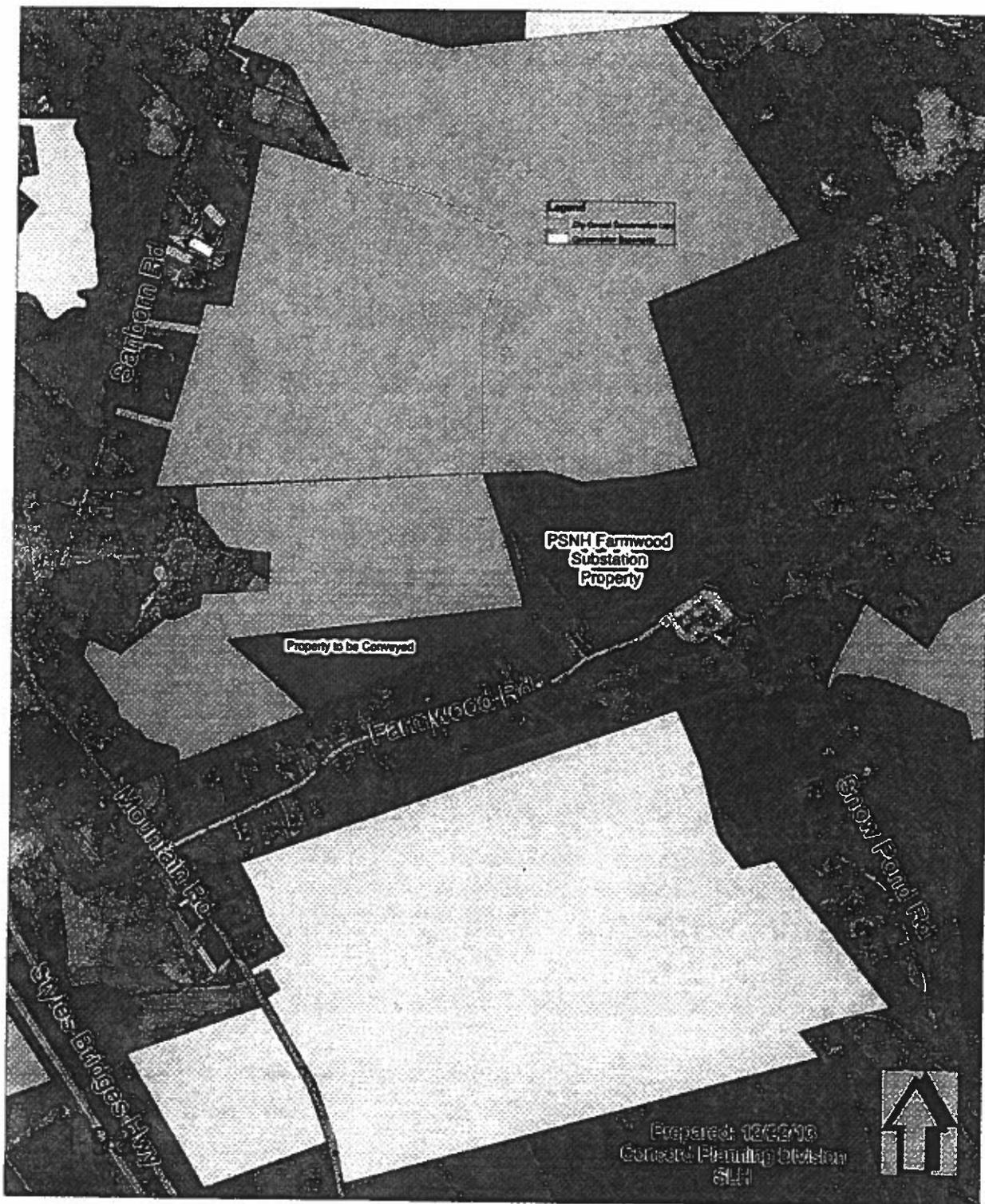
A subdivision application has been submitted to the City of Concord Planning Board for consideration at its December 18, 2013, regular meeting. This new parcel will not have frontage on a public street but abuts an existing City conservation parcel (MBL 122C-1-19) along its entire northern boundary. In order to avoid the ownership of a lot without road frontage, the City Manager should be authorized to voluntarily merge this 12.507 acre parcel with the conservation land immediately to north, parcel MBL 122-1-19.

The 12.507 acre parcel to be conveyed includes a portion of Snow Pond outlet, wetlands and wetland buffer areas, flood plain and areas of vegetative shoreland. No existing or proposed power line right-of-way is located on the parcel to be conveyed.

The Conservation Commission has reviewed the donation of land and voted unanimously to recommend that the land be accepted as part of a system of open space that connects with other conservation lands easterly of Mountain Road and Sanborn Road. The parcel expands a contiguous area of protected open space located east of Mountain and Sanborn Roads from 234.14 acres to 256.07 acres.

# PSNH Open Space Property Conveyance Farmwood Road Subdivision

1 inch = 200 feet









# CITY OF CONCORD

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*In the year of our Lord Two Thousand Thirteen*

**RESOLUTION** AUTHORIZING THE CITY MANAGER TO APPLY FOR UP TO FORTY FIVE THOUSAND DOLLARS (\$45,000) TO THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION AND SPECIAL PROJECT GRANTS

*The City of Concord resolves as follows:*

*Whereas,* the City of Concord continues to support initiatives and policies that encourage the safe and secure collection of household hazardous waste throughout the community, and

*Whereas,* increased collection of household hazardous waste results in both costs savings for city government and reductions in potential pollution of our environment, and

*Whereas,* the City of Concord General Services Department and the Solid Waste Advisory Committee have indentified opportunities to pursue funding for household hazardous waste collection that would benefit the city of Concord through Household Hazardous Waste Grant Funds made available from the NH Department of Environmental Services.

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

1. The City Council authorizes the City Manager to apply for up to Forty Five Thousand Dollars (\$45,000) in Household Hazardous Waste Collection Grants for the purpose of implementing household hazardous waste collection initiatives.
2. This resolution shall take effect upon its passage.



# CITY OF CONCORD

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## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Earle M. Chesley, P.E., General Services Director  
**DATE:** December 27, 2013  
**SUBJECT:** NHDES 2014 Household Hazardous Waste Collection Grant

### Recommendation

Accept this report and authorize the City Manager to apply for grant funds available from the New Hampshire Department of Environmental Services relative to the collection of Household Hazardous Waste.

### Background

The General Services Department requests City Council approval to authorize the City Manager to apply for grant funds from the NH Department of Environmental Services (NHDES), in order to offset part of the expenses that will be incurred by the City to perform Household Hazardous Waste Collection during the calendar year 2014. These funds will be included in the Solid Waste budget request Fiscal Year 2015. In Fiscal Year 2014 the request was for an appropriation of \$28,900.

### Discussion

Upon City Council's approval of the report, the City Manager will execute the grant application in anticipation of an annual collection program. The grant applications are due February 1, 2014. The Department will return to Council when the grant offer is finalized seeking approval to accept the funds.

Cc Jeff Hoadley, Business Manager

CITY OF CONCORD

1-33

*In the year of our Lord two thousand fourteen*

**RESOLUTION** AUTHORIZING THE CITY MANAGER, BY WAY OF THE HUMAN RESOURCES DEPARTMENT, TO SUBMIT AN APPLICATION TO THE NEW ENGLAND ADA CENTER TO BECOME THE RECIPIENT OF A HAND'S ON FIELD-BASED TRAINING DAY FOR UP TO 20 PARTICIPANTS AND A \$1,000 GRANT TOWARD IMPROVING ACCESSIBILITY UNDER THE AMERICANS WITH DISABILITY ACT (ADA).

*The City of Concord resolves as follows:*

**WHEREAS,** the Human Resources Department desires to apply to be the recipient of the 2014 New England ADA Center Field Based Training Day; and

**WHEREAS,** the New England ADA Center will conduct training on how to conduct an existing facilities review and identify operational solutions that would improve accessibility under the Americans with Disabilities Act for up to 20 participants; and

**WHEREAS,** the New England ADA Center will award \$1000 towards improving accessibility; and

**WHEREAS,** should the City of Concord be the recipient of the 2014 New England ADA Center Field Based Training Day, the City will provide a location for this training; 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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## *City of Concord, New Hampshire*

HUMAN RESOURCES DEPARTMENT  
CITY HALL, 41 GREEN STREET, 03301

TEA

### **REPORT TO MAYOR AND THE CITY COUNCIL**

**FROM:** Donna Frederick, Safety and Training Coordinator  
Human Resources Department

**DATE:** December 31, 2013

**SUBJECT:** 2014 New England ADA Center Field Based Training Day Application

#### **Recommendation**

It is recommended that the City Council review and authorize, through the City Manager, the Human Resources Department to apply for and submit an application to the New England ADA Center to become the recipient of a hand's on Field-Based training day for up to 20 participants and a \$1,000 grant toward improving accessibility under the Americans with Disability Act (ADA).

#### **Background**

In response to a request for additional training regarding Title II of the Americans with Disabilities Act, the Safety and Training Coordinator discovered an opportunity to apply for the 2014 New England ADA Center Field Based Training Day.

The New England ADA Center invites cities and towns to submit proposals to compete to become the recipient of a Field-Based training day for up to 20 participants. The purpose of the Field-Based training day is to train participants on how to conduct an existing facilities review and identify operational solutions that would improve accessibility under the Americans with Disabilities Act.

The targeted audience for the Field-Based training day will be ADA coordinators and municipal employees such as: facility and town managers, planners, public works, architects and engineers. Participants are primarily from the Applicant's municipality. The Applicant, in this case, the City of Concord is encouraged to invite stakeholders from the surrounding communities who would benefit from the training.

The Applicant must identify a municipal site or facility that would benefit from improved accessibility for persons with disabilities, provide a training location, and provide a note taker to document identified issues, strategies, and share the documentation with all participants.

The applicant if awarded will also receive an award of \$1,000 towards improving accessibility for the disabled.

**Discussion**

This training and grant, if awarded, will allow city employees and other interested stakeholders from the community to participate in a unique hands on training experience which will enhance their ability to identify common barriers to accessibility to municipal facilities, document and analyze common barriers to accessibility, and prioritize solutions in order to maximize existing resources, and establish short, intermediate, and long term goals to accessibility for Concord residents. Our targeted area for improvement is Council Chambers.

As the grant applicant, if awarded, the City of Concord would also benefit from the \$1,000 to improve our accessibility for the disabled.



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Thomas J. Aspell, Jr., City Manager   
**DATE:** November 27, 2013  
**SUBJECT:** Reappointment to the Board of Trustees of Trust Funds

### Recommendation

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

### Background

I hereby propose the reappointment of Jeffrey L. Schindler to serve on the Board of Trustees of Trust Funds for an additional three year term, which will expire on December 31, 2016. Mr. Schindler has a background as a tax specialist and has served on the Board since 2010.

### 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 January.

cc: Michael Jache, City Treasurer



# CITY OF CONCORD

Ben 12-11  
12/3/13  
1-36(A)  
1-37

*In the year of our Lord two thousand and fourteen*

**RESOLUTION** TO AUTHORIZE THE TRANSFER OF SIX HUNDRED EIGHTEEN THOUSAND SEVEN HUNDRED EIGHTY-EIGHT DOLLARS AND FOURTEEN CENTS (\$618,788.14) FROM COMMITTED FUND BALANCE TO ASSIGNED FUND BALANCE; AND TO AUTHORIZE THE TRANSFER OF ONE MILLION FIVE HUNDRED FIFTY-THREE THOUSAND SEVEN HUNDRED EIGHTY-EIGHT DOLLARS AND FOURTEEN CENTS (\$1,553,788.14) FROM ASSIGNED FUND BALANCE TO THE GENERAL FUND OPERATING BUDGET; AND TO APPROPRIATE FIVE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$545,000) AS A TRANSFER TO TRUST FUND RESERVES; AND TO AUTHORIZE THE USE OF ONE MILLION EIGHT THOUSAND SEVEN HUNDRED EIGHTY-EIGHT DOLLARS AND FOURTEEN CENTS (\$1,008,788.14) AS ALLOWANCE FOR ABATEMENTS; ALL FOR THE PURPOSES LISTED HEREIN. FUNDING FOR THIS APPROPRIATION SHALL BE ENTIRELY FROM FY2013 GENERAL FUND ASSIGNED FUND BALANCE.

*The City of Concord resolves as follows:*

- WHEREAS,** there is no longer a need to maintain \$618,788.14 (\$578,080 for tax stabilization and \$40,708.14 for copier reserves) in the Committed Fund Balance; and
- WHEREAS,** the City of Concord recognized Fiscal Year 2013 unspent funds in excess of Nine Hundred Thirty-Five Thousand Dollars (\$935,000); and
- WHEREAS,** the City has determined a need for an additional \$1,008,788.14 (\$618,788.14 + \$390,000) to be applied towards Allowance for Abatements (Overlay); and
- WHEREAS,** the City classified \$935,000 as assigned fund balance from the FY13 surplus for the City Council to take action upon for the purposes listed below; and
- WHEREAS,** the City is working proactively to manage available resources for current and future needs; and
- WHEREAS,** there is no direct impact on the FY2014 amount of funds to be raised in taxes; and

# CITY OF CONCORD

*In the year of our Lord two thousand and fourteen*

**RESOLUTION** TO AUTHORIZE THE TRANSFER OF SIX HUNDRED EIGHTEEN THOUSAND SEVEN HUNDRED EIGHTY-EIGHT DOLLARS AND FOURTEEN CENTS (\$618,788.14) FROM COMMITTED FUND BALANCE TO ASSIGNED FUND BALANCE; AND TO AUTHORIZE THE TRANSFER OF ONE MILLION FIVE HUNDRED FIFTY-THREE THOUSAND SEVEN HUNDRED EIGHTY-EIGHT DOLLARS AND FOURTEEN CENTS (\$1,553,788.14) FROM ASSIGNED FUND BALANCE TO THE GENERAL FUND OPERATING BUDGET; AND TO APPROPRIATE FIVE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$545,000) AS A TRANSFER TO TRUST FUND RESERVES; AND TO AUTHORIZE THE USE OF ONE MILLION EIGHT THOUSAND SEVEN HUNDRED EIGHTY-EIGHT DOLLARS AND FOURTEEN CENTS (\$1,008,788.14) AS ALLOWANCE FOR ABATEMENTS; ALL FOR THE PURPOSES LISTED HEREIN. FUNDING FOR THIS APPROPRIATION SHALL BE ENTIRELY FROM FY2013 GENERAL FUND ASSIGNED FUND BALANCE.

**WHEREAS,** transferring these funds listed in this resolution shall have a positive impact when utilized for the overall fiscal health of the City, improving the condition of infrastructure, equipment and economic vitality of the City; 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 City of Concord that:***

1. The sum of.....\$1,553,788.14  
be and is hereby appropriated/authorized as follows:

General Fund

Allowance for Abatements/Property Tax Revenue .....\$1,008,788.14

Transfer to Trust Fund Reserves for:

Highway/Paving.....\$300,000.00

Equipment.....\$170,000.00

Education and Training.....\$20,000.00

Building Improvements .....\$55,000.00

# CITY OF CONCORD

*In the year of our Lord two thousand and fourteen*

**RESOLUTION** TO AUTHORIZE THE TRANSFER OF SIX HUNDRED EIGHTEEN THOUSAND SEVEN HUNDRED EIGHTY-EIGHT DOLLARS AND FOURTEEN CENTS (\$618,788.14) FROM COMMITTED FUND BALANCE TO ASSIGNED FUND BALANCE; AND TO AUTHORIZE THE TRANSFER OF ONE MILLION FIVE HUNDRED FIFTY-THREE THOUSAND SEVEN HUNDRED EIGHTY-EIGHT DOLLARS AND FOURTEEN CENTS (\$1,553,788.14) FROM ASSIGNED FUND BALANCE TO THE GENERAL FUND OPERATING BUDGET; AND TO APPROPRIATE FIVE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$545,000) AS A TRANSFER TO TRUST FUND RESERVES; AND TO AUTHORIZE THE USE OF ONE MILLION EIGHT THOUSAND SEVEN HUNDRED EIGHTY-EIGHT DOLLARS AND FOURTEEN CENTS (\$1,008,788.14) AS ALLOWANCE FOR ABATEMENTS; ALL FOR THE PURPOSES LISTED HEREIN. FUNDING FOR THIS APPROPRIATION SHALL BE ENTIRELY FROM FY2013 GENERAL FUND ASSIGNED FUND BALANCE.

Total.....\$1,553,788.14

2. Funding for this transfer is as follows:

Assigned Fund Balance .....\$1,553,788.14

3. Expenditure of these funds shall be at the direction of the City Manager.

4. This resolution shall take effect upon its passage.

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# CITY OF CONCORD

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## REPORT TO MAYOR AND CITY COUNCIL

**FROM:** Brian LeBrun, Deputy City Manager – Finance

*Brian*

**DATE:** November 27, 2013

**SUBJECT:** Use of Surplus and other authorizations

### Recommendation

The City is reporting a surplus of \$953,300 in excess revenues over expenses for the Fiscal Year ending June 30, 2013 and is making the following recommendation. Accept this report and authorize the attached resolutions: move \$618,788.14 from the City's FY13 Committed Fund Balance to Assigned Fund Balance; approve \$1,553,788.14 from FY2013 Assigned Fund Balance to cover Property Tax Abatements and Transfers to Trust Fund Reserves; and appropriate \$145,000 (\$55,000 CIP, \$90,000 General Fund) to be transferred from trust fund reserve accounts, all for the purposes detailed below.

### Background

The City has identified \$618,788.14 in the Committed Fund Balance that is no longer needed for the purposes in which they were established (\$578,080 was committed for tax stabilization during the years when the City's reserves were very low and \$40,708.14 was set aside as a copier reserve). Also, the \$953,000 surplus is in addition to the \$894,000 that was used from FY2012 Assigned Fund Balance to support transfers to the City's trust fund reserve accounts. The \$894,000 amount is only budgeted and not recorded as actual revenue in the City's operating budget, as noted below.

### Discussion

The Fiscal Year 2013 General Fund actual revenues received were short of the amended budget by \$227,100. The major variances (greater than \$20,000) to budget are:

<u>Department Revenue Excess/ (Shortage)</u>	<u>Amount</u>
Assessing – Payment in Lieu of Taxes	\$30,900
Finance – Motor Vehicle Registrations	105,500
Interest Costs and Penalties	(77,500)
Insurance Distributions & Credits – Primex Premium Holiday	315,100
Sale of Surplus Property	40,500
Miscellaneous – Bond refunding	102,200
Advertising Revenue	20,100
Transfer in from Trusts	(32,800)
Police – Special Police Duty Services	(63,800)
Non-Metered Parking Penalties	20,700
State of NH Training Grant	26,000
Fire – US Department of Homeland Security/FEMA	42,000
Multiple Local Governments	83,100
Ambulance Service Charges	117,500
Special Fire Duty Services	22,300
Miscellaneous	45,600
GSD – US Department of Homeland Security/FEMA	153,500
Salt Sales	24,500
Miscellaneous	27,600
CD – Building Permits	(153,100)
Review Fee – Site Plans	25,100
Parks and Rec – Miscellaneous Services	(56,600)
Camps	(36,700)
Building Lease Rental or Use	(38,500)
Use of Assigned Fund Balance	(894,000)
All other revenues	(76,300)
Total Revenue Excess/ (Shortage)	(\$227,100)

Conversely, while some General Fund actual line item expenses exceeded projections, overall, actual expenses were under budget projections by \$1,180,400. The major areas of (over)/under-expenditures are:

Compensation	\$383,800
Benefits	298,500
Outside Services	89,500
Supplies	83,700
Utilities	100,400
Insurance	83,400
Capital Outlay	15,200
Debt Service	(38,200)
Miscellaneous	183,700
Allocated Costs	8,700
Transfers Out	(28,300)
Total Under/ (Over) Expended	\$1,180,400

**Note:**

- 1) Net of Use of Assigned Fund Balance, actual revenues exceeded budget projections by \$666,900.

The basis for the attached resolutions are to support needed initiatives that were either not funded in the FY14 operating budget, issues that arose after the FY14 budget was presented/adopted or looking ahead to resolve future issues early. The items requested in the resolution(s) are:

Reserve for Abatements	\$390,000
Highway Reserve (Paving)	300,000
Equipment Reserve	170,000
Building Improvements Reserve (Fire HVAC)	55,000
Education and Training Reserve	<u>20,000</u>
FY2013 Assigned Fund Balance	\$935,000
Return to Unassigned Fund Balance (approximate)	<u>18,300</u>
FY2013 Excess Revenues over Expenses	\$953,300

In addition to the General Fund, the summary year-end performance by other major funds is:

	<u>Amended Budget</u>	<u>Actual</u>	<u>Variance</u>
Parking Fund	(\$251,133)	(\$196,042)	\$55,091
Airport Fund	2,197	55,889	53,692
Golf Course Fund	(20,685)	32,130	52,815
Arena Fund	14,595	15,390	795
Solid Waste Fund	(122,385)	(185,613)	(63,228)
Water Fund	(315,510)	84,994	400,504
Wastewater Fund	(25,443)	169,261	194,704

Additionally, the attached resolutions include two additional authorization requests:

- 1) Request to move \$1,052.94 from 53<sup>rd</sup> Week Reserve and \$3.45 from Reassessment Reserve to the Paving Reserve. This is a housekeeping item to clear out small balances in these two reserve accounts that are no longer necessary.

cc: City Manager  
Asst. Finance Director



12-11

For 11/27/13

1-36(B)

1-38

# CITY OF CONCORD

*In the year of our Lord two thousand and fourteen*

**RESOLUTION TO APPROPRIATE FIFTY-FIVE THOUSAND DOLLARS (\$55,000) AS A SUPPLEMENTAL APPROPRIATION TO THE CITY'S GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURPOSE OF HVAC IMPROVEMENTS AT THE CITY'S FIRE STATIONS AND FUNDING FOR THIS APPROPRIATION SHALL BE ENTIRELY FROM THE BUILDING IMPROVEMENTS RESERVE ACCOUNT.**

Page 1 of 2

*The City of Concord resolves as follows:*

- WHEREAS,** the City of Concord recognized Fiscal Year 2013 unspent funds and transferred a portion of those funds to reserve accounts for HVAC and Energy improvements at the City's Fire Stations CIP #325; and
- WHEREAS,** the City has approximately \$203,000 available for the remaining HVAC improvements; and
- WHEREAS,** approximately \$258,000 is necessary to complete the remaining improvements; and
- WHEREAS,** the additional \$55,000 will be drawn entirely from the Building Improvements Reserve account and does not directly impact the total amount to be raised in taxes; 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 City of Concord that:***

1. The sum of .....\$55,000  
be and is hereby appropriated as follows:

General CIP Fund:  
 HVAC Energy Improvements CIP #325 .....\$55,000

# CITY OF CONCORD

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*In the year of our Lord two thousand and fourteen*

**RESOLUTION** TO APPROPRIATE FIFTY-FIVE THOUSAND DOLLARS (\$55,000) AS A SUPPLEMENTAL APPROPRIATION TO THE CITY'S GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURPOSE OF HVAC IMPROVEMENTS AT THE CITY'S FIRE STATIONS AND FUNDING FOR THIS APPROPRIATION SHALL BE ENTIRELY FROM THE BUILDING IMPROVEMENTS RESERVE ACCOUNT.

Page 2 of 2

2. Funding for this transfer is as follows:

General CIP Fund:

Transfer from Trust Building Improvements Reserve .....\$55,000

3. Expenditure of these funds shall be at the direction of the City Manager.

4. This resolution shall take effect upon its passage.

# CITY OF CONCORD

12-12  
1-36 (c) 12/3/13  
1-39

*In the year of our Lord two thousand and fourteen*

**RESOLUTION TO APPROPRIATE NINETY THOUSAND DOLLARS (\$90,000) FROM TRUST FUND RESERVES AS A SUPPLEMENTAL APPROPRIATION TO THE CITY'S GENERAL FUND FOR THE PURPOSES OF EQUIPMENT REPLACEMENT AND EDUCATION & TRAINING, AND TO TRANSFER ONE THOUSAND FIFTY-SIX DOLLARS AND THIRTY-NINE CENTS (\$1,056.39) FROM THE 53<sup>RD</sup> WEEK AND REVALUATION RESERVES TO THE HIGHWAY RESERVE. FUNDING FOR THESE PURPOSES SHALL BE ENTIRELY FROM TRUST FUND RESERVE ACCOUNTS.**

Page 1 of 2

*The City of Concord resolves as follows:*

**WHEREAS,** the City of Concord recognized Fiscal Year 2013 unspent funds and transferred a portion of those funds to reserve trust accounts for equipment and educational purposes; and

**WHEREAS,** the City is in need of various equipment replacement and educational services; and

**WHEREAS,** use of these funds is drawn entirely from trust reserve accounts and does not directly impact the total amount to be raised in taxes; and

**WHEREAS,** use of the remaining balances in the 53<sup>rd</sup> Week Reserve (\$1052.94) and the Revaluation Reserve (\$3.45) which are no longer necessary and transfer to the Highway reserve, to be more appropriately used for paving purposes and this is simply a reserve to reserve transfer; and

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

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

1. The sum of.....\$90,000  
be and is hereby appropriated as follows:

<u>General Fund</u>	
Voting Booth Replacement.....	\$12,500
City Hall Equipment.....	\$12,500

# CITY OF CONCORD

*In the year of our Lord two thousand and fourteen*

**RESOLUTION** TO APPROPRIATE NINETY THOUSAND DOLLARS (\$90,000) FROM TRUST FUND RESERVES AS A SUPPLEMENTAL APPROPRIATION TO THE CITY'S GENERAL FUND FOR THE PURPOSES OF EQUIPMENT REPLACEMENT AND EDUCATION & TRAINING, AND TO TRANSFER ONE THOUSAND FIFTY-SIX DOLLARS AND THIRTY-NINE CENTS (\$1,056.39) FROM THE 53<sup>RD</sup> WEEK AND REVALUATION RESERVES TO THE HIGHWAY RESERVE. FUNDING FOR THESE PURPOSES SHALL BE ENTIRELY FROM TRUST FUND RESERVE ACCOUNTS.

Page 2 of 2

General Fund (cont.)

Education and Training.....	\$20,000
Police Department Vehicle Replacement .....	\$30,000
Fire Department Mobile Response Platform .....	<u>\$15,000</u>
Total.....	\$90,000

2. Funding for this transfer is as follows:

Transfer from Trust Reserves:

Equipment.....	\$70,000
Education & Training .....	\$20,000

3. Expenditure of these funds shall be at the direction of the City Manager.

4. This resolution shall take effect upon its passage.

# CITY OF CONCORD

12-13  
By 11/27/13  
1-36(b)  
1-40

*In the year of our Lord two thousand fourteen*

**RESOLUTION** AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) AND TO ACCEPT AND APPROPRIATE GRANT PROCEEDS OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF NATIONAL ALLIANCE ON MENTAL ILLNESS NEW HAMPSHIRE (NAMI NH).

Page 1 of 2

*The City of Concord resolves as follows:*

- WHEREAS, the City of Concord is eligible to apply to the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, for a Community Development Block Grant (CDBG); and
- WHEREAS, the City of Concord desires to continue its Community Development efforts by performing Community Development projects, including, but not limited to, providing housing rehabilitation assistance to low and moderate income individuals or families, construction and rehabilitation assistance to the development and completion of a Public Facilities center that will provide jobs and services for low and moderate income individuals or families; and
- WHEREAS, Community Development funds are available through the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, to assist such projects; and
- WHEREAS, National Alliance on Mental Illness NH (NAMI NH) is a Concord based not-for-profit organization whose mission is to counsel and support individuals with mental illness, as well as their families; and
- WHEREAS, NAMI NH plans to use CDBG funds to renovate and expand their facility located at 85 North State Street; and
- WHEREAS, this appropriation is for a purpose not included in the FY14 adopted budget, therefore, section 37 of the City Charter requires a two-third vote of the City Council.

By  
11/27/13

# CITY OF CONCORD

*In the year of our Lord two thousand fourteen*

**RESOLUTION** AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) AND TO ACCEPT AND APPROPRIATE GRANT PROCEEDS OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF NATIONAL ALLIANCE ON MENTAL ILLNESS NEW HAMPSHIRE (NAMI NH).

Page 2 of 2

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

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

CDBG Fund  
NAMI NH.....\$500,000

- 2. Said revenue shall be available as follows:

CDBG Fund  
CDBG grant  
NAMI NH.....\$500,000

- 3. That the City Council approves this Community Development Block Grant application and hereby authorizes the City Manager to submit the necessary grant documents and administer the program upon approval by the NH Community Development Finance Authority, CDBG Division and authorizes the City Manager to accept and spend funds received from the CDBG grant.

- 4. This resolution shall take effect upon its passage and grant award.



# CITY OF CONCORD

120

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Matthew R. Walsh, Director of Redevelopment, Downtown Services, and Special Projects *My RW*

**DATE:** November 27, 2013

**SUBJECT:** NAMI NH Community Development Block Grant

### Recommendation

- Accept this report; and,
- Set the attached resolution for public hearing on January 13, 2014 authorizing the City Manager to 1) submit an application seeking up to \$500,000 in Community Development Block Grant funds to the NH Community Development Finance Authority on behalf of the NAMI NH, and 2) accept and appropriate such funds if awarded.
- Set the attached resolution re-adopting the City's Displacement and Relocation Policy Statement and Procedures for public hearing on January 13, 2014.

### Background

The New Hampshire Community Development Finance Authority (NHCDFFA) is the state agency responsible for the administration of the US Department of Housing and Urban Development's (USHUD) Community Development Block Grant (CDBG) Program.

Each year, the NHCDFFA holds two "regular" application rounds – typically in January and July - for CDBG funds to support planning and feasibility projects which benefit low / moderate income individuals and households. The maximum grant amount is \$500,000 for these "regular" grant rounds. In addition, emergency grants are available on a year-round basis, as funds allow, on a "first come - first served" basis in an amount up to \$500,000 per municipality annually. The NHCDFFA also offers CDBG Feasibility / Planning Grants in an amount up to \$12,000 per municipality annually. Only non-entitlement municipalities and counties may apply for CDBG funds; however these political subdivisions may sub-grant CDBG funds to not-for-profit organizations.

On October 29<sup>th</sup> staff, on behalf of the City's Community Development Advisory Committee ("CDAC"), issued a request to proposals package to 27 non-profit entities based in Concord for the purpose of seeking a partner with which to pursue a viable Community Development Block Grant application for the upcoming January 2014 funding round. Proposals were received on November 15<sup>th</sup>. The City is eligible to seek up to \$500,000 in CDBG funds during the upcoming grant round, which closes on January 27, 2014.

CDBG funds are awarded on a competitive basis using a "points" system. Given recent cuts to the CDBG Program by the Federal Government, the CDBG Program has become even more competitive during the last few years.

The NH Community Development Finance Authority reports that approximately \$1.8 Million in funds will be available for the upcoming round. However, this amount could be higher due to the availability of other unused CDBG funds typically reserved for economic development projects.

### Discussion

The City's Community Development Advisory Committee ("CDAC") received a single response to its RFP, which was provided by NAMI NH. NAMI is a not-for-profit organization, which provides a variety of mental health services to clients in Concord and throughout the State. Specifically, they offer counseling for the mentally ill and their families. They also engage in education and public advocacy activities regarding mental illness.

NAMI is seeking funds to renovate their property located at 85 North State Street. NAMI purchased this property in April 2012 and have undertaken some renovations. However additional renovation is still required.

Presently, NAMI is exploring the use of CDBG funds to renovate and expand an existing garage into a handicap compliant meeting space to support their educational and support programs. They are also considering use of CDBG funds to make various energy improvements to the building.

CDAC met with representatives of NAMI NH to review their proposal on November 22<sup>nd</sup> and voted unanimously to recommend that the City Council move forward with a CDBG application on NAMI NH's behalf.

In accordance with State and Federal regulations for the CDBG program, the City is required to create and periodically re-adopt two documents: a Housing and Community Development Plan, as well as a Displacement and Relocation Policy Statement and Procedures.

The Housing and Community Development Plan must be readopted every three years. The plan was last re-adopted by Resolution #8672 on June 10, 2013, and therefore no action is required for this application.

The Displacement and Relocation Plan must be readopted annually. This plan sets forth procedures the City shall adhere with in the event a CDBG funded project necessitates temporary or permanent relocation of residents or businesses.

Award decisions for the upcoming grant round will be made in April 2014.

# CITY OF CONCORD

12-14  
11/27/13

1-36 (E)  
1-41

*In the year of our Lord two thousand fourteen*

**RESOLUTION** READOPTING THE CITY'S DISPLACEMENT AND RELOCATION POLICY STATEMENT AND PROCEDURES.

Page 1 of 1

*The City of Concord resolves as follows:*

WHEREAS, the City of Concord is eligible to apply to the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, for a Community Development Block Grant (CDBG); and

WHEREAS, the City of Concord desires to continue its Community Development efforts by performing Community Development projects, including, but not limited to, providing housing rehabilitation assistance to low and moderate income individuals or families, construction and rehabilitation assistance to the development and completion of a Public Facilities center that will provide jobs and services for low and moderate income individuals or families; and

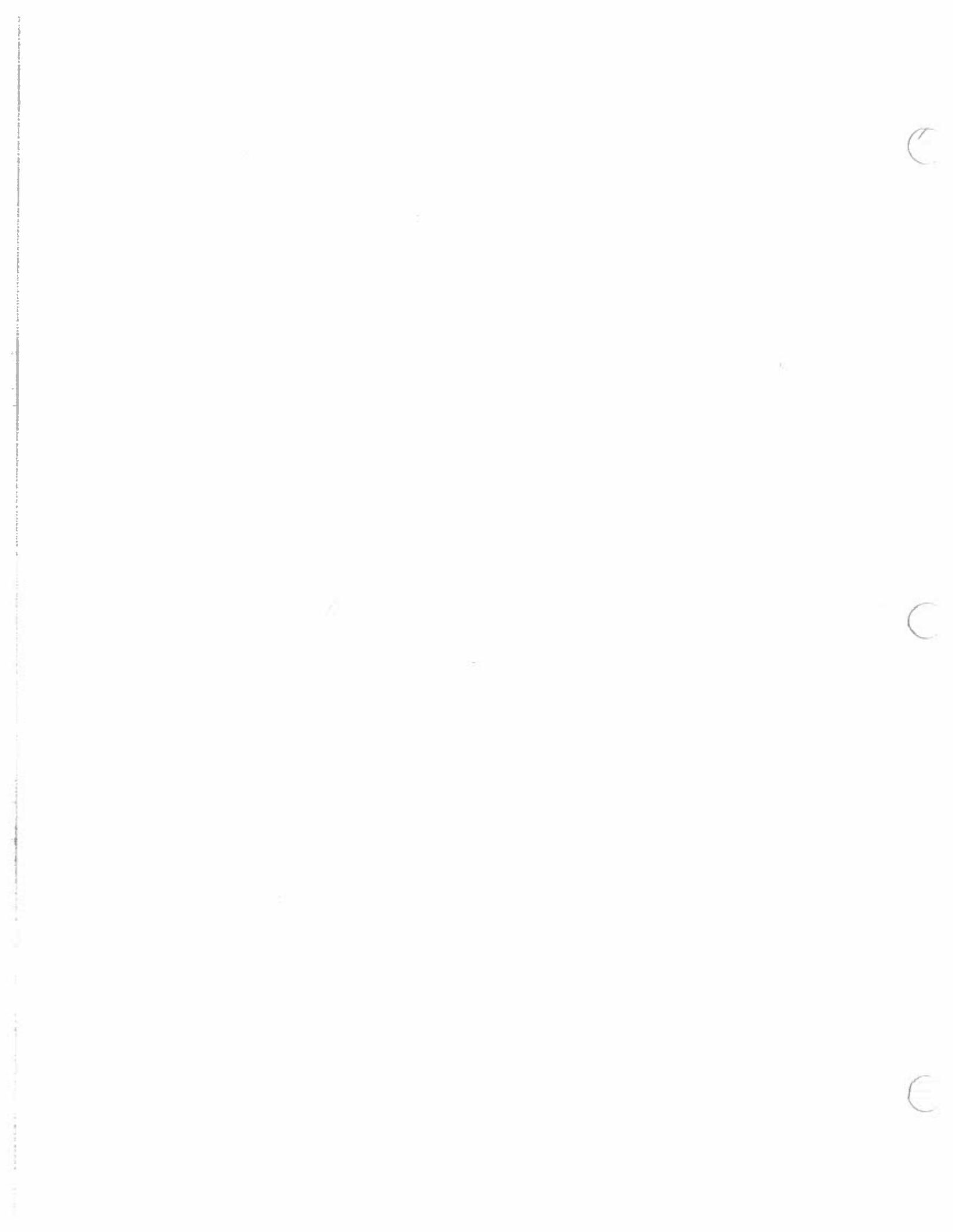
WHEREAS, Community Development funds are available through the New Hampshire Community Development Finance Authority, Community Development Block Grant Program Division, to assist such projects; and

WHEREAS, the adoption of a Displacement and Relocation Policy Statement and Procedures is an annual requirement for submission of Community Development Block Grant applications; and

WHEREAS, the purpose of the Displacement and Relocation Policy Statement and Procedures is to establish processes that the City shall adhere with in the event a project financed with Community Development Block Grants involve the temporary or permanent relocation of residents or businesses.

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

1. The City Council hereby re-adopts the City's Displacement and Relocation Policy Statement and Procedures.
2. This resolution shall take effect upon its passage.



Resolution No.

11-40 5-58 3-39  
12-37 6-53 1-16  
1-42 7-40  
8-65 2-33(I)  
9-37 2-42  
10-35 4-39

**CITY OF CONCORD**

*In year of our Lord two thousand thirteen*

**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 Streets  
Storrs Street South  
as of November 1, 2012**

**Street Owner**

Street	Owner
36A-1-2	State of New Hampshire
26-1-8	Port Ave Railways
26-1-6	Seaworth Federal, Inc.
26-1-4	Colson Properties of Concord, LLC
26-1-3	Concord Street Associates, Inc.
26-1-5	J.S. Lovell General Partners

Mapped Line of Future Street  
 Right of Way  
 Other Streets  
 Other

11/19/12  
 Concord Planning Division  
 Concord, NH  
 SLH

11-41 8-14  
12-38 9-26 (c)  
1-43 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.

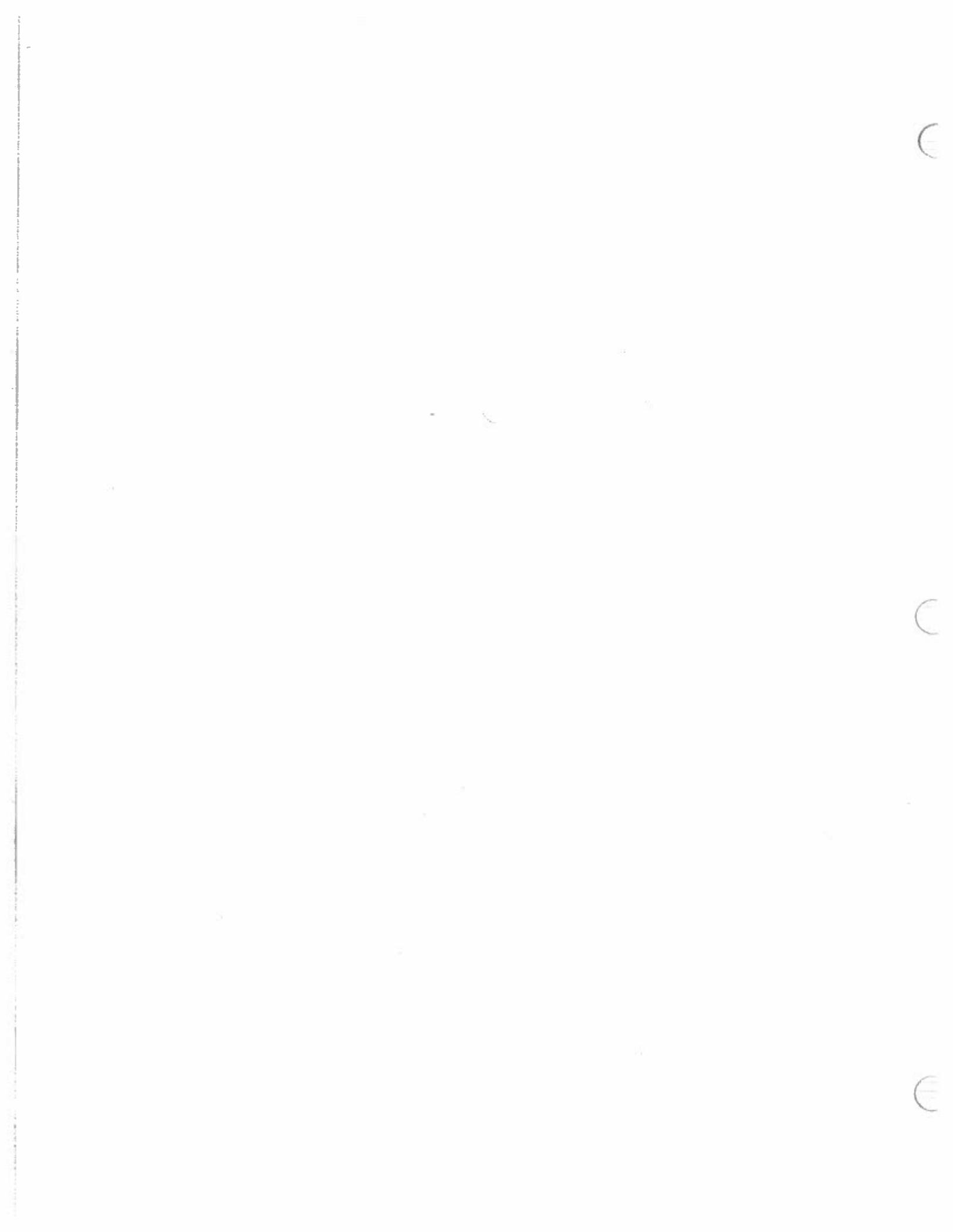
## Section 702 – Fire Protection Systems

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.





# 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.

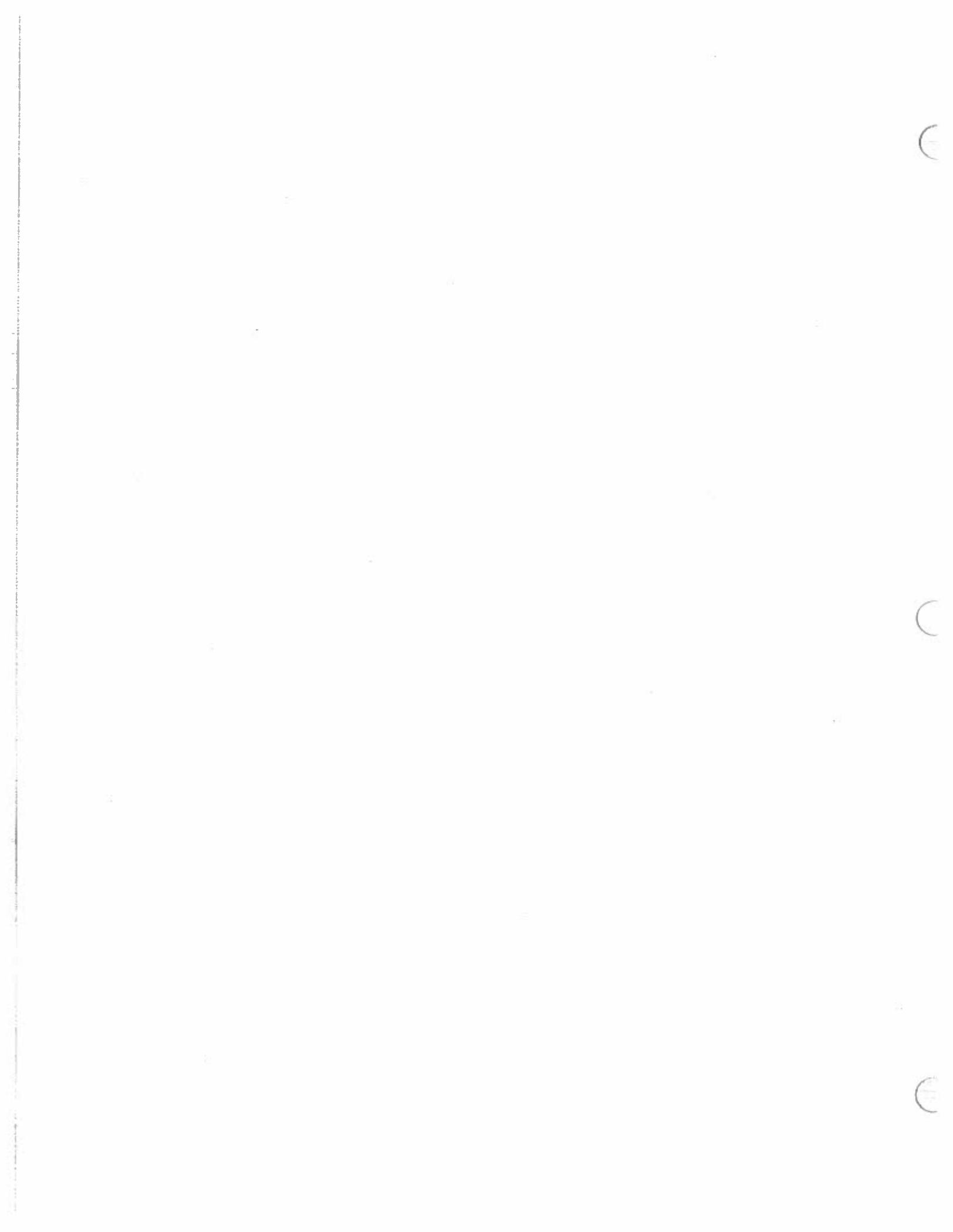
### **Background**

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



## **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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# Concord Plan to End Homelessness

## Meeting Notes

September 25, 2013

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**Committee Members Present:** Nicole Schultz-Price, Patrick Tufts, Susan Howland, Cathy Kuhn, John Hoyt, Dan Andrus, Jackie Whatmough, Maggie Fogarty, Tim Sink, Jerry Madden, Jim Bouley, Maureen Ryan

**Others Present:** Amy Lockwood (facilitator), Ellen Fries, Bill Davis, Wendell Ford, Harold Coffey, Linda Newell, Keith Thibault (SW Community Services, Keene), Mark Swann, (Preble Street, Portland, ME)

### Minutes

Patrick Tufts moved to accept the May meeting minutes. Jackie Whatmough seconded the motion. The group unanimously approved the minutes.

### Presentation: Preble Street in Portland, Maine

Mark Swann presented information about Logan Place, a permanent housing complex Preble Street developed for chronically homeless individuals. Preble Street partnered with Avesta, a housing developer, to complete the project. The goal of the project was to offer a true "housing first" option for chronically homeless people -- meaning that the only requirements of residents are that they pay 30% of their income toward rent and they act like a good, respectful neighbor. They do not have to be sober or have a steady working source of income.

Mark presented compelling statistics demonstrating that by offering these 30 individuals housing, city resources spent on homelessness has dropped astoundingly. Specifically, police and emergency calls, urgent health care costs, and other resources dropped significantly. In addition, the homelessness rate dropped 10% and has stayed at the same level since 2005, after a decade of annual increases in the homelessness rate over time.

The project was initially funded through a combination of federal and other resources. On an ongoing basis it's funded through a combination of public contracts and private donations.

Mark stated three high priority keys for success in carrying out a project like this:

1. A key leader (politician, church leader) needs to back the project fully and be willing to provide public leadership for it;

2. A partnership with a housing authority to provide long term Section 8 rental support is critical; and
3. The sponsoring group needs to think big and be willing to act big.

**Presentation: Second Chance for Success, Keene NH**

Keith Thibault of Southwest Community Services presented information about the Second Chance for Success housing development for ex-offenders in Keene. This project was initiated after homeless service agencies in the region realized that about 30% of the homeless people in the area were ex-offenders who were unable to secure stable housing and other resources immediately after release.

SW Community Services partnered with the Cheshire County Department of Corrections to build this set of 12 apartments for fully-released ex-offenders. The project is designed to offer a safe, secure stable place for residents to live for 3-18 months while they establish work and other resources so they can live fully independently in the community.

This project was funded primarily through a CDBG grant and NH Housing Special Needs Housing Funds. Ongoing operating funds come from resident rent payments (based on income, which has been higher than projected as residents have been able to find work), and is backed by a Keene Housing Authority subsidy equal to \$5/day/bed, or about \$22,000/year.

**Group Discussion of Presentations**

Patrick Tufts led a brief conversation about initial thoughts related to the two presentations. Some comments included:

- Preble Street serves a relatively small population but has a huge positive financial impact in the community
- The question was raised: is the goal of this effort to reduce the cost of homelessness or to impact a large number of homeless people positively?
  - o There is ample data showing that by addressing the needs of the small, high-need chronically homeless population, funds that were previously spent repeatedly assisting these people are freed up to assist people with shorter term or less intense needs related to homelessness
  - o The group agreed that having access to some of this data would be helpful
  - o Dan Andrus is working on an assessment of the cost of homelessness in Concord today – this data would also be helpful

- Patrick and others reflected on two areas of particularly high interest over the course of the committee's work: an active day center for homeless people, and the concept of a housing-first permanent housing project like Logan House

### **Update on Community Outreach**

Susan Howland reviewed preliminary results from two online surveys being circulated in the community: one for homeless people and the other for general community members. The deadline for the survey is September 30 – final results and trends will be assembled after that date.

Maggie Fogarty reported on two group discussions about homelessness, one with service providers and one with homeless individuals. The results of those and other group discussions will also be assembled with themes for the committee.

Two business community meetings are planned for October – the Chamber will meet on the 10<sup>th</sup> and a group of downtown merchants will meet in mid-October.

The group agreed all of the planned outreach will be helpful in combination with the housing first related data it has requested.

The group agreed that before making more broad public announcements, it should do more development of planned strategies so the public has something to comment on.

### **Next Steps**

- The Planning Team will meet on October 1 to develop next steps between now and the next Steering Committee Meeting
- The Planning Team will work on assembling the cost of homelessness data Dan has been working on as well as some national data demonstrating the cost effectiveness of housing first approaches.



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**Concord Plan to End Homelessness  
Meeting Notes  
October 29, 2013**

**Committee Members Present:** Patrick Tufts, Susan Howland, Cathy Kuhn, John Hoyt, Dan Andrus, Jackie Whatmough, Maggie Fogarty, Tim Sink, Jerry Madden, Jim Bouley, Maureen Ryan, Peter Evers, Bret Longgood, Val Guy, John Duval, Jerry Kingwill, David Frydman, Paul Rizzi

**Others Present:** Amy Lockwood (facilitator), Bill Davis, Jacob Wasag, Tom Fredenberg

**Project Timeline**

Patrick reviewed the updated project timeline. Over the month of November we will write the plan, including committee edits, and circulate it to the community for comments.

The committee will meet in early December to review and discuss a draft final plan.

The ultimate goal will be to present a plan to the City Council in January.

**Summary of Work to Date**

Maggie Fogarty presented a summary of work to date developed by NH Listens. The group discussed it. Observations included:

- The summary contains some inaccurate statistics because it reflects discussions that occurred (even with some inaccurate statistics raised in discussion). The report needs to clearly and simply quantify homelessness in Concord overall, in subgroups, etc. It needs to make clear distinctions between actual facts about homelessness and discussion content.
  - HMIS has come a long way in tracking accurate data in the last several years. Maureen Ryan can develop an accurate picture of Concord area homeless statistics.
- Age bands of homeless people are important for analysis of need, and because the public is interested in them.
- The report should contain visuals that assist people in understanding the situation easily.
- Riverbend staff raised the question about the link between addiction and homelessness, and the related costs of addressing this. This may be an area in which new resources will be available in the future.

- The question was raised about whether now is the time to connect with prison system officials about better managing ex-offenders as they are released. Jim McGonagle would be a helpful resources for finding the right Department of Corrections people.

### **Community Input**

Susan Howland distributed a final summary of community input given via electronic surveys. Major findings will be in the report.

### **Housing First in Concord**

Susan Howland, Cathy Kuhn and Maureen Ryan discussed housing first approaches in Concord. Families in Transition has a program that has many Housing First elements in it right now – it is scattered site. A key issue in developing Housing First solutions is identifying long term funding. Typically this includes a mix of:

- Section 8 rental subsidies for tenants
- CDBG
- Emergency Solutions Grants
- City/ local resources

In states where these efforts are successful, often state agencies that issue housing funds have created set-asides for Low Income Housing Tax Credits and other federal resources that allow these projects to take priority. Explaining the need for this type of policy change is an advocacy activity that Concord leaders could take on in the short term.

### **Strategies for the Plan**

The group discussed strategies for the Plan to End Homelessness. A draft of the strategies identifies follows at the end of this document.

### **Other Notes for the Report**

Committee members listed information they would like to have before deciding on final strategies for the plan:

- A sketch of a funding plan for each strategy to help assess feasibility of adopting them (would dollars be new or not new; hard or easy to get?)
- The report needs to note all the good work that is happening now

- The report needs to make clear how new strategies tie into the agencies and work that is happening now

### **Next Steps**

- Maureen Ryan will use HMIS and PIT data for Concord homelessness over the last 3 years, including age bands and other demographic characteristics to the extent possible.
- Amy Lockwood will send a note to schedule the December meeting
- The Planning Team will schedule a public meeting to comment on the draft

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THE UNIVERSITY OF CHICAGO LIBRARY

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John F. Duval  
Chief of Police

# City of Concord, New Hampshire

## POLICE DEPARTMENT

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FAX (603) 228-2703

www.concordpolice.com

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### PARKING COMMITTEE MEETING

November 18, 2013 at 4:30 p.m.

**PRESENT:**

City Councilor Mark Coen  
City Councilor Allen Bennett  
City Councilor Fred Keach  
City Councilor Jennifer Kretovic  
Intown Concord Representative Sue McCoo  
Intown Concord Representative Pam Peterson  
Intown Concord Representative Tonya Rochette  
Chamber of Commerce Representative Mark Ciborowski

**ABSENT:**

Community Representative Jeff Bart  
Concord Area Transit Representative Jim Sudak

**STAFF:**

Director of Redevelopment, Downtown Services & Special Projects Matt Walsh  
Traffic Engineer Bob Mack  
Parking Clerk Alison Sirisgello

**GUESTS:**

Debra Naylor Havenwood-Heritage Heights  
Dan Perkins NH Master Chorale  
Mark Yasewicz NH Master Chorale  
Rev. Jerry McCann United Church of Penacook  
Dall McCann United Church of Penacook  
Roy Schweiker local resident

### **Adoption of Minutes**

City Councilor Jennifer Kretovic moved to accept the minutes of the September 2013 meeting with a request the Roy Schweiker's name be included in the list of those present. Intown Concord Representative Tonya Rochette seconded. The motion passed unanimously.

### **Citizen Requests / City Council Referrals**

1. Havenwood-Heritage Heights

Director of Redevelopment, Downtown Services and Special Projects Matt Walsh presented a request from Havenwood-Heritage Heights for additional driveway setbacks for parking lots located on Christian Avenue to improve sight lines. The setbacks are currently posted at 5 feet from the driveways in accordance with City ordinance. Options set forth by Mr. Walsh include increasing the set back to 30 feet, as has been done at major commercial driveways, or moving the parking to the South side of the street where there are fewer driveways. There is concern that moving the set back to 30 feet would set a precedent for other properties in the City with similar concerns. City Councilor Fred Keach requested information on the number of motor vehicle accidents in the area as well as the cost involved in moving the parking to the South side of the street. Ms. Kretovic suggested staggering the parking on both sides of the street; this would remove parking from some of the driveways as well as slow the traffic. Local resident Roy Schweiker suggested the City create a new ordinance allowing for a greater setback for multifamily driveways. After much discussion, Ms. Kretovic moved to table the matter until such a time as Mr. Keach's questions can be answered. City Councilor Allen Bennett seconded. The motion passed unanimously.

## 2. New Hampshire Master Chorale

Mr. Walsh presented a request from New Hampshire Master Chorale to hold a concert in Capital Commons Garage on June 21, 2014. The fourth and fifth levels of the garage would be closed for the concert and dress rehearsal. There is concern that the demand for parking spaces may be increased at that time due to the coming Complete Streets Project. The majority of the parking spaces that would be impacted are leased spaces, which are reserved Monday through Friday 8am to 6pm. Ms. Kretovic expressed concern that the date selected for the concert coincides with Downtown's Midsummer Night Magic. Dan Perkins and Mark Yasewicz of New Hampshire Master Chorale stated that they would expect the first three levels of the garage to remain open to the public during the performance and rehearsal. They also stated that they would be interested in coordinating with any other Downtown groups or events, such as Midsummer Night Magic. Mr. Keach moved to recommend the request to City Council for approval. Staff to contact abutters and parking space lease holders. Mr. Bennett seconded. The motion passed unanimously.

## 3. United Church of Penacook

Mr. Walsh presented a request from the United Church of Penacook to establish Handicap parking spaces on Merrimack Street between Community Drive and Sanders Street. If Handicap parking spaces were to be established on Merrimack Street, improvements would have to be made to the side walk to meet ADA standards. In 2011 there was a similar request on Pleasant Street. In that situation, the requesting party paid for the modifications to the sidewalk through grants and low interest loans from the City. Mr. Keach moved that United Church of Penacook review the cost and feasibility of making the sidewalk ADA compliant. Ms. Kretovic seconded. The motion passed unanimously.

## 4. June Dubois Latti

Mr. Walsh presented a request from June Dubois Latti for two resident permits for her property at 10 Court Street. Mr. Walsh recommended responding to Ms. Latti in writing,

informing her that the City does not have resident permit parking in the area of Court Street. Mr. Bennett moved to take no action on the request. Mr. Keach seconded. The motion passed unanimously.

## **Reports**

### **1. Neighborhood Parking Discussion**

The committee reviewed a cost estimate for Dedicated Overnight Neighborhood Parking Enforcement as prepared by Deputy Chief Osgood, as well as a summary of parking tickets issued by Police Officers. It was noted that the majority of 48 hour violations written are complaint driven.

The committee also reviewed a report to the Mayor and City Council dated March 27, 2009 relative to narrow streets and snow removal. Should the travel portion of any street fall below a minimum of 12 feet due to snow or other conditions, General Services will post temporary No Parking signs.

## **Information**

### **1. Monthly Financial Statement**

Parking Fund had no significant issues to discuss at this time.

### **2. Snow Removal Bid**

The lowest bid was from Jeffrey Raymond, \$49,200.00.

## **Public Comments**

Intown Concord Representative Sue McCoo mentioned that a local car dealership often parks their vehicle in the Capital Commons Garage during snow storms, often leaving them in the garage over the course of a weekend. While this is not in violation of any City ordinance, it is not the intended use of the garage.

## **Other Business**

The next meeting of the Parking Committee will take place in January 2014.

## **Adjourn**

Mr. Bennett moved to adjourn. Mr. Keach seconded. The meeting adjourned at 6:06pm by unanimous vote.

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# Concord Public Library Trustee Meeting

December 2, 2013

**-D-R-A-F-T-**

Present: 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 7:02 p.m.

Pam Stauffacher, Children's and Branch Services Manager, was present to discuss children's services. She discussed two new initiatives:

- "TumbleBooks," a computer/ebook program suitable for K-3, is now available. A link is available through the library's webpage.
- The Children's Room utilized ALA's guidance provided by Every Child Ready to Read to create a PlaySpace in the Children's Room to promote and nurture early literacy. The topics will change frequently, and there will be toys, books, and story hours to match the topics. This is also happening on a smaller scale in Penacook.

The minutes of the November 4, 2013 meeting were approved.

### Library Director's Report

- Ginny Babczak, Reference Librarian, is retiring, and the Library Director is proposing to re-create the position of Adult Services Manager.
- The book sale books at the Penacook Branch Library were weeded and removed.
- Work has begun on the FY 2015 budget.
- Staff did a session of "Downtown Dialogues" on WKXL radio.
- The Heights' Community Center bookshelf is being used and refreshed with new books. Each book has a sticker to let the reader know to return it or pass it on.
- Concord Reads is potentially revamping its programming, planning to do a book in fall 2014, with a single event. Another book and multiple events will be planned for spring 2015.
- The Tannery Project is continuing site clean-up. The City will probably issue another RFP for a developer in the spring.
- No new news on the NH Employment Security building plans.
- Trustees approved the updated library's "Rules and Regulations" by unanimous vote.

### CPL Foundation Update:

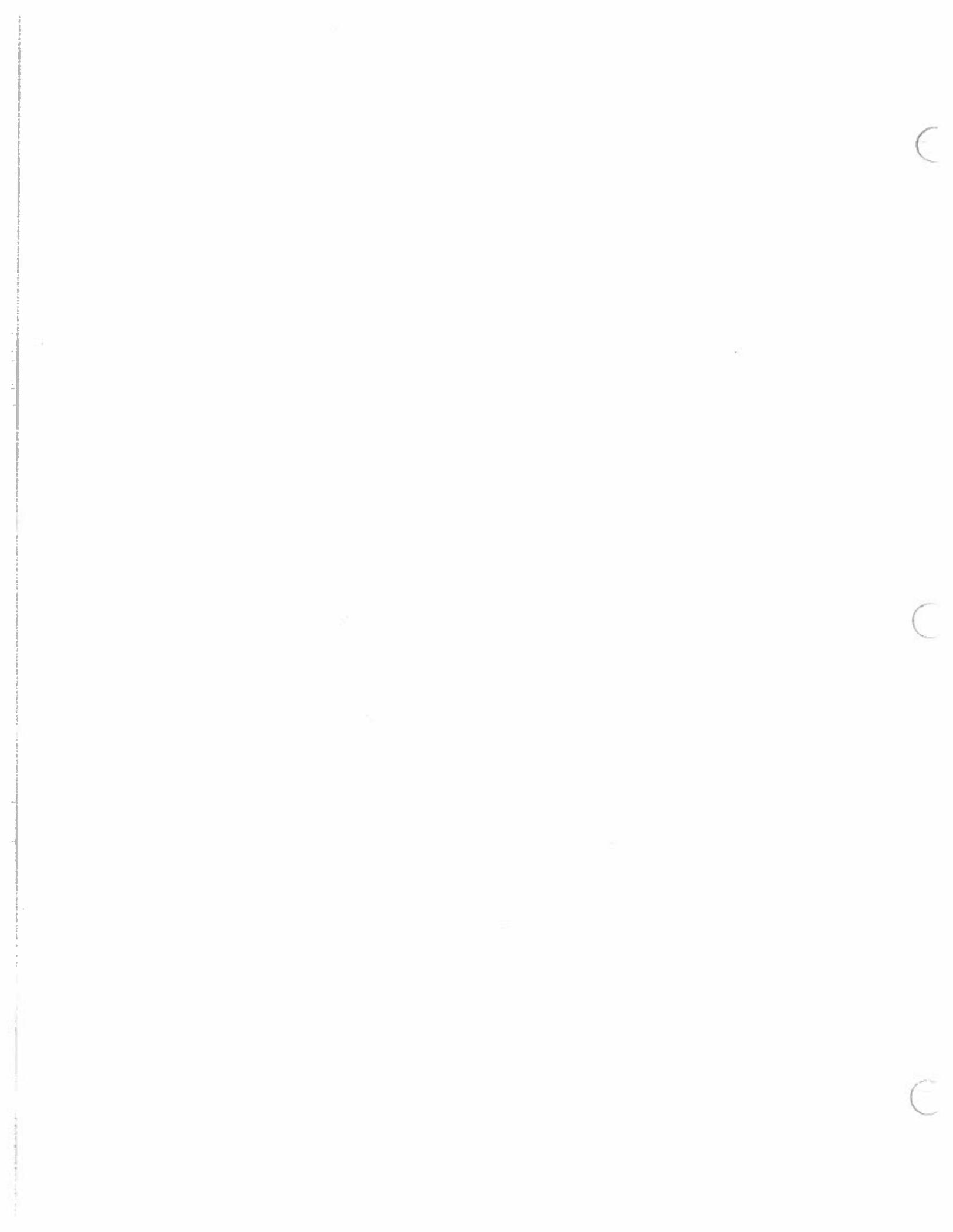
- The Foundation discussed their committees and their website at the most recent meeting.
- Karen Landsman was recognized for chairing the Yates Award Committee for 10 years.

New Business: Questions about the opening for the Library Director position were discussed.

Old Business: The Library Director has spoken with four people interested in the Trustee opening.

A motion to adjourn was made at 8:21 p.m. The next meeting is January 6, 2014.

Respectfully submitted,  
Elizabeth Mulholland, Secretary





## Engineering Services Division

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# Traffic Operations Committee

Meeting Minutes – December 17, 2013

Attendees: Rob Mack, PE, PTOE, Engineering Services  
Ed Roberge, PE, Engineering Services  
Steve Henninger, Planning Division  
Greg Taylor, Police Department

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### 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 November 2013 was reviewed. There were 88 reportable accidents in November 2013. This compares with 98 and 88 reportable accidents in November 2012 and 2011, respectively. 20 accidents resulted in total of 24 people injured. There were no fatalities.

There were two accidents involving pedestrians: a pedestrian aged 35 years jogging northbound along the shoulder of Fort Eddy Road and being struck by the side-view mirror of southbound vehicle (minor injury, driver at fault); and a pedestrian aged 51 years crossing North Main Street in the crosswalk in front of #66 and being struck by a vehicle backing out of an angled parking space (minor injury, driver at fault).

There was one accident involving a bicyclist: a bicyclist aged 38 years traveling northbound along Broadway and turning left onto Rockingham and being struck by a vehicle crossing the intersection eastbound along Rockingham (minor injury, fault not identified, no helmet worn).

- 2) City Council meeting update.

DISCUSSION / ACTIONS: At its December 9, 2013 meeting, City Council approved the Knight Street parking ordinance change.

- 3) Transportation Policy Advisory Committee (TPAC) update.

DISCUSSION / ACTIONS: TPAC did not have a formal meeting in November but members instead attended the November 21, 2013 public information meeting for the CIP 40 Langley Parkway Phase 3 study.

### B. On-going Discussion and Action Items

- 1) 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) Referral from Councilor McClure regarding a constituent request to consider street repaving needs in the Fosterville area and potential one-way or other traffic control changes to mitigate the adverse effects of narrow street widths on parking, sidewalk encroachment, and traffic/pedestrian circulation (Council: 12/09/13).**

**DISCUSSION / ACTIONS:** At issue is a resident request to consider repaving the streets in the Fosterville neighborhood and to consider potential one-way or other traffic control changes to mitigate the adverse effects of narrow street widths on parking, sidewalk encroachment, and traffic/pedestrian circulation. Of particular concern are difficulties imposed on pedestrians due to some parking on sidewalks. TOC members concurred that parking on sidewalks has been observed, although most parkers seem to park appropriately. CPD will increase monitoring and enforcement of parking violations, particularly with regard to blocking the sidewalk.

Several neighborhood streets are programmed for repaving in FY2019-21. TOC members concurred that at that time, a neighborhood meeting could be held to discuss potential additional improvements to sidewalks or extension of the grass sidewalk strip on Prospect Street. Regarding potential for one-way street conversion, an option discussed was to convert the two narrowest streets (Curtice and Granite) to a one-way pair. It was noted that such a change would not significantly address the concern with parking on sidewalks or cars restricting the travel way width. Because of the extremely low volume of traffic using these local streets, TOC did not see a critical need to impose one-way restrictions and preferred the current two-way pattern as it allows residents choice of travel direction to best suit their needs. In any event, potential conversion to one-way street would need to be predicated by a majority of neighborhood residents per the city's Traffic Management Policy. This could be a discussion item at a future pre-paving neighborhood meeting as noted above.

- 2) Referral from City Council regarding a request from the resident at #95 Loudon Road to discontinue the existing residential driveway to Loudon Road and instead develop a lot-line adjustment on an adjacent city-owned parcel to enable a driveway connection to Thomas Street (Council: 12/09/13).**

**DISCUSSION / ACTIONS:** At issue is a request by Ron Ferrante of #95 Loudon Road to develop a lot-line adjustment to allow the residential house to have new driveway access to the southerly end of Thomas Street via a city-owned parcel that lies between Thomas Street and Loudon Road. Mr. Ferrante would permanently close off the existing Loudon Road driveway to this house, but would like to retain the option of a future right-turn-in driveway to the parcel at #95 that might accommodate future site redevelopment.

Steve Henninger summarized the history of the city parcel which is a remnant of the NHDOT construction of the Loudon/Hazen intersection. It was suggested that the City Surveyor research the subject city parcel to determine if any restrictions were imposed on its use. TOC members generally supported the removal of the existing residential driveway on Loudon Road as consistent with corridor access-management goals. However, it was noted that the request is subject to reopening a future Loudon Road driveway access to the property at the same location. Potential site access directly to Prescott Street where the property has existing frontage was also discussed as a more direct option to obviate the need to use the city parcel or

potentially impact Thomas Street. Ed Roberge strongly felt that the city retain full rights to the city parcel for potential use in corridor maintenance. There are few, if any, places along the Loudon Road corridor to stage equipment or materials in the event of road or utility construction or other incident management. This parcel had been instrumental as a key staging area for the recent water main reconstruction project.

#### **D. Open Discussion Items**

- 1) Staff response to miscellaneous inquiries (refer to correspondence in agenda packet).**

DISCUSSION / ACTIONS: None.

Respectfully submitted,



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Robert V. Mack, PE, PTOE, Traffic Engineer  
Chair, Traffic Operations Committee

***The next Traffic Operations Committee meeting will be held on  
Tuesday, January 14, 2014 @ 12:00 PM in the 2<sup>ND</sup> Floor Conference Room.***

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**Bonenfant, Janice**

**From:** maryrdeal@aol.com  
**Sent:** Wednesday, December 18, 2013 2:45 AM  
**To:** \* City Clerk  
**Cc:** jpbouley@comcast.net; lizblanchard@myfairpoint.net; brenttoddconcord@gmail.com; jennyk721@gmail.com; janward3@comcast.net; amandakgrady@gmail.com; chamby@comcast.net; magrrw@myfairpoint.net; dansthilaire@comcast.net; steveshurtleff@aol.com; Gill, David; \* City Manager Office; Hebert, Becky; \* Planning; Murray, Patricia; Henninger, Stephen; ke9@comcast.net; jallenbennett@comcast.net; gailmatson@comcast.net; dickdebatten@comcast.net; fkeach@dmflowers.com; cccwhite@aol.com; mdelloi@yahoo.com; markcoen@tds.net; maryrdeal@aol.com; Roberge, Edward  
**Subject:** Please add letter to January City Council agenda regarding street closure and tent on White Street during Black Ice Pond Hockey Tournament  
**Attachments:** Street Closure letter to City Council December 18, 2013.docx

December 18, 2013

Dear Ms. Janice Bonenfant,

At the November 2013 City Council meeting, the City Council approved the closure of White Street during the Black Ice Pond Hockey Tournament and the placement of a tent in the middle of White Street at the intersection with Washington Street, between White Park and the UNH Law School. My neighbors and I have safety concerns regarding this.

Please include on the upcoming January 13, 2014, City Council agenda the attached letter with concerns in writing, addressed to the Mayor and to the City Council regarding these safety concerns.

Please contact me if you have any questions. Thank you for your assistance in this matter.

Sincerely yours,

Mary R. Deal, MD  
[maryrdeal@aol.com](mailto:maryrdeal@aol.com)  
603-738-8602

Mary R. Deal, MD  
22 White St.  
Concord, NH 03301  
December 18, 2013

Dear Mayor Bouley and Concord City Councilors,

I wish to express my concern and that of many of my neighbors regarding the closure of White Street and the placement of a tent in the White Street roadway during the upcoming Black Ice Pond Hockey Tournament.

In early November, my neighbors and I expressed our concerns to Mr. Byron Chamby, the incumbent Ward 4 Councilor, that in previous years a tent had been allowed to obstruct totally the exit from White Street onto Washington Street during the tournament. We do not want this to happen again. However, a vote on the White Street road closure was taken at the November City Council meeting. I was there. No one in the council chamber was given the opportunity to express our safety concerns to you. Since Mr. Chamby was not yet on the City Council, he too could not speak up in our behalf.

At home I read the minutes of previous City Council meetings; there had been no opportunity for the public to vocalize safety concerns and other objections to the street closure and tent. I have since been told that the City Council does not hold public hearings regarding street closures.

A number of my neighbors and I strongly object to a tent being erected smack dab in the middle of the White Street at the intersection with Washington Street, totally blocking all vehicular traffic both in and out of the area, including emergency vehicles. We believe such a traffic blockade is a public hazard.

When questioned, Mr. Gill refused to take responsibility for the decision to block the street with a tent. He suggested contacting the Police Department and/or Fire Department with any safety concerns.

Yesterday I went to the Police Department. A polite representative at the service desk listened to our neighborhood concerns, went out back to discuss them with someone, and returned. She told me that she was told that the police department does not have power over the street closure and that I would need to go to Code Enforcement in the City Annex building.

Code Enforcement took no responsibility either, could not process our concerns, and suggested I try the Engineering Department on the third floor at City Hall. Engineering department staff told me I was probably in the wrong place, but that they would leave the City Engineer a message.

I went to the Planning Department on the second floor (wrong place again) and then to the City Manager's office. Ms. Stevens told me she would relay my concerns to Mr. Aspell. She got back to me later in the day, pointing out that I would need to submit concerns in writing to the City Clerk to be placed on the agenda for the January City Council meeting. Ms. Stevens said the Fire Department and Police Department must assess safety concerns regarding street closures that the City Council approves. She also told me that there is "internal coordination" between the Fire Department and the Police Department in terms of being "on the same page" for any emergency response that might be necessary

during a street closure. It is not clear to me who in each department is responsible for this coordination. I am confused by the fact that when I went to the Police Department, no one seemed to be designated to accept citizen safety concerns regarding street closures.

Many of my neighbors and I feel that we have been getting the run around. Our concerns are not being taken seriously. We want to be able to feel safe and secure in our homes.

The main exit from White Street and Essex Street is at the intersection of White Street and Washington Street. In the other direction the streets are narrow, often more icy than White St., and especially dangerous and narrow when cars are parked along the street. Going by way of Beacon Street is simply not the safest, most direct, or fastest way for vehicles, especially emergency vehicles (fire, police, ambulance), to get to and from White Street. Many who live on Beacon and other nearby streets also head to town via White Street.

The White Street road closure, with a tent, has been approved from noon on Thursday, January 23rd to noon on Monday, January 27th, a period of 96 straight hours, for a tournament scheduled for Friday, Saturday, and Sunday January 24, 25, and 26th. Event organizers want to use the tent as a changing room for hockey players.

The tent would be placed on White Street, between the Washington Street corner of White Park and the UNH Law School, blocking all vehicular traffic in and out of White Street at that intersection. A tent in the middle of White Street would impair emergency rapid response times by making it necessary for vehicles to take an indirect route.

Seconds and minutes count when someone is experiencing a medical emergency, such as a heart attack, or in the case of a fire or a police emergency. It can mean the difference between life and death. It can mean the difference between a contained fire and a fire that is out of control and greater property loss.

It is not right to place a changing room tent in the middle of a road. It is not in the best interest of public safety to close a road for 96 hours simply for the sake of a changing room!

it would be more reasonable to put any changing room tent in the park proper, safely OUT of the road.

The Fire Department and the Police Department should have public safety as their primary concern.

What is more important: a changing room tent or the lives and safety of Concord citizens?

Please vote against the placement of any tent in the roadway on White Street (or any other street on the periphery of White Park) during the upcoming Black Ice Pond Hockey Tournament.

Respectfully yours,

Mary R. Deal, MD  
maryrdeal@aol.com  
603-738-8602

## Bonenfant, Janice

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**From:** maryrdeal@aol.com  
**Sent:** Wednesday, December 18, 2013 1:13 AM  
**To:** \* City Manager Office  
**Cc:** maryrdeal@aol.com  
**Subject:** Re: Street Closure for Black Ice Tournament

12/17/2013

Dear Ms. Stevens,

Thank you for speaking with me today, for presenting my concerns to the Mr. Aspell, the City Manager and for explaining to me the process by which the decision to close White Street for the Black Ice Pond Tournament was made.

My neighbors and I had expressed our concerns to Byron Chamby, the incumbent Ward 4 Councilor. However, the vote on the White Street road closure was taken at the November City Council meeting. I was there. No one was given the opportunity to express our safety and other concerns to the Mayor and to the City Council. Since Mr. Chamby was not yet on the City Council, he too could not speak up in our behalf.

At home I read the minutes of previous City Council meetings and noted that there had been no opportunity for the public to vocalize safety concerns and other objections.

A number of my neighbors and I have expressed safety concerns in regards to a tent being erected smack dab in the middle of the White Street at the intersection with Washington Street, totally blocking all vehicular traffic both in and out of the area. including emergency vehicles.

When questioned, Mr. Gill refused to take responsibility for the decision to block the street with a tent. He said to try contacting the Police Department or Fire Department with any safety concerns.

Today I went to the Police Department. Representatives at the help desk there told me that the police do not have power regarding the street closure and that I would have to go to Code Enforcement in the City Annex, one building over from the Police Department building.

Code Enforcement took no responsibility either and suggested I try the Engineering Department on the third floor at City Hall.

Engineering department staff told me I was probably in the wrong place, but that they would leave the City Engineer a message.

Then I made my way to the Planning Department on the second floor and was then to you, Ms. Stevens, in the City Manager's office. You kindly told me that you would speak with the City Manager.

Later in the afternoon I put in a call to the Fire Marshall Brown but have not received a call back from him.

You mentioned that there is "internal coordination" between the Fire Department and the Police Department in terms of being "on the same page" for any needed emergency response., How is that coordinated? Who in each department is responsible for this coordination? I am confused by the fact that when I went to the Police Department today that there was apparently no one designated to accept citizen safety concerns regarding street closures.

My neighbors and I feel that we have been getting the run around. Our concerns are not being taken seriously. We want to be able to feel safe and secure in our homes.

The main exit from White Street and Essex Street is at the intersection of White Street and Washington Street. In the other direction the streets are narrow, often more ice-covered than White St., and especially dangerous and narrow when cars are parked along the street. Going by way of Beacon Street is simply not the safest, most direct, or fastest way for vehicles, especially emergency vehicles (fire, police, ambulance). to get to and from White Street.

The White Street road closure has been approved from noon on Thursday, January 23rd to noon on Monday, January 26th, a period of 96 straight hours. The tournament is scheduled for Friday, Saturday, and Sunday January 24, 25, and 26th.

The Fire Department and the Police Department should have public safety as their primary concern.

A tent in the middle of White Street would impair emergency rapid response times by making it necessary for vehicles to take an indirect route.

Seconds and minutes count when someone is experiencing a medical emergency, such as a heart attack, or in the case of a fire, or a police emergency.

The tent is to be used as a changing room for hockey players.

The tent would be placed on White Street, between the Washington Street corner of White Park and the UNH Law School, blocking all vehicular traffic in and out of White Street at that intersection.

It is not right to place a changing room tent in the middle of a road.

It is not in the best interest of public safety to close a road for 96 hours simply for the sake of a changing room!

The changing room tent could be safely placed in the park proper.

What is more important: a changing room tent or the lives and safety of Concord citizens?

Ms. Stevens, I want to express again my sincere thanks for your helpfulness in this important matter.

I will contact the City Clerk, the Mayor, the City Councilors, the Police Department, the Fire Department, and other pertinent city officials.

Respectfully yours,

Mary R. Deal, MD  
603-738-8602

-----Original Message-----

From: \* City Manager Office <citymanager@concordnh.gov>

To: maryrdeal <maryrdeal@aol.com>

Cc: Aspell, Thomas <TAspell@ConcordNH.gov>; Bonenfant, Janice <JBonenfant@ConcordNH.gov>

Sent: Tue, Dec 17, 2013 4:21 pm

Subject: Street Closure for Black Ice Tournament

Dear Dr. Deal:

I am writing in follow-up to your visit to the City Manager's office this morning, at which time you shared your concerns about the closure of White Street during the Black Ice Pond Hockey Tournament. I spoke with the City Manager and he confirmed that City Council approved the closure of White Street, including the placement of the tent(s), at the November 12, 2013 City Council meeting. Attached is a copy of the street closure request that City Council reviewed and approved. Public hearings are not held for street closures. Once City Council approves a street closure, the request is reviewed by the Police and Fire Departments to determine if there are any public safety concerns. If there are no public safety concerns, the street closure goes forward and there is significant internal coordination between the two Departments so that they are both on the same page should an emergency response be necessary.

You will need to contact the Mayor and/or City Councilors with your concerns about the White Street closure. You may submit your concerns to City Council in writing, through the City Clerk's Office, to be included on the agenda for the January 13th City Council Meeting. The deadline to submit something for the January City Council agenda is 12:00 noon on December 31st.

Sincerely,

Sue Stevens

Executive Assistant

City of Concord

41 Green Street

Concord, NH 03301

(603) 225-8570

**Bonenfant, Janice**

**From:** Mulholland, Michelle on behalf of \* City Clerk  
**Sent:** Monday, December 30, 2013 9:07 AM  
**To:** Bonenfant, Janice  
**Subject:** FW: Letter to Mayor and City Council regarding proposal to build a multipurpose/skate house building between the parking lot and pond at White Park  
**Attachments:** White\_Park\_letter\_sent\_December\_13,\_2013,\_to\_Mayor\_and\_City\_Councilswritten\_on\_December\_12,\_2013.docx

**From:** [maryrdeal@aol.com](mailto:maryrdeal@aol.com) [mailto:[maryrdeal@aol.com](mailto:maryrdeal@aol.com)]  
**Sent:** Sunday, December 29, 2013 8:41 AM  
**To:** \* City Clerk  
**Cc:** [chamby@comcast.net](mailto:chamby@comcast.net); [amandakgrady@gmail.com](mailto:amandakgrady@gmail.com)  
**Subject:** Letter to Mayor and City Council regarding proposal to build a multipurpose/skate house building between the parking lot and pond at White Park

12/29/2013

Dear Ms. Janice Bonenfant,

Please include on the upcoming January 13, 2014, City Council agenda the attached letter which I wrote on December 12, 2013. I emailed this letter on December 13, 2013, to the Mayor and to the current and incumbent City Council members (and others). The letter addresses in writing many citizen concerns and objections regarding the proposal (presented to the City Council by Mr. David Gill of the Parks and Recreation Department) to build a multipurpose/skate house building at White Park between the parking lot and the pond.

My neighbors and I (in addition to citizens in other parts of the City) are gathering additional information regarding this ill-conceived proposal.

I would like to have the attached letter be a matter of public record.

If Mr. Gill (or other parties) plan to bring the proposal forward to the Mayor and the City Council at the January 13, 2014, meeting then I would like to have this letter be added to the agenda for discussion (and rebuttal) regarding the proposal.

The proposal has not been adequately presented to the public. It has not been developed through the usual public process. The City Engineering Department would normally be involved in developing a proposal for a building project, as well as in the public notification process. These steps were by-passed. As a result, citizens did not have an opportunity to express early on their concerns and objections, as would have normally been the case.

Mr. Gill's presentations to the Mayor and the City Council implied that citizens in the neighborhood were aware of the project and in favor of it. This is not the case. Only recently did the neighborhood become aware of the project. Moreover, the vast majority of citizens who hear of the proposal to construct a building between the parking lot and the pond are strongly against it. Many of the citizen concerns and objections are outlined and discussed in the attached letter. There is absolutely no consensus in favor of the proposed project.

Please contact me if you have any questions concerning my request.

Thank you for your assistance with this important matter.

Sincerely yours,  
 Mary R. Deal, MD

22 White St., Concord, NH 03301

maryrdeal@aol.com  
603-738-8602

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Mary R. Deal, MD  
22 White Street  
Concord, NH 03301  
December 12, 2013

Regarding: The City of Concord, NH, Parks and Recreation Department's proposal for a multipurpose/skate house building between the parking lot and the pond at White Park

Dear Mayor Bouley, City of Concord City Councilors (current and incumbent), David Gill (Director of the Parks and Recreation Department), Tom Aspell (City Manager), and the City of Concord Planning Board and Department (including the Concord Conservation Commission and the Heritage Commission),

**This is a formal notification to you that at this time there is absolutely no community consensus regarding the Concord Parks and Recreation Department's proposal for a multipurpose/skate house building between the parking lot and the pond at White Park.**

The vast majority of people living in the neighborhood of White Park were NOT even aware of the proposed project before November 9<sup>th</sup>, 2013, when some of us received a letter from David Gill, inviting us to an informational meeting on November 14<sup>th</sup> at the UNH Law School.

Most of us who live near White Park were shocked to learn of this proposal and are opposed to constructing a multipurpose/skate house building between the parking lot and the pond at White Park.

The proposed location which has been presented to the City Council is based upon assumptions made in the Master Plan of 2004. However, much progress has been made in the past 10 years in terms of understanding the need for the preservation of historic landscapes such as White Park. The 2004 master plan for White Park needs to be revised. Any new construction project needs to reflect the current best practices for preserving historic landscapes, as well as historic buildings.

In the days and weeks since November 9<sup>th</sup>, 2013, as news of the proposal has spread, neighbors of White Park as well as residents in the wider Concord community have expressed multiple concerns and objections regarding the proposed building. UNT Law School students have also weighed in.

Significant research needs to be done to address citizen concerns which cover a number of categories:

1. Historic
2. The wishes of Armenia White, the intent of her gift to the City of Concord
3. Environmental issues
4. The proposed multiple functions of the building and the architectural designs
5. The Parks and Recreation Department's overall priorities
6. Economic concerns
7. Management of the building – both long-term and short-term
8. Safety concerns

**9. Aesthetics**

**10. Impact on the character of the White Street neighborhood as well as of White Park itself**

**11. Impact on property values**

**12. Legal concerns**

**1. Historic – The proposed building is not in accord with the historic nature of the park**

- A. The park was designed by Charles Eliot, the famous Boston landscape architect who trained under Olmstead. It was designed to be “a bit of New England landscape” and “a place of quiet resort for people who cannot take the time, or who have not the strength, to go often to find refreshment in the open country.” It was to have no formal gardens, no carriage trails and no carriages, as Eliot stressed: “...because it seems unfair to injure the park for the use of children and pedestrians while innumerable pleasant country-drives are close at hand.” (See Charles Eliot Landscape Architect, by Charles Eliot, Houghton Mifflin, 1902, pp. 227-234.)
- B. White Park has been listed on the National Register of Historic Places since 1982. (Reference: the Nomination Form for the National Register of Historic Places)
- C. The new paved parking lot is not in accord with the historic nature of the park which was to have no “carriages.” Obviously, automobiles and trucks are the modern day equivalent of “carriages.” The maintenance department takes up room that should be available as open space for the “public park” envisioned by Charles Eliot and Armenia White.
- D. Since too much open space has already been taken away by paved roads and parking lots, cement courts, and buildings, the last thing White Park needs is another building denigrating the park.

**2. Not honoring the wishes of Armenia White, by changing the character of the park**

White Park is a national treasure, on the National Register of Historic Places. It is a point of pride for the City of Concord. Armenia White envisioned a public park with a rural atmosphere, as a place for families, women and children to go for peace and tranquility. The land was to be used strictly as a public park, for eternity, and for no other purpose. As Charles Eliot so eloquently expressed, White Park was meant especially for those who had neither the time nor the means nor the ability to travel outside of the city to enjoy nature.

It is our responsibility to this generation and to future generations to keep White Park as a public park, as an oasis of green space, and as natural a rural New England landscape as

possible. A large multipurpose/skate house building that would be rented out at times for events and that would serve as a source of income for the City is most definitely not in line with the wishes of Armenia and Nathaniel White. I think they would both be sad to know that so much of the acreage of White Park has already been paved over for parking lots, roads, buildings, and cement courts. We citizens need to make choices that will maintain and restore White Park's historic and rural landscape.

- A. The original deed, Armenia White's letter with conditions, Eliot's original landscape design, and historical records clearly elucidate the intended nature of the park. Over the years, there has been increasing disregard for Armenia White's wishes and intent for the park. This needs to stop now. Refer to:
  - i. The deed of December 27, 1884 contingent upon the conditions of the letter of October 2, 1884
  - ii. Armenia White's letter of October 2, 1884 to the City Council
  - iii. The landscape design of Charles Eliot, his reasons for the park's rural landscape design (with which Armenia White was in agreement), the acceptance of his plan by the original park commission, and the initial execution of Eliot's landscape plan, which was honored for many years
  - iv. Records of the era (books, articles, etc.) available at the Concord Public Library, the NH Library, The NH Historical Society, and elsewhere.
  
- B. The character of the White Park would be adversely affected by erecting a new building that would alter the historic landscape, take away more open space, and (according to Mr. Gill) be rented out for weddings and other events to generate money for the City. Such a building would destroy the essential nature of the park at a "place of quiet resort" for the people of Concord.

### **3. Environmental (Ecological, Wetlands, Flora, Fauna)**

- a. The pond is man-made, built at the site of low-lying swampy land, fed by natural springs. Much of the perimeter of the pond is remains marshy.
- b. A few years ago a large paved parking lot was built near the pond, obliterating grassy fields that had been used for baseball, soccer, and general public enjoyment. I recently found a photograph of my youngest son Jakob Lange, proudly shouldering a baseball bat, playing baseball with teammates in that field. The pond is clearly in the background of the photo. The field was destroyed by the parking lot.
- c. More fish have been dying in the pond since the large paved parking lot was built.

- d. At least one nearby homeowner has had recurrent basement flooding which had not been a problem prior to the construction of the paved parking lot. (If such a thing were to happen to me, I would make a claim to the City for damages.)
- e. The proposed site for the new building is between the large paved parking lot and the pond, very close to the White Street perimeter of the park.
- f. New building construction on the perimeter of the park presents many environmental concerns (wetland, flora and fauna).
- g. A new building would take away significant open space/green space.
- h. The proposed location would cut across the pond's perimeter dirt path that is used by pedestrians and by children on bicycles.
- i. The 2004 Master Plan included a plan for White Park that proposed the construction of a building near the White Street end of the pond. This plan is antiquated and needs to be totally re-examined. It does not reflect the current best practices for preserving historical landscapes. Moreover, there was no meaningful community input or consensus by White Street neighbors at the time for such a plan. Like me, most of the citizens in the neighborhood were totally unaware that such plans had been made. Until November 9<sup>th</sup>, 2013, we had never received any formal notification concerning plans to build in that location and no notification of the proposed multipurpose/skate house building architectural plans.
- j. A comprehensive ecological analysis needs to be done. Experts need to be consulted. The baseball field project and the parking lot have changed the dynamics of water flow both on the surface and underground.
- k. The Army Corps of Engineers should evaluate the proposed project. It would be wise to do this BEFORE proceeding any further with plans for construction.

#### **4. Functions proposed for the building and the proposed architectural plans**

- a. The architectural plans are for a multipurpose building, not for a simple skate house.
- b. It would be used as a skate house only a few winter months of the year. (During warm winters, the skate house would not even be needed much at all.)
- c. In response to community concern about use of the building the other three seasons of the year, the Parks and Recreation Department proposes to rent out the multipurpose/skate house building for weddings and other private functions, to generate income for the City
- d. In other words, this proposed multipurpose/skate house building would become an "events venue" detracting from the enjoyment of White Park as a public park by children and families.
- e. There are plenty of other places and buildings in Concord that have "events venues" so such a building is not needed in White Park.
- f. Armenia White would not have approved of the use of the park in this way.

- g. The historical aspects of any future construction need to be thoroughly investigated, with all relevant historical entities examining the impact and implications of any future building and/or restoration.
- h. Any landscape or architectural plans need to be environmentally sound and to be historically sensitive.
- i. All relevant concerns need to be addressed before citizens are asked to consent to the plans.
- j. All relevant concerns need to be addressed before the City agrees to the plans.
- k. To avoid a conflict of interest, it would be advisable to have architectural designs for any proposed City building or landscape project (especially any controversial project) to be developed by an architect and/or architectural firm with no stake in the outcome, preferably by a firm from outside the immediate Concord area and with no close ties to Concord. Any architect(s) and/or architectural firm(s) involved in the design process, and/or the construction process, should not have any personal vested interest in the development or the outcome of the project.

**5. The City's overall priorities for the Park and Recreation Department**

- A. Other Parks and Recreation Department projects should take priority over any new construction at White Park. A balanced commitment to the Concord's citizenry as a whole is needed. Emphasis should be placed upon completing the multigenerational community center on the Heights and improving other parks, recreation, and community centers.
- B. I have read the minutes of the meetings of the City Council for the past year and a half. Parks and Recreation Department reports to the Mayor and City Council regarding the proposed building have implied that there has been more community awareness, input, and support than is the case. The fact is that very few people were even aware of the proposed project until a few weeks ago, not until after some of the home-owning abutters received a letter on November 9<sup>th</sup>, 2013 from the director of the Parks and Recreation Department.
- C. Spending scarce economic resources on a building that would serve only a small number of the citizens of Concord does not seem fair to the citizens of Concord as a whole, whose tax money would be used towards the construction and maintenance of the building. Other projects should take precedence. For example, the multigenerational community center on the Heights would be utilized all year and would serve a much broader segment of the Concord community. Moreover, it is located in an area of town in which there is great need for easily assessable services. Most of us who live on this side of the river have automobiles so we can go to the Heights without difficulty to participate in programs at the center.

**6. Economic concerns**

As a neighbor pointed out at the informational meeting on November 14<sup>th</sup>, 2013, Concord does not even have enough money to keep the City's swimming pools open the last three weeks of August, so where would the money come from to build, staff, and maintain the proposed building? It would be

more fiscally responsible to enhance the other Park and Recreation projects already in existence and under construction. Other neighbors pointed out additional economic concerns for which the Parks and Recreation Department had no answers.

#### **7. Long-term management and day-to-day management concerns**

There are long-term issues regarding the manpower and economic resources to maintain the proposed building. At the November 14<sup>th</sup> meeting, David Gill had no concrete answers for the many concerns expressed and questions asked about these issues. He said that those could be worked out after the neighborhood consented to the building project. Objections were made to being asked to consent to a project before concerns were addressed and questions answered.

#### **8. Safety concerns**

Various neighbors expressed very specific safety concerns that were not answered at the informational meeting on November 14, 2013 or elsewhere.

#### **9. Aesthetic concerns**

The proposed building would destroy the pleasant and historic view of the pond and of the park from the perimeter of White Park, the roads around it, as well as from within the park. The views along Washington Street, White Street, Beacon Street, and from the UNH Law School would be altered and impaired by this intrusive building. The UNH Law School main building has a large conference room with a huge picture window as well as a library with large windows which overlook White Park, directly across from the pond. The proposed multipurpose/skate house building would obstruct and spoil the view for law students and faculty members using the conference room and library. The historic architectural landscape of White Park from the UNH Law School would also be ruined for citizens of the community and for law school visitors who attend meetings and functions at the UNH Law School.

#### **10. Changing the character of the neighborhood as well as of the park**

- A. The proposed building would change the essential character of the neighborhood as well as of the White Park.
- B. Already the aesthetics and usefulness of the park have been impaired by the building of the large paved parking lot, which took the place of fields that had long been used for soccer, baseball, other sports and recreational activities.
- C. If the proposed building were not properly maintained and managed, it would become a health and safety hazard, an albatross to the neighborhood.
- D. The construction of the building would rob the park and the City of open space.

E. The building would be a detriment to the park and to the White Park neighborhood as a whole.

**11. Property values – The proposed building would have a detrimental effect on property values in the White Park neighborhood.**

By destroying the historic nature of the park, the aesthetics of the park, the views from properties around the park and the UNH Law School, and by using the new building as an "events venue," the property values of homes in the neighborhood would drop. Since the paved parking lot was built, more dead fish have been fouling the park. Neighbors have expressed concern that the parking lot and baseball field construction projects at the park have led to new problems. Neighbors have reported new problems with basement flooding and standing water in nearby streets (Beacon Street, Charles Street).

**10. Legal and regulatory matters pertaining to all of the above**

There are regulatory and legal aspects regarding each of the above areas, which we as concerned citizens are actively exploring.

There are additional concerns and objections which do not fit neatly into the above categories, but which also need to be addressed. There has been insufficient community input. The process by which neighbors have been notified of meetings needs to be markedly improved.

Near the end of the informational meeting on November 14th, David Gill mentioned having the architectural firm "tweak" the plans. Tweaking the plans is not sufficient, nor would simply re-locating the proposed building to another site on the perimeter of the pond. There are fundamental problems with the proposed functions, location, design, size of the building, environmental impact, historical impact, aesthetics, etc., of the proposed building.

The City needs to start all over from scratch, including drawing up a new master plan for the park. The process of brainstorming and researching the development of a new master plan for White Park needs to be well-advertised; it needs to involve direct and meaningful input from Concord citizens as a whole. Citizens should not find out years later that a small group of well-meaning citizens, representing a few different advisory committees, has decided on a plan for which it turns out there is no wide-based community consensus.

Lack of attendance at informational "community meetings" should not be construed as community consensus with any particular plan, especially if the meetings have not been adequately advertised. A citizen who does not know of a meeting certainly cannot attend it to voice his or her concerns and objections.

Moreover, it is unfair to expect citizens to consent to a project for which there are numerous concerns which have not been adequately addressed or about which there are vocal objections.

**Taking into account all of the concerns and objections voiced by my neighbors and by me, I fervently hope that the City Council will not approve the proposed plans presented to the City Council by the Parks and Recreation Department for a multipurpose/skate house building at White Park.**

Concerned citizens will share the substance of this communication with people who have been assisting us. We will continue to reach out to all relevant individuals and organizations at national, regional, state, and local levels, including, but not limited to, the following:

The National Park Service, National Register of Historic Places, Advisory Council on Historic Preservation, NH Preservation Alliance, NH Historical Society, The National Trust for Historic Preservation, NH Division of Historical Resources, The US Environmental Protection Agency, NH Department of Environmental Services, NH Office of Energy and Planning, Environmental Lawyers; Higher educational departments specializing in landscape and environmental architecture, hydrogeology, civil engineering; landscape architects who specialize in preserving historic landscapes and in protecting the environment; private ecological consulting firms, hydrogeologists, and civil engineers; as well as a growing list of public, private, and non-profit organizations which advocate for the preservation of historic sites (parks, landscapes, buildings, neighborhoods, wetlands), for the preservation of and re-establishment of open spaces/green space in urban areas, and for all other issues relevant to the proposed building.

**Background information regarding my first becoming aware of the proposed project:**

On Friday afternoon, November 9, 2013, I received a letter from David Gill, inviting me to "an informational meeting on the proposed new multipurpose/skate house building at White Park" to be held on Thursday, November 14, 2013, at the UNH Law School from 6-7 pm. The letter was addressed to "Dear White Park Neighbor." In the letter David Gill wrote: "Last winter and this spring we held three community meetings to solicit public opinion and presented options to the City Council. We are hoping you can join us for another meeting to discuss our final design plan."

I was blind-sided by this letter because I had never heard of this proposed building project. I had never received any notification of the "three community meetings" that Mr. Gill said had been held. I immediately consulted nearby neighbors to find out if they had been aware of the project or had attended any of the meetings. They had not. They were just as in the dark about the proposed project as I was.

I have lived in my home on White Street since 1994, raised three sons (Benjamin, Paul, and Jakob Lange), and paid property taxes for over 19 years. Some of my White Park neighbors have lived here even longer.

Having received the letter after 5 pm on the Friday afternoon of the long Veteran's Day weekend, I was not able to contact by phone or in person David Gill or representatives of any City department. Over the long weekend, I did many hours of research online and I went from house to house in my neighborhood.

Like me, the vast majority of my neighbors had never previously heard of this building proposal. Absolutely none of them had ever before received a letter from the Parks and Recreation Department (or from the City) concerning this proposed building. None of us had ever received any notification, formal or otherwise, from the City regarding any previous informational "community meeting."

Like me, most of my neighbors had naively assumed that the only building project at White Park that the City might consider (at some vague time in the future) would be to renovate the current skate house, in the SAME LOCATION on the same side of the pond (nestled near the playground, pool, and basketball court).

Not one of us anticipated that the City would propose to build a large multipurpose/skate house building quite near White Street, on the street end of the pond, sandwiched between the new parking lot and the pond.

Only a very few people had even received the letter from David Gill concerning the November 14<sup>th</sup> meeting. I sent an email to David Gill with many questions. Among other things, he told me that he had sent the letter to homeowners who live within 75 feet of the park.

Neighbors who have rented directly across the park for over 20 years did not receive the letter. Residents on Essex Street and on Charles Street and on Blanchard Street did not receive the letter. Those who live on the blocks of Washington St. and Beacon St. that are not directly across from the park did not receive notification of the informational meeting on November 14<sup>th</sup>.

On Tuesday and Wednesday, November 12<sup>th</sup>-13<sup>th</sup>, I went to state, county and city offices, the Concord Public Library, the NH Library, and the Merrimack County Registrar of Deeds to gather information. I made phone calls to city officials. I networked with neighbors who were exploring the same and other avenues of inquiry. My neighbors and I discussed the proposed building plans, the deed of December 27, 1884, the letter written by Armenia White on October 2, 1884, the original park design by the Charles Eliot, and the history of White Park.

My neighbors and I were unpleasantly surprised to find out that the 2004 Master Plan for Concord included a plan for White Park that proposed the construction of a building at the White Street end of the pond, near the street. I had already been living on White Street for 10 years when that plan was formulated in 2004. My neighbors and I are incredulous that the City would make such plans for White Park without adequate notification and input from the neighborhood, or, in fact, from citizens all across the City.

Had I known before November 9, 2013, that such a proposal had been made, I would have instantly begun the research that I have been doing for the past month. I would have informed you, the Mayor, City Councilors, City Manager, Planning Department, and Department of Parks and Recreation of my concerns and objections.

The City should have sent letters to us back in 2004 or even earlier when discussions began for the park's master plan. At the very least, letters should have been mailed to us over a year ago, with more than a few days' notice, officially notifying us of the first informational "community meeting" and then, likewise, of the subsequent meetings.

Notices posted on Facebook, on the City Manager's online newsletter, on the Parks and Rec Department's online calendar, and flyers at City Hall do not constitute adequate means of notification. Whatever postings were done by the Concord Monitor were apparently insufficient to draw the attention of the community (many members of which no longer subscribe to the paper).

During the 19+ years I have lived on White Street, I have received many hand-delivered flyers from the Parks and Recreation Department regarding upcoming events at White Park and street closures. Nonetheless, I never received any flyers from the Parks and Recreation Department about the three previous community informational meetings regarding the building proposal.

I did attend the meeting on November 14, 2013, at the UNH Law School. A fair number of the people who attended the meeting would not have even known about the meeting if I or other homeowners who received the letter from the Parks and Recreation Department had not told them about it.

More people need to be notified by mail of future meetings. To define "White Park neighbor" as a homeowner who lives within 75 feet of the park is certainly too narrow a definition to use for purposes of notification of citizens about such important meetings.

Neighbors felt that there was not adequate time given between our receipt of the letter on November 9<sup>th</sup> and the meeting on November 14<sup>th</sup>. Many could not attend the meeting because they did not have enough advance notification to alter work plans or to make arrangements for childcare. In the future, the neighborhood would appreciate having at least two weeks prior notification of any scheduled community meeting.

In summary, many of my neighbors and I object to the proposed building: location, size, multiple functionality, and architectural designs. We have multiple concerns and objections that have not been addressed. The historic landscape of White Park would be further destroyed by the proposed multipurpose/skate house building, which is not in keeping with the historical nature of the park, nor with Armenia White's wishes, nor with Charles Eliot's architectural design. We are concerned about the environmental impact and the loss of more green and open space. Other areas of concern include economic, safety, aesthetics, short and long-term maintenance, priorities of the Park and Recreation Department, changing the character of White Park and of the White Park neighborhood, adverse impact upon property values, regulatory issues, and legal matters. There has been insufficient community notification and input not only in regards to the recent building proposal, but regarding the 2004 master plan for White Park.

It is highly unlikely that the citizens at large in Concord are aware of the building plans, since citizens who live close to the Park were not even aware of them. Property taxes support city building projects, therefore all citizens of Concord (not just those who live in close proximity to White Park) should have a voice in any ambitious building project such as the one proposed at White Park.

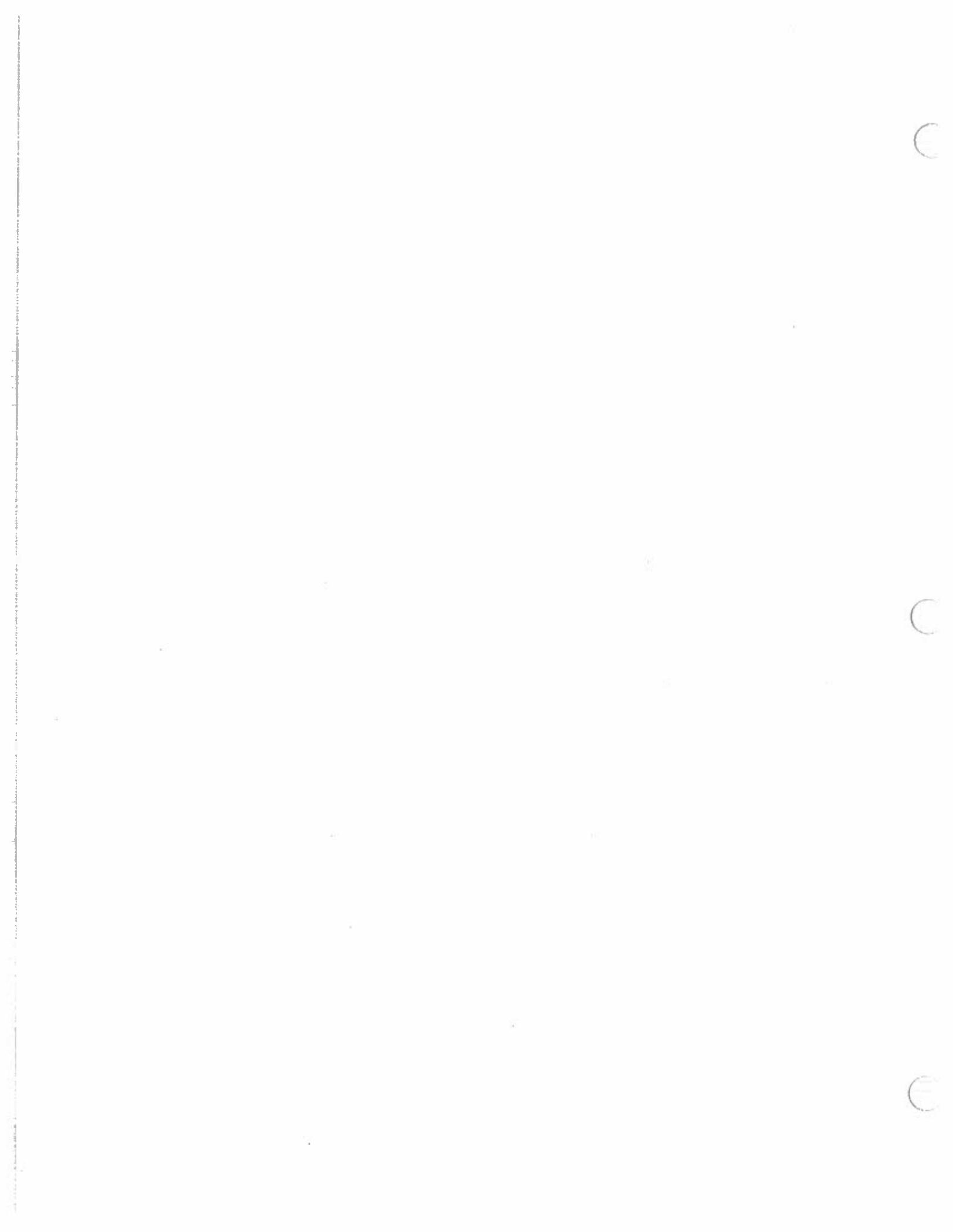
The City needs to go back to the drawing board to develop a new master plan for White Park, one which takes into account all aspects of concern discussed above. Other proposals need to be looked at, such as renovating the current skate house or building a simple skate house of a similar size at the same location. Bigger is not better. White Park does not need an indoor community room/events venue, certainly not on the perimeter of the pond. In short, the proposed building does not belong at White Park. It would ruin the character of the historic architectural landscape, the intent of Armenia White, and Charles Eliot's design.

Other Concord residents, not just those living near White Park, share in these concerns. We will continue to do research online, in person, and by contacting numerous people and organizations involved in the protection and preservation of historic parks and historic landscapes.

Please feel free to contact me to discuss these important issues and concerns.

Respectfully yours,

Mary R. Deal, MD  
22 White Street  
Concord, NH 03301  
[maryrdeal@aol.com](mailto:maryrdeal@aol.com) 603-738-8602



1 Int 7



December 19, 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 **Senior Roads Scholar**. The T<sup>2</sup> 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 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

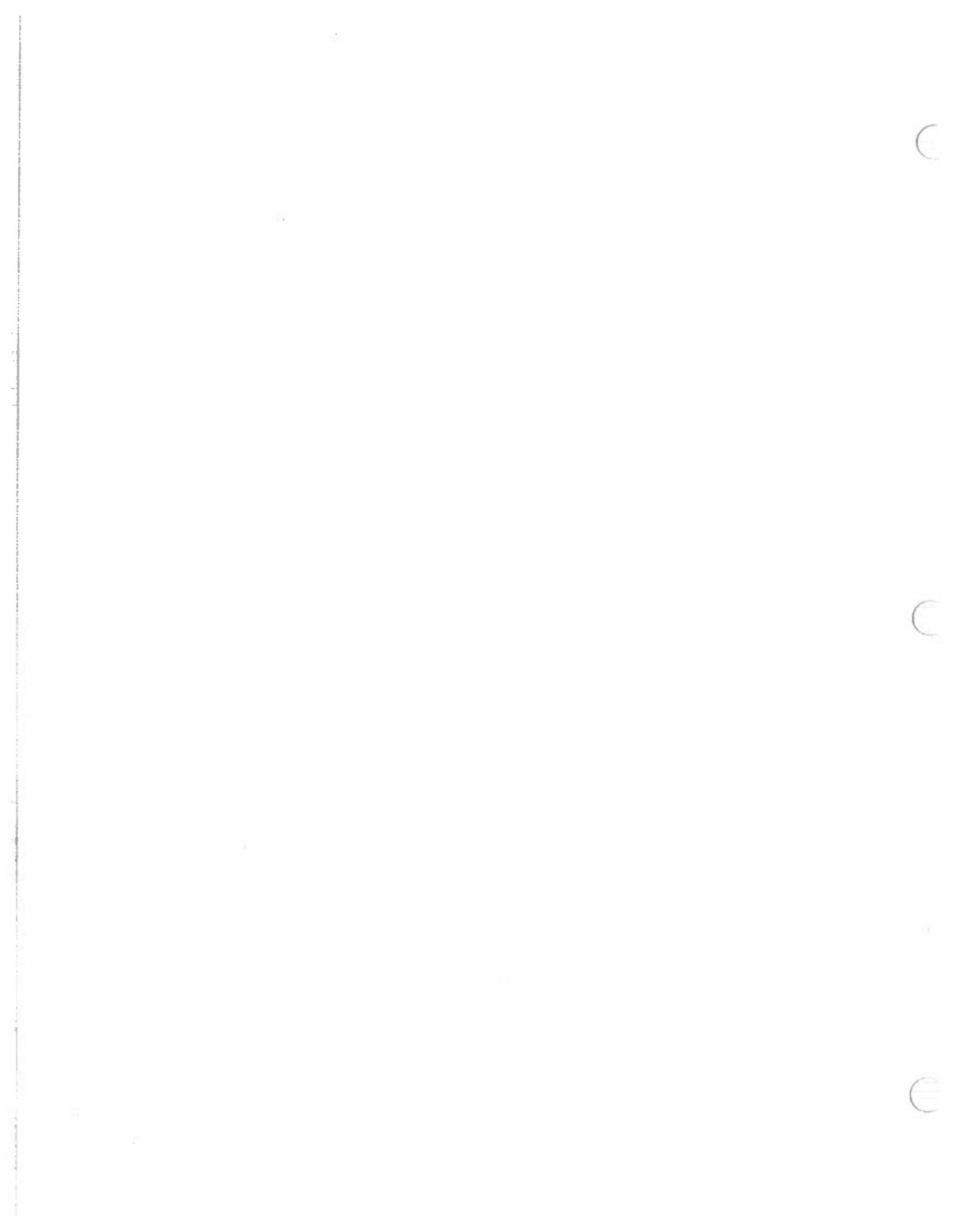
cc: Jan Hall

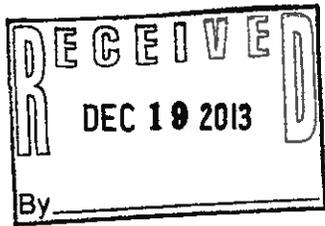
*The UNH Technology Transfer Center is sponsored by the Federal Highway Administration and the New Hampshire Department of Transportation. One of the missions of the Technology Transfer Center is to provide educational support for the people who build and maintain the nation's infrastructure.*



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





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December 18, 2013

The Honorable James Bouley  
Office of the Mayor  
City of Concord  
41 Green Street  
Concord, NH 03301

**RE: Important Information—Price Changes**

Dear Mayor Bouley:

At Comcast, we are committed to constantly improving our customers' entertainment and communications experience and we continue to invest in making their services even better. As we make these and other investments, we periodically need to adjust prices due to increases we incur in programming and other business costs. Starting January 22, 2014, new prices will apply to select Video services and equipment as reflected in the enclosed notice.

Among these price changes, we have itemized a Broadcast TV Fee in order to defray the rising costs of retransmitting broadcast television signals. In the past, a portion (but not all) of these costs were included within the basic service rate. In recent years, the cost of retransmitting broadcast television signals has increased significantly, and we want to address these increases through a separate itemized charge so they are clear to the customer.\*

We promise to continue to provide our customers with a consistently superior experience, including 24/7 customer service, two-hour appointment windows and on-time arrival. We back up our services with the Comcast Customer Guarantee (visit [www.comcast.com/guarantee](http://www.comcast.com/guarantee) for details).

We know you may have questions about these changes and if I can be of any further assistance, please do not hesitate to contact me at 603-224-1871, ext. 202.

Sincerely,

*Bryan Christiansen*

Bryan Christiansen, Sr. Manager  
Government & Regulatory Affairs

Enclosure

\*If a customer was receiving services on a promotional basis, or under a minimum term agreement associated with a specific rate, as January 19, 2014, the customer will not be affected by the Broadcast TV Fee during the applicable period.

# IMPORTANT PRICE ADJUSTMENT INFORMATION FOR Allenstown, Boscawen, Bow, Canterbury, Chichester, Concord, Epsom, Hopkinton, Loudon & Pembroke, NH

Dear Valued Customer,

December 2013

At Comcast, we are committed to constantly improving your entertainment and communications experience, and we continue to invest in making your services even better. As we make these and other investments, we periodically need to adjust prices due to increases we incur in programming and other business costs. Starting **January 22, 2014**, new prices will apply to select Video and Internet services and equipment as reflected in this notice.

Among these price changes, we have itemized a Broadcast TV Fee in order to defray the rising costs of retransmitting broadcast television signals. In recent years, the cost of retransmitting broadcast television signals has increased significantly, and we want to address these more recent increases through a separate itemized charge so that they are clear to you.\*

We promise to continue to provide you a consistently superior experience, including 24/7 customer service, two-hour appointment windows and on-time arrival. We back up our services with the Comcast Customer Guarantee (visit [www.comcast.com/guarantee](http://www.comcast.com/guarantee) for details).

We know you may have questions about these changes. Feel free to visit us at [www.xfinity.com/questions](http://www.xfinity.com/questions) or call us at 1-800-COMCAST. Thank you for choosing Comcast. We value you as a customer, and look forward to continuing to serve you.

\* If you were receiving services on a promotional basis, or under a minimum term agreement associated with a specific rate, as of January 19, 2014, you will not be affected by the Broadcast TV Fee during the applicable period.

## TRIPLE PLAY PACKAGES

TRIPLE PLAY PACKAGES <sup>1</sup>	Current Price	New Price Eff. 01/22/14
<b>Starter XF Triple Play Bundle</b> Includes Digital Starter for primary outlet, Performance Internet and XFINITY Voice Unlimited™ <b>SurePrice<sup>2</sup></b>	\$141.99	\$147.49
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$124.99	No Change
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$119.99	No Change
<b>Preferred XF Triple Play Bundle</b> Includes Digital Starter and Digital Preferred for primary outlet, Performance Internet and XFINITY Voice Unlimited™ <b>SurePrice<sup>2</sup></b>	\$154.99	\$160.49
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$134.99	No Change
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$129.99	No Change
<b>HD Preferred XF Triple Play Bundle</b> Includes Digital Starter and Digital Preferred for primary outlet, HD Technology Fee, Starz®, Performance Internet and XFINITY Voice Unlimited™ <b>SurePrice<sup>2</sup></b>	\$164.99	\$170.49
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$144.99	No Change
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$139.99	No Change
<b>HD Preferred Plus XF Triple Play Bundle</b> Includes Digital Starter and Digital Preferred for primary outlet, HD Technology Fee, HBO®, Starz®, Blast!® Internet and XFINITY Voice Unlimited™ <b>SurePrice<sup>2</sup></b>	\$184.99	\$190.49
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$164.99	No Change
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$159.99	No Change
<b>HD Premier XF Triple Play Bundle</b> Includes Digital Starter, Digital Premier and DVR Service or AnyRoom® DVR Service for primary outlet, HD Technology Fee, Blast!® Internet and XFINITY Voice Unlimited™ <b>SurePrice<sup>2</sup></b>	\$209.99	\$215.49
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$184.99	No Change
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$179.99	No Change
<b>HD Complete XF Triple Play Bundle</b> Includes Digital Starter, Digital Premier and AnyRoom® DVR Service for primary outlet, Digital Additional Outlet Service on up to 3 TVs, HD Technology Fee, The Movie Channel®, Blast!® Internet, Wireless Gateway and XFINITY Voice Unlimited™ <b>SurePrice<sup>2</sup></b>	\$239.99	\$245.49
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$224.99	No Change
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$219.99	No Change
<b>Economy Triple Play XF</b> Includes Digital Economy for primary outlet, Economy Plus Internet and XFINITY Voice Local With More®	\$89.85	\$92.85

## MULTILATINO PAQUETE TRIPLE<sup>3</sup>

	Current Price	New Price Eff. 01/22/14
<b>MultLatino Max Paquete Triple</b> Includes MultiLatino Max for primary outlet, Performance Internet, XFINITY Voice Unlimited™ and Carefree Minutes Latin America 300. Can substitute Carefree Minutes Mexico 300. <b>SurePrice<sup>2</sup></b>	\$136.99	\$142.49
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$124.99	No Change
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$119.99	No Change
<b>MultLatino Ultra Paquete Triple</b> Includes MultiLatino Ultra for primary outlet, Performance Internet, XFINITY Voice Unlimited™ and Carefree Minutes Latin America 300. Can substitute Carefree Minutes Mexico 300. <b>SurePrice<sup>2</sup></b>	\$149.99	\$155.49
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$134.99	No Change
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$129.99	No Change
<b>MultLatino Ultra HD Paquete Triple</b> includes MultiLatino Ultra for primary outlet, HD Technology Fee, Starz®, Performance Internet, XFINITY Voice Unlimited™ and Carefree Minutes Latin America 300. Can substitute Carefree Minutes Mexico 300. <b>SurePrice<sup>2</sup></b>	\$159.99	\$165.49
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$144.99	No Change
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$139.99	No Change
<b>MultLatino Ultra HD Plus Paquete Triple</b> Includes MultiLatino Ultra for primary outlet, HD Technology Fee, HBO®, Starz®, Blast!® Internet, XFINITY Voice Unlimited™ and Carefree Minutes Latin America 300. Can substitute Carefree Minutes Mexico 300. <b>SurePrice<sup>2</sup></b>	\$179.99	\$185.49
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$164.99	No Change
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$159.99	No Change
<b>MultLatino Total HD Paquete Triple</b> Includes MultiLatino Ultra and DVR Service or AnyRoom® DVR Service for primary outlet, HD Technology Fee, HBO®, Showtime®, Starz®, Cinemax®, Sports Entertainment Package, Blast!® Internet, XFINITY Voice Unlimited™ and Carefree Minutes Latin America 300. Can substitute Carefree Minutes Mexico 300. <b>SurePrice<sup>2</sup></b>	\$204.99	\$210.49
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$184.99	No Change
<b>SurePrice<sup>2</sup></b> (for 12 month promotion customers subscribing before 12/10/13)	\$179.99	No Change
<b>MultLatino Plus Bundle XF</b> Includes MultiLatino Plus for primary outlet, Economy Plus Internet and XFINITY Voice Local With More®	\$79.85	\$82.85

**MULTILATINO EXTRA BUNDLE XF** Includes MultiLatino Extra for primary outlet, Economy Plus Internet and XFINITY Voice Local With More®

\$94.85 \$96.85

**DOUBLE PLAY PACKAGES<sup>1</sup>**

Current Price New Price Eff. 01/22/14

**Blast Plus™** Includes Digital Economy and Streampix™ primary outlet and Blast!® Internet (no longer available for new subscriptions effective 12/20/13)

\$82.95 \$84.95

**Blast Plus™ with HBO®** Includes Digital Economy, Streampix™ and HBO® for primary outlet and Blast!® Internet

\$89.95 \$91.95  
\$69.99 No Change

**Preferred XF Double Play** Includes Digital Starter and Digital Preferred for primary outlet and Performance Internet

\$139.85 \$141.85  
\$109.99 No Change

**MultiLatino Max XF Double Play** Includes MultiLatino Max for primary outlet and Performance Internet

\$111.90 \$123.90  
\$104.99 No Change

**MultiLatino Ultra XF Double Play** Includes MultiLatino Ultra for primary outlet and Performance Internet

\$128.85 \$132.85  
\$114.99 No Change

**XFINITY® TV**

**BASIC SERVICES**

**Allenstown, NH**

Current Price New Price Eff. 01/22/14

**Limited Basic** \$24.60 No Change

**Expanded Basic<sup>10</sup>** Includes standard definition digital converter and remote for primary outlet

\$45.35 No Change

**Broadcast TV Fee** N/A \$1.50

**Boscawen, NH**

**Limited Basic** \$24.60 No Change

**Expanded Basic<sup>10</sup>** Includes standard definition digital converter and remote for primary outlet

\$45.35 No Change

**Broadcast TV Fee** N/A \$1.50

**Bow, NH**

**Limited Basic** \$24.60 No Change

**Expanded Basic<sup>10</sup>** Includes standard definition digital converter and remote for primary outlet

\$45.35 No Change

**Broadcast TV Fee** N/A \$1.50

**Canterbury, NH**

**Limited Basic** \$24.60 No Change

**Expanded Basic<sup>10</sup>** Includes standard definition digital converter and remote for primary outlet

\$45.35 No Change

**Broadcast TV Fee** N/A \$1.50

**Chichester, NH**

**Limited Basic** \$24.60 No Change

**Expanded Basic<sup>10</sup>** Includes standard definition digital converter and remote for primary outlet

\$45.35 No Change

**Broadcast TV Fee** N/A \$1.50

**Concord, NH<sup>31</sup>**

**Limited Basic** \$24.60 No Change

**Expanded Basic<sup>10</sup>** Includes standard definition digital converter and remote for primary outlet

\$45.35 No Change

**Franchise Related Cost<sup>11</sup>**

\$0.43 No Change

**Broadcast TV Fee** N/A \$1.50

**Epsom, NH**

Current Price New Price Eff. 01/22/14

**Limited Basic** \$24.60 No Change

**Expanded Basic<sup>10</sup>** Includes standard definition digital converter and remote for primary outlet

\$45.35 No Change

**Broadcast TV Fee** N/A \$1.50

**Hopkinton, NH**

**Limited Basic** \$24.60 No Change

**Expanded Basic<sup>10</sup>** Includes standard definition digital converter and remote for primary outlet

\$45.35 No Change

**Broadcast TV Fee** N/A \$1.50

**Loudon, NH**

**Limited Basic** \$24.60 No Change

**Expanded Basic<sup>10</sup>** Includes standard definition digital converter and remote for primary outlet

\$45.35 No Change

**Broadcast TV Fee** N/A \$1.50

**Pembroke, NH<sup>31</sup>**

**Limited Basic** \$24.60 No Change

**Expanded Basic<sup>10</sup>** Includes standard definition digital converter and remote for primary outlet

\$45.35 No Change

**Franchise Related Cost<sup>11</sup>** \$0.11 No Change

**Broadcast TV Fee** N/A \$1.50

**DIGITAL SERVICES**

Current Price New Price Eff. 01/22/14

**Digital Economy** Includes Limited Basic, Digital Economy channels, and a standard definition digital converter and remote for the primary outlet, access to Pay-Per-View programming and Music Choice®

\$39.95 No Change

**With XFINITY Voice or Internet Service** \$34.95 \$37.95

**Digital Starter** Includes Limited Basic, Expanded Basic, Digital Starter channels, MoviePlex, access to Pay-Per-View and On Demand programming and Music Choice®

\$69.95 No Change

**Digital Preferred plus One Premium<sup>12</sup>** Includes Digital Preferred and choice of HBO®, Showtime®, Starz®, Cinemax® or The Movie Channel®

\$32.45 No Change

**Digital Preferred plus Two Premiums<sup>12</sup>** Includes Digital Preferred and choice of two premium channels of HBO®, Showtime®, Starz®, Cinemax® or The Movie Channel®

\$43.45 No Change

**Digital Preferred Plus<sup>12</sup>** Includes Digital Preferred, HBO® and Starz®

\$43.45 No Change

**Digital Premier<sup>12</sup>** Includes Digital Preferred, HBO®, Showtime®, Starz®, Cinemax® and Sports Entertainment Package

\$57.45 No Change

**MultiLatino Plus** Includes Limited Basic, MultiLatino, standard definition digital converter and remote for primary outlet

\$26.95 \$27.95

**MultiLatino Extra** Includes Digital Economy and MultiLatino

\$39.95 \$41.95

**MultiLatino Max** Includes MultiLatino Extra, MultiLatino Max channels, access to Pay-Per-View and On Demand programming

\$59.95 \$69.95

**MultiLatino Ultra** Includes MultiLatino Max and Digital Preferred

\$76.90 \$78.90

BASIC AND DIGITAL ANCILLARY SERVICES	Current Price	New Price Eff. 01/22/14
HBO <sup>®13</sup>	\$19.95	No Change
Showtime <sup>®13</sup>	\$19.95	No Change
Starz <sup>®13</sup>	\$19.95	No Change
Cinemax <sup>®13</sup>	\$19.95	No Change
The Movie Channel <sup>®13</sup>	\$19.95	No Change
Playboy <sup>®13</sup>	\$19.95	No Change
Digital Preferred <sup>14</sup>	\$17.95	No Change
MultiLatino <sup>13</sup>	\$16.95	\$17.95
Family Tier <sup>15</sup>	\$14.95	No Change
Sports Entertainment Package <sup>12</sup>	\$8.95	No Change
HD Technology Fee <sup>32</sup> (whole house)	\$9.95	No Change
3D Technology Fee <sup>16</sup> HD Technology Fee (whole house) is required at an additional charge of \$9.95	\$0.00	No Change
DVR Service <sup>7, 16, 17</sup> (primary outlet) HD Technology Fee (whole house) is required at an additional charge of \$9.95	\$8.00	No Change
AnyRoom <sup>®</sup> DVR Service <sup>7, 8, 16, 17</sup> (primary outlet) HD Technology Fee (whole house) is required at an additional charge of \$9.95	\$10.00	No Change
Digital Additional Outlet Service <sup>18</sup> (per outlet)		
with SD Digital Converter	\$9.95	No Change
with HD Digital Converter <sup>16</sup>	\$9.95	No Change
with DVR Service <sup>7, 16, 17</sup>	\$17.95	No Change
with AnyRoom <sup>®</sup> DVR Service <sup>7, 8, 16, 17</sup>	\$19.95	No Change
with AnyRoom <sup>®</sup> DVR Service <sup>7, 16</sup> (client)	\$9.95	No Change
with CableCARD <sup>19</sup>	\$7.45	No Change
Digital Adapter Additional Outlet Service <sup>20</sup> (per outlet)		
with SD Digital Adapter	\$1.99	No Change
with HD Digital Adapter <sup>16</sup>	\$1.99	No Change

#### INTERNATIONAL SELECTIONS<sup>13</sup>

Rai Italia (Italian)	\$9.99
TV5 MONDE (French)	\$9.99
CTI-Zhong Tian Channel (Chinese/Mandarin)	\$11.99
RTN (Russian)	\$14.99
Willow Plus (South Asian/Cricket Sport)	\$14.99
Zee TV (South Asian)	\$14.99
SIC (Portuguese)	\$9.99
TV Globo (Portuguese/Brazilian)	\$19.99
PFC (Portuguese/Brazilian)	\$19.99
TV Globo & PFC (Portuguese/Brazilian)	\$29.99

#### PAY-PER-VIEW AND ON DEMAND SUBSCRIPTION SERVICES<sup>21</sup> (MONTHLY EXCEPT AS NOTED)

Bollywood Hits On Demand	\$12.99
Bollywood Hits On Demand w/a South Asian international premium	\$9.99
here! TV On Demand	\$7.99
Filipino On Demand	\$7.99
Filipino On Demand w/a Filipino international premium	\$5.99
Too Much for TV On Demand	\$14.99
Disney Family Movies On Demand	\$5.99
The Jewish Channel On Demand	\$6.99
Pay-Per-View and On Demand Movies and Events <sup>22</sup> (per title or event)	Prices Vary
Streamplex <sup>TM23</sup>	\$4.99

#### SPORTS PACKAGES<sup>21</sup>

MLB Extra Innings, MLS Direct Kick, NHL Center Ice,  
NBA League Pass, ESPN GamePlan, ESPN Full Court

Call 1-800-XFINITY for pricing

#### VIDEO EQUIPMENT

Limited Basic Only Converter	\$1.00
Digital Converter	\$2.95
Remote Control	\$0.10
HD Digital Converter (Limited Basic Only)	\$2.25
Digital Adapter <sup>24</sup> (Limited Basic Only — Primary Outlet, SD or HD)	\$0.50
Digital Adapter <sup>24</sup> (Limited Basic Only — 1st and 2nd Additional Outlet, SD or HD)	\$0.50
Digital Adapter <sup>24</sup> (Limited Basic Only — 3rd Additional Outlet and above, SD or HD)	\$0.50
CableCARD (first card in device)	\$0.00
CableCARD (second card in same device)	\$1.00
Customer-Owned Video Equipment Credit (See www.comcast.com/equipmentpolicy for additional information)	\$2.50

#### INSTALLATION FEES<sup>25</sup>

(PER OCCURRENCE UNLESS NOTED)

	Initial Installation of Service	After Initial Installation of Service
One Product <sup>26</sup>	\$50.00	N/A
Two Product <sup>26</sup>	\$80.00	N/A
Three Product <sup>26</sup> (includes up to three outlets)	\$90.00	N/A
Installation of each Additional Outlet	\$13.35	\$32.15
Activation of each Additional Outlet	\$5.60	\$22.05
Relocate Additional Outlet	\$13.35	\$28.55
Connection of VCR/DVD	\$7.90	\$16.35
Upgrade/Downgrade of Service No in-home visit required		\$1.99
Upgrade DVR Service		\$26.30
Upgrade of Service In-home visit required		\$26.30
Downgrade of Service In-home visit required		\$12.05
Hourly Service Charge <sup>27</sup> For custom installation work		\$33.20
In-Home Service Visit (XFINITY TV)		\$32.10

#### REACTIVATION FEES

(NO IN-HOME VISIT REQUIRED—PER OCCURRENCE UNLESS NOTED)

Office reactivation for XFINITY Internet	\$6.00
Office reactivation for XFINITY Voice	\$6.00
Office reactivation for XFINITY TV	\$6.00

#### MISCELLANEOUS FEES

(PER OCCURRENCE UNLESS NOTED)

Service Protection Plan <sup>28</sup> (per month) inside home wiring protection for cable TV, high-speed internet and phone services.	\$3.95
Field Collection Charge Visit to customer's residence required to collect past due balance or unreturned equipment.	\$20.00
Returned Payment Item (each)	\$20.00
Late Fee	\$9.50
Name Change Fee	\$1.99
Convenience Fee—Agent For payment made by phone with a Customer Care Representative.	\$5.99
Bill Statement Reprint—Agent For bill statement copy requested by phone or in person.	\$5.00
Unreturned or Damaged Equipment Fees <sup>29</sup> (per piece)	Replacement Cost
Signal Amplifier	\$35.00
Self install Kit <sup>30</sup>	\$15.00
Self install Kit Shipping and Handling (Standard Shipping)	\$9.95
Self install Kit Shipping and Handling (Priority Shipping)	\$29.95
Remote Shipping and Handling (Separate Shipping)	\$5.95
TV Guide <sup>®</sup> Weekly Magazine (per month)	\$4.20

**XF TRIPLE PLAY PACKAGE /  
MULTILATINO PAQUETE TRIPLE REWARDS**

	Regular Price	Starter XF, MultiLatino Max	Preferred XF, MultiLatino Ultra	HD Preferred XF, MultiLatino Ultra HD	HD Preferred Plus XF, MultiLatino Ultra HD Plus	HD Premier XF, MultiLatino Total HD <sup>6</sup>	HD Complete XF
<b>HBO<sup>®</sup>13</b>	\$19.95	\$15.00	\$15.00	\$15.00	Included	Included	Included
<b>Showtime<sup>®</sup>13</b>	\$19.95	\$10.00	\$10.00	\$10.00	\$10.00	Included	Included
<b>Comcast<sup>®</sup>13</b>	\$19.95	\$10.00	\$10.00	Included	Included	Included	Included
<b>Max<sup>®</sup>13</b>	\$19.95	\$10.00	\$10.00	\$10.00	\$10.00	Included	Included
<b>The Movie Channel<sup>®</sup>13</b>	\$19.95	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	Included
<b>Sports Entertainment Package<sup>12</sup></b>	\$8.95	\$8.95	\$6.95	\$6.95	\$6.95	Included	Included
<b>DVR Service<sup>7, 16, 17</sup></b> (primary outlet) HD Technology Fee (whole house) is required at an additional charge of \$9.95	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00	Included	Included
<b>AnyRoom<sup>®</sup> DVR Service<sup>7, 8, 16, 17</sup></b> (primary outlet) HD Technology Fee (whole house) is required at an additional charge of \$9.95	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	Included	Included
<b>Digital Additional Outlet Service<sup>18</sup></b>	\$9.95	\$9.95	\$9.95	\$9.95	\$9.95	\$9.95	Included up to 3
<b>HD Technology Fee<sup>32</sup></b>	\$9.95	\$9.95	\$9.95	Included	Included	Included	Included
<b>3D Technology Fee<sup>16</sup></b> HD Technology Fee (whole house) is required at an additional charge of \$9.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Blast!<sup>®</sup> Speed Upgrade</b>	\$63.95	\$10.00	\$10.00	\$10.00	Included	Included	Included
<b>Extreme 105 Upgrade<sup>9</sup></b>							
Current Price	\$99.95	\$48.00	\$48.00	\$48.00	\$38.00	\$38.00	\$38.00
New Price Eff. 01/22/14	No Change	\$46.00	\$46.00	\$46.00	\$36.00	\$36.00	\$36.00

Certain services available separately or as a part of other levels of service. Comcast service is subject to Comcast's standard terms and conditions of service. Unless otherwise specified, prices shown are the monthly charge for the corresponding service, equipment or package. Prices shown do not include applicable taxes, franchise fees, FCC fees, Regulatory Recovery Fee, Public Access fees, other state or local fees or other applicable charges (e.g., per-call toll or international charges). After a notice of an increase in price, you may change your level of service at no additional charge for a period of 30 days from the effective date of the change. Please refer to your billing statement for your Local Franchising Authority's name and address. Prices, services and features are subject to change. If you are a video service customer and you own a compatible digital converter or CableCARD device, please call 1-800-XFINITY for pricing information or visit [www.comcast.com/equipmentpolicy](http://www.comcast.com/equipmentpolicy). For information about XFINITY policies and terms of service, go to [www.comcast.com/policies](http://www.comcast.com/policies).

- Requires a Voice/Data Modem, except for HD Complete Triple Play.
- SurePrice only available for 12 months to XF Triple Play or MultiLatino Paquete Triple Play customers after 12 month promotional package.
- Requires a Voice/Data Modem.
- SurePrice for 12 months available only to Blast Plus with Double Play customers after 6 month promotional package.
- Price only available for 12 months to Starter XF Double Play, Preferred XF Double Play, MultiLatino Max XF Double Play and MultiLatino Ultra XF Double Play customers after 12 month promotional package. HBO<sup>®</sup> and Streampix available at no extra cost during 12 month promotional package and 12 month SurePrice period. After end of the promotional and SurePrice periods, HBO<sup>®</sup> and Streampix will be billed at the then current retail rate.
- AnyRoom DVR service is included with HD Premier Triple Play, MultiLatino Total HD Paquete Triple and HD Complete Triple Play if AnyRoom DVR service is installed on primary outlet.
- Subject to availability.
- Sold only with one or more Digital Additional Outlet Service with AnyRoom DVR Service for maximum 3 clients. Requires professional installation.
- Not available in all areas. May require installation and non-refundable installation charge.
- Requires purchase of Limited Basic.
- Franchise Related Costs are costs associated with providing public, educational and/or government access facilities and equipment and/or other related costs in your community.
- Requires Digital Starter.
- Requires digital converter or CableCARD and Limited Basic.
- Requires Digital Starter or MultiLatino Max.
- Requires digital converter and purchase of Limited Basic and cannot be combined with Expanded Basic. Family Tier programming included in Digital services except for MultiLatino.
- Requires HD Technology Fee.
- Requires digital converter and Limited Basic. Digital Additional Outlet Service required for DVR Service on additional outlets. Not available to customers with Limited Basic only.
- Not available to Limited Basic only customers. Digital service tier on additional outlet corresponds to digital service tier on primary outlet.
- Applicable with a subscription to any level of digital service. Includes a customer-owned video equipment credit. An additional charge will apply for additional CableCARDS in the same device.
- Includes digital adapter and remote. Not available to customers with Limited Basic only.
- Requires digital converter and Limited Basic.
- Price of Pay-Per-View and On Demand Movie or Event is displayed prior to the completion of the Pay-Per-View or On Demand ordering process.
- Requires digital converter and Limited Basic to receive Streampix<sup>™</sup> on television. Streampix<sup>™</sup> included with the following tiers of service: HD Preferred Plus XF Triple Play, HD Premier XF Triple Play or HD Complete XF Triple Play. HD content requires subscription to HD Technology Fee. Streaming to iOS device requires XFINITY<sup>™</sup> TV app. Internet service with bandwidth of at least 600 Kbps and a subscription to Limited Basic. Streaming to laptop/computer requires equipment meeting minimum requirements posted at <http://customer.comcast.com/help-and-support/internet/requirements-to-run-xfinity-internet-service/>. Internet service with bandwidth of at least 600 Kbps and a subscription to Limited Basic.
- Not available to customers with Expanded Basic.
- Does not include Extreme 505 or Extreme 105 Internet Service installation charge, wireless networking, professional internet installation, voice installation fees or activation fees.
- Product installations include installations up to 125 feet from existing Comcast plant, unless noted differently in the local franchise agreement. Custom installations include installations which require in-wall wiring or installations in extensive drop ceilings, basements or crawl spaces.
- Standard installations include video installations up to 125 feet from existing Comcast plant, unless noted differently in the local franchise agreement. Custom installations include installations which require in-wall wiring or installations in extensive drop ceilings, basements or crawl spaces.
- See <http://www.comcast.com/spp> for information on Service Protection Plan.
- Please contact 1-800-XFINITY for questions regarding equipment replacement charges.
- Does not apply to CableCARD Self Install Kit.
- Discount of \$2.00 off of Digital Starter available to qualified seniors age 65+ who are head of household and Medicaid or SSI eligible. Restrictions apply.
- Not available to customers with Limited Basic only.

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# XFINITY® TV Channel Lineup

## Limited Basic

2	NHPTV (PBS) / NHPTV Prime HD - HD 802
3	HSN
4	WBZ-4 (CBS) / HD 804
5	WCVB-5 (ABC) / HD 805
6	Educational Access
7	WHDH-7 (NBC) / HD 807
8	WUNI-27 (UNI) / HD 816
9	WMUR-9 (ABC) / HD 809
10	WWDP (ShopNBC) / HD 818
11	NHPTV Explore / NHPTV Explore HD - HD 801
12	WLVI-56 (CW) / HD 808
13	WFXT-25 (FOX) / HD 806
14	WSBK myTV38 (MyTV) / HD 814
15	WPXG-21 (ION) / HD 803
16	NECN
17	Government Access <sup>4</sup>
18	WBIN (IND) / HD 811
19	WNEU-60 (Telemundo) / HD 815
20	WMFP-62 (IND) / HD 813
21	WUTF-66 (UniMás) / HD 817
22	WVNE-31 (NBC)
22	Government Access <sup>5</sup>
44	C-SPAN
48/183	Jewelry Television
58	QVC
95/295	WYDN-48 (Daystar)
184/640	XFINITY Latino
209	NHPTV World
217	NHPTV Kids
229	Trinity Broadcasting Network
237	NHPTV Create
268	CatholicTV
283	Leased Access
288	WBIN-Live Well Network
289	WBIN-COOL TV
290	WNEU-Extdos
291	WLVI-TCN
292	WCVB MeTV
296	WFXT-MOVIES!
297	WHDH-This TV
298	WMUR-MeTV
299/724	WUNI-LATV
300/721	WFXZ-24 (Mundo Fox)

## Expanded Basic

24	Disney Channel
25	Nickelodeon
26	ABC Family
28	MTV
29	VH1
30	FX
31	TBS
32	HGTV
33	TNT
34	EI
35	USA
36	Lifetime
37	A&E
38	TLC
39	Discovery Channel
41	Fox News
42	CNN
43	CNN Headline News
46	CNBC
47	The Weather Channel
49	ESPN
50	ESPN2
51	NESN
52	Comcast SportsNet
53	Bravo
54	Food Network
55	Spike TV
59	AMC
30	Cartoon Network

61	Comedy Central
62	Syfy
63	Animal Planet
64	TV Land
65	NBC Sports Network
66	History
67	Travel Channel
68	BET
69	Golf Channel
71	Product Information Network
186	truTV
208	Hallmark Channel
234	Inspiration Network
238	EWTN
250	Fox Sports 1
251	MSNBC
256	FX
270	Lifetime Movie Network
284	Fox Business Network

## Family Tier

24	Disney Channel
25	Nickelodeon
32	HGTV
43	CNN Headline News
47	The Weather Channel
54	Food Network
210	National Geographic
218	PBS Kids Sprout
221	The Hub
222	Disney XD
224	TeenNick
227	Science Channel
229	Trinity Broadcasting Network
240	DIY
247	C-SPAN2

## Digital Economy

Includes Limited Basic

3	HSN
24	Disney Channel
34	EI
35	USA
36	Lifetime
37	A&E
39	Discovery Channel
41	Fox News
42	CNN
47	The Weather Channel
54	Food Network
58	QVC
59	AMC
60	Cartoon Network
61	Comedy Central
63	Animal Planet
64	TV Land
66	History
68	BET
182	TVGN
186	truTV
208	Hallmark Channel
238	EWTN
242	H2
247	C-SPAN2
823	Discovery HD
824	Disney HD
835	USA HD
837	A&E HD
841	Fox News HD
842	CNN HD
854	Food Network HD
859	AMC HD
863	Animal Planet HD
872	History HD
905	BET HD
906	HSN HD
907	Hallmark HD
910	H2 HD

## Digital Starter

Includes Limited Basic and Expanded Basic

1	On Demand
45/246	Bloomberg TV
199	Hallmark Movie Channel
200	MoviePlex
211	Esquire Network
215	WE tv
218	PBS Kids Sprout
219	G4
235	UP
241	BBC America
242	H2
243	bio.
247	C-SPAN2
249	C-SPAN3
252	Investigation Discovery
267	GSN
333	XFINITY 3D <sup>3</sup>
784	Travel Channel HD
786	G4 HD
788	Lifetime Movie Network HD
789	Fox Business Network HD
790	Hallmark Movie Channel HD
791	QVC HD
794	Bravo HD
795	CNBC HD
797	bio. HD
799	WE tv HD
810	NECN HD
823	Discovery HD
824	Disney HD
825	Nick HD
826	ABC Family HD
827	MTV HD
828	Palladia
829	VH1 HD
830	FX HD
831	TBS HD
832	HGTV HD
833	TNT HD
834	EI HD
835	USA HD
836	Lifetime HD
837	A&E HD
839	Velocity HD
841	Fox News HD
842	CNN HD
843	CNN Headline News HD
846	Universal HD
847	The Weather Channel HD
848	Golf Channel HD
849	ESPN HD
850	ESPN2 HD
851	NESN HD
852	Comcast SportsNet HD
854	Food Network HD
855	Spike TV HD
858	Comedy Central HD
859	AMC HD
860	Cartoon Network HD
862	Syfy HD
863	Animal Planet HD
865	NBC Sports Network HD
867	TLC HD
872	History HD
901	MSNBC HD
902	truTV HD
905	BET HD
906	HSN HD
907	Hallmark HD
908	UP HD
909	Investigation Discovery HD
910	H2 HD
916	Bloomberg TV HD
918	BBC America HD
924	FX HD
925	Fox Sports 1 HD

## MultiLatino Max

25	Nickelodeon
28	MTV
29	VH1
31	TBS
33	TNT
38	TLC
49	ESPN
50	ESPN2
51	NESN
52	Comcast SportsNet
53	Bravo
55	Spike TV
62	Syfy
65	NBC Sports Network
69	Golf Channel
218	PBS Kids Sprout
270	Lifetime Movie Network
788	Lifetime Movie Network HD
794	Bravo HD
825	Nick HD
827	MTV HD
829	VH1 HD
831	TBS HD
833	TNT HD
848	Golf Channel HD
849	ESPN HD
850	ESPN2 HD
851	NESN HD
852	Comcast SportsNet HD
862	Syfy HD
865	NBC Sports Network HD
867	TLC HD

## Digital Preferred

1	On Demand
125	RLTV
176	Ovation
190	BBC World
191	BabyFirst TV
193	Smithsonian Channel
196	Jewish Life TV (JLTV)
197	Encore Family
198	REELZ
201	Sundance Channel
202	Flix
203	Encore Action
204	Encore Classic
205	Encore Suspense
206	indieplex
207	Encore Westerns
208	Hallmark Channel
210	National Geographic
211	Esquire Network
212	IFC
214	TV One
216	Oxygen
220	Nicktoons
221	The Hub
222	Disney XD
223	Nick Jr.
224	TeenNick
225	retroplex
226	OWN
227	Science Channel
228	Nick Too
230	Discovery Fit and Health
231	pivot
232	Nat Geo WILD
233	Destination America
236	The Word Network
238	EWTN
239	Cooking Channel
240	DIY
244	Disney Junior
245	Weatherscan Local
248	ESPNes
253	Military Channel

- 254 Al Jazeera America
- 255 Outdoor Channel
- 257 NBA TV
- 259 NHL Network
- 260 TVG
- 261 CBS Sports Network
- 262 NFL Network
- 263 MLB Network
- 264 fuse
- 272 MTV Hits
- 273 MTV2
- 274 Centric
- 275 VH1 Soul
- 276 CMT Pure Country
- 277 VH1 Classic
- 279 Great American Country
- 280 MTV Jams
- 281 LOGO
- 282 CMT
- 286 ESPN
- 326 Encore
- 599 NBA TV
- 686 Mnet
- 705 Mun2
- 711 Tr3s
- 715 NFL Network
- 719 Galavisión
- 783 AXS TV
- 785 Encore HD
- 787 Esquire Network HD
- 792 Disney XD HD
- 793 Fuse HD
- 796 ESPNews HD
- 798 IFC HD
- 821 National Geographic HD
- 822 NHL Network HD
- 853 NFL Network HD
- 856 CBS Sports Network HD
- 864 CMT HD
- 866 Science Channel HD
- 900 ESPN HD
- 904 MGM HD
- 907 Hallmark HD
- 910 Destination America HD
- 911 V One HD
- 913 NBA TV HD
- 914 MLB Network HD
- 915 Ovation HD
- 921 Oxygen HD
- 922 Nat Geo Wild HD

- 258 ESPN Classic
- 259 NHL Network
- 260 TVG
- 261 CBS Sports Network
- 262 FCS Atlantic
- 263 FCS Central
- 264 FCS Pacific
- 265 NFL Network
- 266 Tennis Channel
- 269 MLB Network
- 278 FX Movie Channel
- 285 Big Ten Network
- 286 ESPN
- 287 NFL RedZone
- 599 NBA TV
- 715 NFL Network
- 726 beIN Sports (Spanish)
- 798 ESPNews HD
- 822 NHL Network HD
- 838 Tennis Channel HD
- 853 NFL Network HD
- 856 CBS Sports Network HD
- 885 Big Ten Network HD
- 899 NFL RedZone HD
- 900 ESPN HD
- 903 Turner Classic Movies HD
- 913 NBA TV HD
- 914 MLB Network HD

**Music Choice®**  
Requires Digital Economy or Digital Starter

501-550 Channel information available on musicchoice.com

**Pay-Per-View**

- 399 In Demand HD
- 401-403 Home Theater
- 435 Penthouse TV
- 451 Playboy
- 452 Juicy
- 457 TEN
- 458 XTSY
- 459 REAL
- 800 In Demand HD

**Sports Pay-Per-View**

- 591-596 ESPN Fullcourt/GamePlan
- 600 NBA LP PRE
- 601-610 MLS - NBA TEAM 1-10
- 612 TEAM HD
- 621-634 MLB-NHL GAME
- 635 GAME HD
- 636 GAME 2 HD

**Digital Premium**

- 301 HBO
- 302 HBO2
- 303 HBO Signature
- 304 HBO Family
- 305 HBO Comedy
- 306 HBO Zone
- 307 HBO Latino
- 321 Starz
- 322 Starz Edge
- 323 Starz InBlack
- 324 Starz Kids & Family
- 325 Starz Cinema
- 327 Starz Comedy
- 338 5 StarMAX
- 339 OuterMAX
- 340 MovieMAX
- 341 Cinemax
- 342 MoreMAX
- 343 ActionMAX
- 344 ThrillerMAX
- 361 Showtime
- 362 Showtime 2
- 363 Showtime Showcase
- 364 Showtime Extreme
- 365 Showtime Beyond
- 366 Flix
- 381 The Movie Channel
- 382 TMC Xtra
- 451 Playboy Channel<sup>1</sup>
- 773 HBO Latino HD
- 775 HBO Zone HD
- 868 Cinemax HD
- 870 HBO HD
- 871 HBO2 HD
- 875 Starz HD
- 877 Showtime HD
- 878 Showtime 2 HD
- 880 Showtime Extreme HD
- 883 TMC HD
- 884 TMC Xtra HD

**International Channels<sup>2</sup>**

- 134/685 Willow Plus
- 679 Rai Italia
- 680 TV Globo
- 681 SIC
- 682 PFC
- 688 TV5MONDE
- 701 Zee TV
- 702 CTI-Zhong Tian
- 703 RTN

**MultiLatino**

- 641 TBN Enlace USA
- 642 Telefe Internacional
- 643 TeleFormula
- 644 Pasiones
- 645 TV Chile
- 646 TV Colombia
- 647 VideoRola
- 648 Fox Life
- 649 TVE East
- 650 TV Venezuela
- 652 Telehit
- 653 Ritmoson Latino
- 654 Bandamax
- 655 De Pelicula
- 656 De Pelicula Clásico
- 657 SUR Perú
- 658 VME Kids
- 659 Canal SUR
- 660 Once México
- 661 Multimedios
- 662 Mexcanal
- 663 La Familia Cosmopolitan
- 665 HTV
- 666 HITN
- 667 Gran Cine
- 668 EWTN Español
- 670 Ecuavisa Internacional
- 672 CB Tu Televisión Michoacán
- 673 Caracol TV
- 674 Canal 52MX
- 675 CineSony
- 678 LAS
- 704 Supercanal Caribe
- 705 Mun2
- 706 Discovery en español
- 707 Cine Latino
- 708 FOX Deportes
- 709 CNN en Español
- 711 Tr3s
- 712 Viendo Movies
- 713 Cine Mexicano
- 716 History en español
- 717 WAPA America
- 718 Telemicro Internacional
- 719 Galavisión
- 720 ESPN Deportes
- 722 BabyFirst TV (Spanish)
- 723 CentroAmericana
- 725 Discovery Familia
- 726 beIN Sports (Spanish)
- 727 UniMás West
- 728 Univision West
- 757 Televisión Dominicana

Some restrictions apply. Not all programming is available in all areas. Digital capable equipment is required to receive any channel. High-definition capable equipment is required to receive high-definition channels. Additional equipment fees may apply.

1 A subscription to Playboy Channel digital service is required to receive this channel.  
 2 Available for individual purchase only.  
 3 Requires 3D TV, Comcast digital converter with 3D capability and subscription to 3D Technology Fee.

4 Not available in Canterbury.  
 5 Available in Concord only.

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**IMPORTANT information about your Cable Service**

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December 22, 2013

Dear Valued Customer:

Comcast is committed to keeping you informed about our products and services. Periodically, we must adjust prices due to increases in programming and business costs. Starting January 22, 2014, the monthly price for the following services will increase as follows:

	Current Price	New Price 01/22/2014
Value Plus Bundle .....	\$129.99	\$135.49
Value Plus LD Bundle .....	\$129.99	\$135.49
HD Starter Bundle .....	\$149.99	\$155.49
HD Preferred Plus Bundle .....	\$174.99	\$180.49
HD Premier Bundle .....	\$214.99	\$220.49
Performance Extra Bundle .....	\$62.95	\$64.95
Blast Extra Bundle .....	\$72.95	\$74.95
Canales Selecto .....	\$11.95	\$12.95
MDU Preferred Bundle .....	\$99.99	\$101.99
MDU HD Preferred Bundle .....	\$109.99	\$111.99
MDU HD Preferred Plus Bundle .....	\$129.99	\$131.99

If you currently have services on a promotional price or a minimum term agreement, the prices for those services will not be affected during the promotion or minimum term period.

Thanks for being a Comcast customer.



Prices shown are for residential service only and do not include federal, state and local taxes, FCC user and franchise fees or Regulatory Recovery fees or other related costs. Prices and services are subject to change. Call 1-800-COMCAST for additional details. ©2013 Comcast. X34268

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**IMPORTANT information about your Cable Service**

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December 22, 2013

Dear Valued Customer:

Comcast is committed to keeping you informed about our products and services. Periodically, we must adjust prices due to increases in programming and business costs. Starting January 22, 2014, the monthly price for the following packages will increase as follows:

	Current Price	New Price 01/22/2014
Brunswick HD Digital Basic .....	\$9.00	\$12.00
Mercury Package .....	\$147.95	\$157.95
HD Mercury Package .....	\$147.95	\$157.95
Digital Showcase .....	\$98.00	\$108.00
HD Digital Showcase .....	\$99.00	\$109.00
Ultimate Advantage Pak .....	\$108.90	\$119.40

If you currently have services on a promotional price or a minimum term agreement, the prices for those services will not be affected during the promotion or minimum term period.

Thanks for being a Comcast customer.



Prices shown are for residential service only and do not include federal, state and local taxes, FCC user and franchise fees or Regulatory Recovery fees or other related costs. Prices and services are subject to change. Call 1-800-COMCAST for additional details. ©2013 Comcast. X34269

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COPY



**CITY OF CONCORD**  
NEW HAMPSHIRE  
*Community Development Department*  
*Code Administration Division*

1/20

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

December 12, 2013

William Young  
13 Ogden Street  
Bow, New Hampshire 03304

RE: Application for Restoration of Involuntarily Merged Lot

Dear Mr. Young:

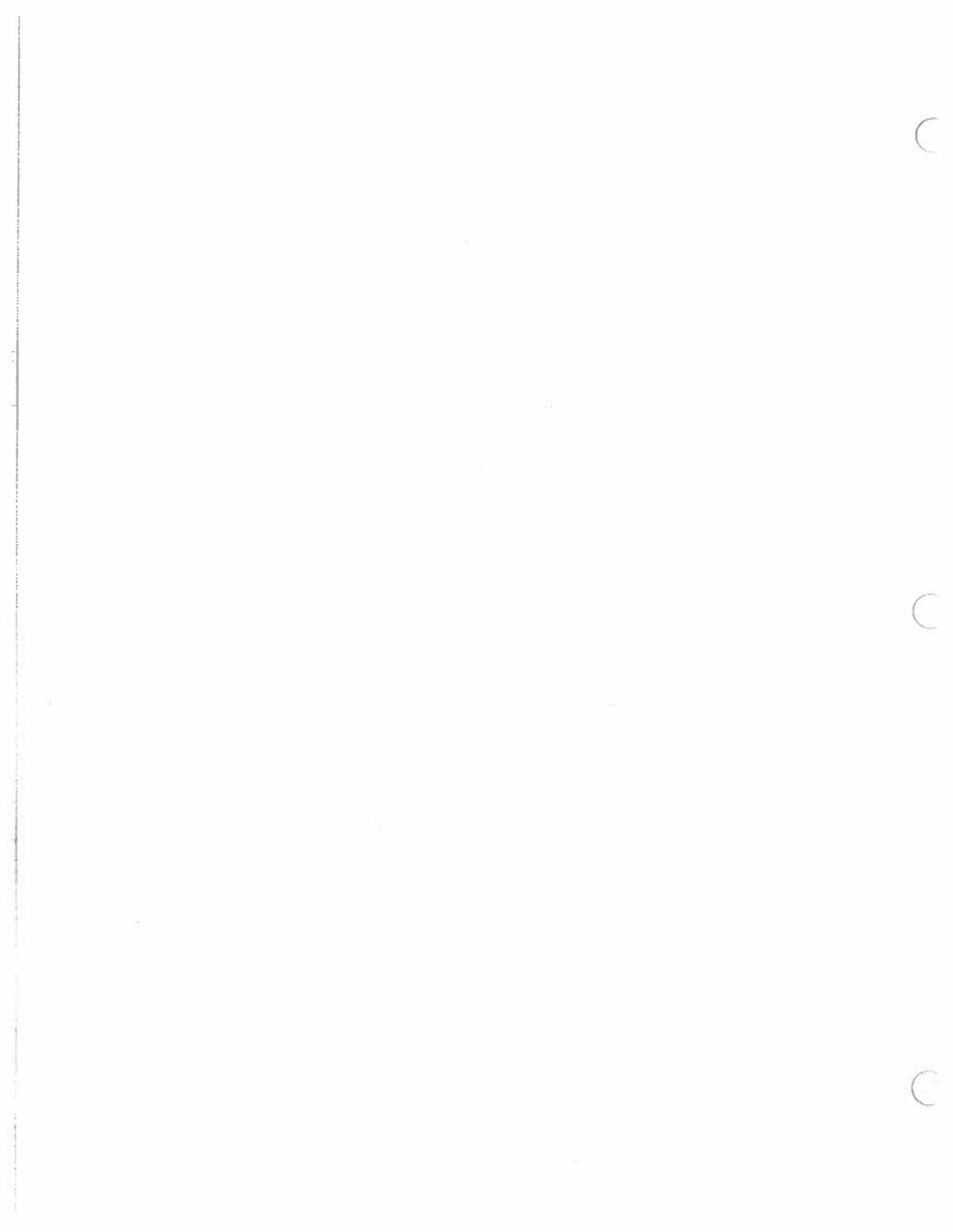
This correspondence serves as a follow up to your Application for Restoration of Involuntarily Merged Lots. Please be advised that after review, the application is unnecessary because there has been no formal merger of the lots on the zoning or tax maps. See 674:39-aa.

Please be further advised that although the parcels have not been involuntarily merged, the parcel identified as Lot 117A/3/1 is an unbuildable lot due to its substandard size in accordance with City of Concord Zoning Ordinance Article 28-4-1(b).

Thank you for your patience while your request was reviewed. Please let me know if you have any questions.

Sincerely,

  
Craig Walker, Zoning Administrator  
City of Concord, Code Administration  
37 Green Street  
Concord, New Hampshire 03301



1 Int.

December 11, 2013

RECEIVED  
DEC 16 2013  
BY \_\_\_\_\_  
AG

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

**Subject : Langley Parkway - Phase Three, Letter of Support**

**Councilors:**

On behalf of Concord Hospital and Capital Region Health Care (CRHC), I would like to express our strong support of Phase Three of Langley Parkway and encourage that Council maintain the project schedule as currently outlined in the City's Capital Improvement Plan. CRHC has been a long time partner in the development and implementation of Langley Parkway, and is committed to continuing the partnership through this last, critical phase of the project.

An acute care hospital, free standing rehabilitation hospital, assisted living facility, hospice house, child care center, Family Health Center, and three medical office buildings are located on the Concord Hospital Campus. Additional medical and commercial destinations also exist to the east and west along Pleasant Street. Concord High School and the recently upgraded and growing State Campus reside nearby on Pleasant and Fruit Streets. Prior to construction of the south leg, or Phase II of Langley Parkway, frequent traffic congestion and delays were experienced along Pleasant Street affecting the entire corridor from Downtown, to the High School and along major employment and service centers, including Concord Hospital. Completion of Phase II has provided dramatic improvement to traffic congestion in some areas. Purely from a public safety perspective, the final leg of Langley Parkway will result in further traffic and mobility improvements, while also providing a distinct and separate means of access to the Pleasant Street corridor and the services therein.

The final phase of Langley Parkway begins at our campus and continues to the northeast. This leg of the Parkway will provide much needed traffic relief to the entire Pleasant Street corridor, while relieving much of the cut through traffic in the surrounding neighborhoods. It also provides enhanced, direct access to the medical campus for patients and emergency vehicles arriving from the north and east.

The enhanced mobility and access to Concord Hospital will improve outcomes for critical patients traveling by ambulance from within the city and the surrounding communities.

CRHC is proud to have partnered with the City of Concord on this important community project and is further committed to the partnership for this last phase of Langley Parkway. Once again, we encourage your acceptance of the Engineer's report and that you maintain the project schedule as outlined in the City's Capital Improvement Plan.

Thank you for your consideration.

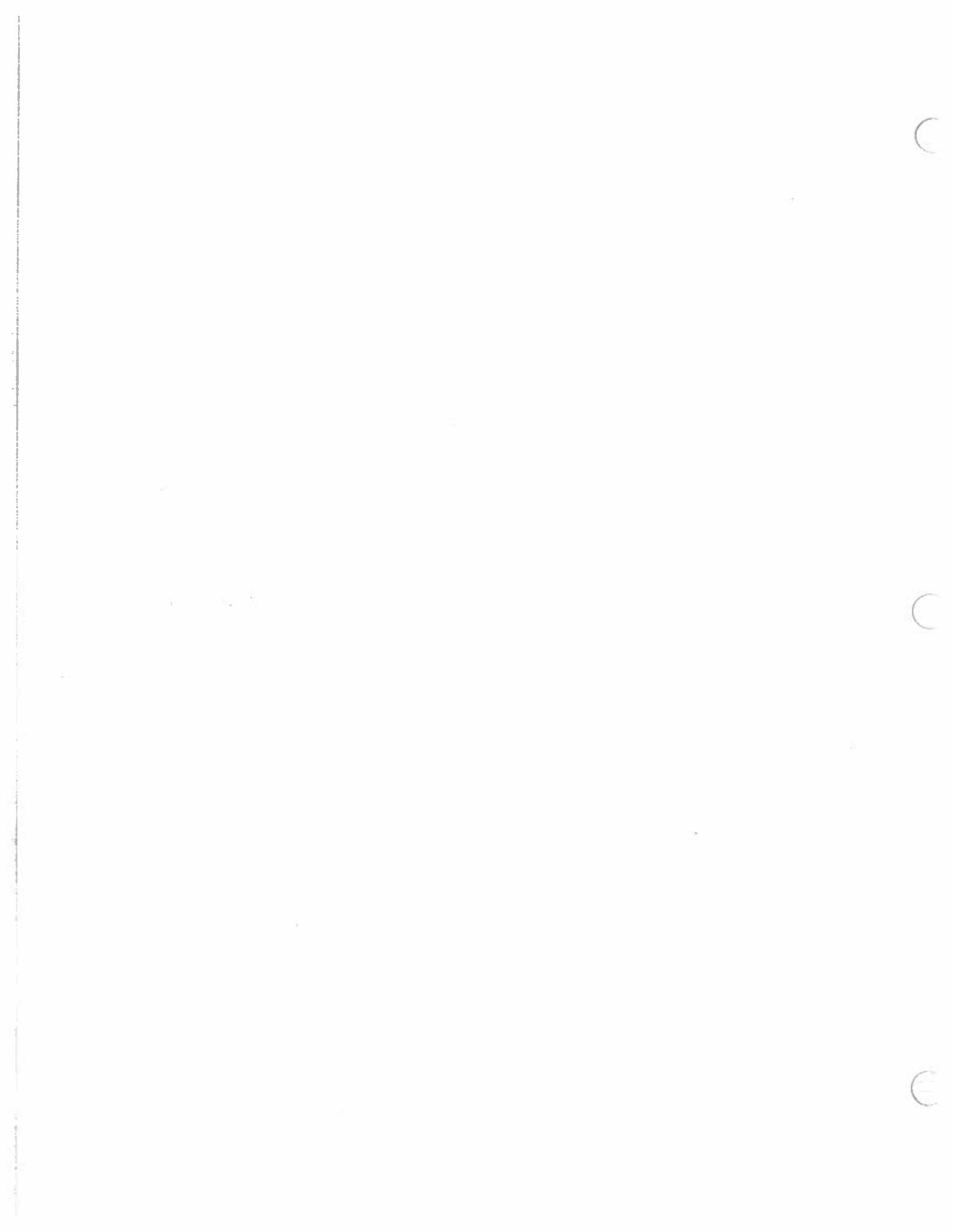
Sincerely,



Michael B. Green  
President and CEO

CC: Ed Roberge, City Engineer

CONCORD HOSPITAL  
IS A CHARITABLE  
ORGANIZATION WHICH  
EXISTS TO MEET THE  
HEALTH NEEDS OF  
INDIVIDUALS WITHIN  
THE COMMUNITIES  
IT SERVES.





THE H. L. TURNER GROUP Inc.

1 Int 1,

TA

27 LOCKE ROAD, CONCORD, NH 03301-5417 TELEPHONE: 603-228-1122 FAX: 603-228-1126

RECEIVED

DEC 23 2013

CITY MANAGER'S OFFICE  
CONCORD, NH

December 16, 2013

Mr. Matthew R. Walsh, Director of Redevelopment, Downtown Services, and Special Projects  
City Manager's Office  
City of Concord  
41 Green Street  
Concord, NH 03301

RE: The Spirit of the Holiday

Dear Matt:

On behalf of all of us here at The Turner Group we want to wish all of our friends and associates at the City of Concord a happy and cheerful holiday season.

In lieu of a gift for City staff we have made a \$100.00 donation in the City's name to the Friendly Kitchen.

We appreciate your business and wish you all a very happy holiday.

Kind regards,

Gerard R. Blanchette, PE  
Senior Vice President

