



***Non-public session in accordance with RSA 91-A: 3, II to discuss the  
City Manager's Evaluation to be held at 5:30 p.m.***

City Council Meeting  
Agenda  
April 14, 2014  
City Council Chambers  
7:00 p.m.

***Non-public session in accordance with RSA 91-A: 3, II (d)  
to discuss property acquisition to be held after the City Council meeting.***

1. Call to Order.
2. Invocation by Reverend Peter Hey, Wesley United Methodist Church.
3. Pledge of Allegiance.
4. Roll Call.
5. Approval of the March 10, 2014 Meeting Minutes.
6. Proclamation proclaiming April 2014 as Child Abuse Prevention and Sexual Assault Awareness month in the City of Concord. (3Sus2)
7. Presentation by Parks & Recreation Director and Pete Brock, President of the Patriots Alumni Club regarding joint events taking place in May between the City of Concord and the Patriots Alumni Club.
8. Agenda overview by the Mayor.
9. Labor Relations Committee report relative to the City Manager's evaluation, in accordance with Section 21(b) of the City Charter.

***- Consent Agenda Items -***

**Referral to the Transportation Policy Advisory Committee**

10. Communication from Councilor Herschlag asking that additional traffic calming methods be considered on Wildflower Drive between Abbott Road and Woodbine Avenue and on Woodbine Avenue between Mayflower Drive and Sorrell Drive.

**Referral to the Parking Committee**

11. Communication from Councilor Herschlag requesting consideration be given to amending the current parking committee ordinance to reflect the current membership of the committee as well as expanding membership to the committee.

**Referral to the Parking Committee, Planning Board and Concord School District**

12. Communication from Curtisville and South Curtisville Road residents asking the City of Concord to consider traffic/parking improvements in the vicinity of the Broken Ground and Mill Brook Schools.

**Items Tabled for a May 12, 2014 Public Hearing**

13. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations; together with report from the Director of Human Resources and Labor Relations.
14. Resolution adopting an amended and restated Development Program and Financing Plan for the Penacook Village Tax Increment Finance District; together with report from the Director of Redevelopment, Downtown Services and Special Projects. *(Due to statutory requirements action on this item must take place at City Council's June 9th meeting).*
15. Resolution appropriating the sum of \$245,000 including the authorization for the issuance of bonds and notes in the amount of \$170,000 for environmental cleanup of city owned real estate located at 5 – 35 Canal Street known as the former Allied Leather and Amazon Realty sites (CIP #508) located within the Penacook Village Tax Increment Finance District. *(Report from the Penacook Village Tax Increment Finance District Advisory Board submitted) (Due to statutory requirements action on this item must take place at City Council's June 9th meeting).*

**From the City Manager**

16. Positive Citizen Comments.

**Consent Reports**

17. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,671.08 as provided for under the preauthorization granted by City Council.
18. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$2,199.60 as provided for under the preauthorization granted by City Council.

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19. Diminimus gifts and donations report from the Parks & Recreation Director requesting authorization to accept monetary gifts totaling \$1,740 as provided for under the preauthorization granted by City Council.
20. Report from the Deputy City Manager – Finance recommending the FY2015 Finance Committee budget review schedule and guidelines.
21. Report from the Deputy City Manager – Finance recommending an amendment to the Concord City Auditorium Management Agreement.
22. Report from Community Development in response to a communication from Pat Harbour, Borough Road resident, asking that the City of Concord determine if contractors working in the Sandwood development are meeting all city codes to ensure no additional damage will occur to her home and property. (2 Sus2)
23. Report from the Economic Development Advisory Committee in response to a communication from Councilor Herschlag, together with communication from David Rauseo, Concord Crossing/Morrill Mill Pond LLC, providing an example of potential advertising partnerships the City of Concord could consider. (2-11)
24. Request from the Deputy City Manager—Development seeking authorization to respond to the U.S. Economic Development Administration’s Comprehensive Economic Development Strategy project solicitation.
25. Report from the Traffic Operations Committee recommending that the posted speed limit signs on Old Loudon Road and the southeasterly end of Portsmouth Street be changed from 35 mph to 30 mph.
26. Report from the Engineering Services Division requesting that the City Manager be authorized to apply for and participate in the Federal Highway Administration (FHWA) Accelerated Innovation Deployment (AID) Demonstration Grant Program for adoption of innovation in highway transportation projects related to the Downtown Complete Streets Improvement Project.
27. Concord Area Transit FY2014 Mid-year Progress Report and Performance Indicator Report (July 1, 2013-December 31, 2013) from the Transportation Policy Advisory Committee.
28. Report from the Director of Real Estate Assessments regarding an amendment to the existing Payment in Lieu of Taxes Agreement (PILOT) between the City of Concord and Fellowship Housing Opportunities, Inc. and its affiliates.
29. Report from the Parks and Recreation Director regarding July 4<sup>th</sup> festivities in the City of Concord.
- 29a. Report from the Director or Redevelopment, Downtown Services & Special Projects in regards to Downtown Banner License Revisions.

**Consent Resolutions**

30. Resolution repurposing \$95,000 from completed and unexpended project balances for building/structural and equipment/site improvements at the Penacook Wastewater Treatment Facility, CIP #466, to support the remaining funds needed for the equipment /process improvements at the Hall Street Wastewater Treatment Facility, CIP #104; together with report from the General Services Department.

**Consent Communications**

31. Street closure request for the 22<sup>nd</sup> Annual New Hampshire Law Enforcement Memorial Ceremony to be held on Monday, May 19, 2014.
32. Street closure request from Concord Christian Academy for a 5K-color race to be held on Saturday, May 31, 2014.
33. Street closure request for Concord 250 and Concord Historical Society's Time Capsule Unearthing Ceremony and Kick-Off Celebration to be held on Friday, June 6, 2014.
34. Street closure request for the Arthritis Foundation's Concord Jingle Bell Run to take place on Sunday, December 30, 2014.
35. Street closure request for a Concord Family YMCA block party/barbecue to be held on Friday, May 16, 2014 from 3:00 p.m. to 9:00 p.m.

**Appointments**

36. City Manager's proposed appointments to the Library Board of Trustees.  
*Paula Miner, Mary Beth Robinson and Michael Alberici*
37. Mayor Bouley's proposed appointment to the Planning Board.  
*Richard Woodfin*
38. City Manager's proposed appointment to the Planning Board.  
*Teresa R. Rosenberger*

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

**39. April 14, 2014 Public Hearings**

- A. Plan to end homelessness in the City of Concord. (3-5A)
- B. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter I, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance. (3-9)

- C. Non-ordinance fees. (3-10)
- D. Resolution appropriating the sum of \$10,000 from the Episcopal Church, Diocese of New Hampshire; together with report from the City Manager. (3-11)
- E. Resolution authorizing the City Manager to continue implementation of the Community Development Revolving Loan Fund Program and appropriating the sum of \$535,761; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (3-12)
- F. Resolution accepting and appropriating the sum of \$1,830,861 for the purpose of constructing Phase II of the Parallel Taxiway to Runway 12/30, including \$1,647,775 in grant funds from the Federal Aviation Administration (FAA), \$91,543 from the State of New Hampshire, and \$91,543 from the City of Concord and authorizing the issuance of bonds and notes for CIP #73; together with report from Engineering. (3-13)
- G. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (2-14) (3-35C) *(In accordance with RSA 75-8-b public hearings must be held in March and April, with Council action to take place in May)*

**March 10, 2014 Public Hearing Action**

- 40. 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. (1-13) (2-45E; 2-50) (3-35I) *(Supplemental report from the North End Opportunity Corridor Tax Increment Finance District Advisory Board submitted) (Public hearing held on March 10, 2014 action to be taken in April, in accordance with RSA 162-K:4)*
- 41. 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. (1-14) (2; 45F; 2-51) (3-35J) *(Public hearing held on March 10, 2014 action to be taken in April, in accordance with RSA 162-K:4)*

**April 14, 2014 Public Hearing Action**

- 42. Plan to end homelessness in the City of Concord. (3-5A)
- 43. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance. (3-9)

44. Non-ordinance fees. (3-10)
45. Resolution appropriating the sum of \$10,000 from the Episcopal Church, Diocese of New Hampshire; together with report from the City Manager. (3-11)
46. Resolution authorizing the City Manager to continue implementation of the Community Development Revolving Loan Fund Program and appropriating the sum of \$535,761; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (3-12)
47. Resolution accepting and appropriating the sum of \$1,830,861 for the purpose of constructing Phase II of the Parallel Taxiway to Runway 12/30, including \$1,647,775 in grant funds from the Federal Aviation Administration (FAA), \$91,543 from the State of New Hampshire, and \$91,543 from the City of Concord and authorizing the issuance of bonds and notes for CIP #73; together with report from Engineering. (3-13)

**Appointments by the Mayor**

**Reports**

**New Business**

**Unfinished Business**

48. 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)(1-42) (2-56) (3-45) (*Action on this item tabled following a February 2013 public hearing*)
49. 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) (1-43) (2-57) (3-46) (*Action on this item was tabled after a public hearing was held on September 9, 2013.*)
50. 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. (1-9) (2-45A; 2-46) (3-47) (*Action tabled on this item; item also referred to the Impact Fee Committee after a public hearing was held February 10, 2014*)
51. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-6, Sign Regulations, Section 28-6-7, Signs Prohibited Under this

Ordinance and Glossary; together with a report from the Zoning Administrator. (2-16) (3-35E; 3-39) *(March 10, 2014 public hearing opened and recessed at the request of the Deputy City Manager – Development until such time as the Planning Board has had to finalize their review)*

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

- Communication from Councilor Herschlag requesting that City Council priorities for 2014 – 2015 be amended to include heroin and prescription drug addiction as an issue that should be a focus for our community.

**Comments, Requests by the City Manager**

**Consideration of Suspense Items**

**Adjournment**

**Information**

- 4 Inf 1 January 22, 2014 Recreation and Parks Advisory Committee Meeting Minutes.
- 4 Inf 2 January 23, 2014 Transportation Policy Advisory Committee Meeting Minutes.
- 4 Inf 3 February 25, 2014 Golf Advisory Committee Meeting Minutes.
- 4 Inf 4 March 3, 2014 Concord Public Library Board of Trustees Meeting Minutes.
- 4 Inf 5 March 17, 2014 Parking Committee Meeting Minutes.
- 4 Inf 6 March 18, 2014 Traffic Operations Committee Meeting Minutes.
- 4 Inf 7 March 20, 2014 Fiscal Policy Advisory Committee Meeting Minutes.
- 4 Inf 8 District Two Executive Council report from Colin Van Ostern.





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

City Council Meeting  
Draft Minutes  
March 10, 2014  
City Council Chambers  
7:00 p.m.

***Non-public meeting with legal counsel in accordance with RSA 91-A: 2, I (b) followed  
by non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective  
bargaining strategies and a non-public session in accordance with RSA 91-A: 3, II (d) to  
discuss property acquisition to be held following the March City Council meeting.***

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by the Reverend Kate Atkinson, St Paul's Church
3. Pledge of Allegiance.
4. Roll Call. Councilor Bennett, Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Herschlag, Keach, Matson, Nyhan, St. Hilaire, Shurtleff, Todd and Werner were present. Councilors Bouchard and McClure were excused.
5. Approval of the February 3, 2014 the February 10, 2014 and the February 18, 2014 Meeting Minutes.

**Action:** Councilor Grady Sexton moved approval of the February 3, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor Grady Sexton moved approval of the February 10, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor St. Hilaire moved approval of the February 18, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

- 5A. Presentation on plan to end homelessness in the City of Concord.

**Action:** Patrick Tufts, Concord Steering Committee to End Homelessness member, thanked the Mayor and Council for the opportunity to present the ten year plan to end homelessness. David Frydman, committee member, noted that the steering committee consisted of a broad representation of members and had a very extensive public outreach process that the committee went through. He explained that, through the process, they looked at the

increased impacts Concord has seen regarding homelessness; identifying particular issues affecting the perceived increase of homelessness in Concord and how it was impacting the community; what services are available; quantifying the cost to the community around public safety. He indicated that the plan was adopted unanimously by committee members after extensive discussion and outreach. Mr. Frydman stated that there are five recommended goals: 1) increase access to healthy, safe environments for all homeless and precariously housed people of the community; 2) increase the number of quality, permanent, affordable rental units for very low income individuals; 3) increase knowledge about homelessness in Concord, costs to the community, services available and future needs; 4) increase public and private funding available to meet needs; 5) ensure broad representation and engagement of stakeholders in implementing and moving forward with this plan. He stated that their hope is that the Council will affirmatively and formally approve and adopt this plan noting that they would then take it through the Concord Coalition to End Homelessness as well as in partnership with the city, the non-profit community, the business community, and the for-profit community to start working on these action items.

Referencing page 12 of the plan, Councilor Coen questioned item 4 within number 7 asking what hospital is being referred to. Mr. Frydman responded that it's both the Concord Hospital and the state hospital.

Councilor Champlin complimented the committee for all the work that they did and stated that this would benefit from public input.

Councilor Champlin moved to set this plan for a public hearing in April. The motion was duly seconded.

Councilor Werner asked what is thought to be the most important aspect of the plan. Mr. Frydman responded that it's hard to choose just one because there are so many complexities involved but in light of this he feels that it would be creating an effective coalition coordinated approach of all the resources that exists in the city.

Mr. Tufts added that it's the collective response to the issue that is so important and feels that the plan itself is the most important part of the plan.

Mayor Bouley thanked the entire committee stating that they are a very dedicated group.

Councilor Champlin's motion passed with no dissenting votes.

6. Agenda overview by the Mayor.

*- Consent Agenda Items -*

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

**Referral to the Recreation and Parks Advisory Board**

7. Communication from Michael Royce asking that the City consider lighting the Blossom Hill Cemetery Chapel on a nightly basis.

**Referral to Community Development**

8. Communication from Michael Reed, CATCH Neighborhood Housing requesting that the City of Concord grant them a license to install a ramp within the city sidewalk at 4 Pleasant Street Extension, Endicott Hotel.

**Items Tabled for an April 14, 2014 Public Hearing**

9. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance.
10. Non-ordinance fees
11. Resolution appropriating the sum of \$10,000 from the Episcopal Church, Diocese of New Hampshire; together with report from the City Manager.
12. Resolution authorizing the City Manager to continue implementation of the Community Development Revolving Loan Fund Program and appropriating the sum of \$535,761; together with report from the Director of Redevelopment, Downtown Services & Special Projects.
13. Resolution accepting and appropriating the sum of \$1,830,861 for the purpose of constructing Phase II of the Parallel Taxiway to Runway 12/30, including \$1,647,775 in grant funds from the Federal Aviation Administration (FAA), \$91,543 from the State of New Hampshire, and \$91,543 from the City of Concord and authorizing the issuance of bonds and notes for CIP #73; together with report from Engineering.

**From the City Manager**

14. Positive Citizen Comments.

**Consent Reports**

15. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$6,056.57 as provided for under the preauthorization granted by City Council.
16. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$17,100 as provided for under the preauthorization granted by City Council.

17. OEDP Annual Report.
18. Report from Community Development in response to a 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. (12-8)
19. Status report from the Police Chief on Panhandling in the City of Concord.
20. Report from the City Engineer on the status of capital projects managed by the Engineering Services Division.
21. Report from Planning regarding revisions to lease agreements with Green Gold Farm and Bartlett Farm to exchange the Bartlett Farm leasehold at the Gully Hill Conservation Area with an area of equal tillable land at the West Portsmouth Street Conservation Area and to expand the Green Gold Farm leasehold at the Gully Hill Conservation Area to include the tillable land previously leased by Bartlett Farm.
22. Report from the General Services Director recommending the City Manager be authorized to accept the free leak detection survey from the New Hampshire Department of Environmental Services and enter into a promotional partnership agreement with the United States Environmental Protection Agency.
23. January Fiscal Year to Date financial statements from the Deputy City Manager – Finance.
24. Report from the Deputy City Manager – Finance outlining Finance Department staffing changes.
25. Report on FY2015 proforma model from the Deputy City Manager – Finance.
26. Report from Community Development in response to a 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. (12-9)

**Consent Resolutions**

27. Resolution transferring the sum of \$110,500 from contingency to General Services Snow and Ice Control Accounts; together with report from the Deputy City Manager – Finance.
28. Resolution authorizing the City Manager to submit an application to the Federal Aviation Administration (FAA) and the New Hampshire Department of Transportation (NHDOT), Division of Aeronautics, for up to \$340,000 in grant funds for the purpose of purchasing a new front end loader for the Concord Municipal Airport; together with report from Engineering.

29. Resolution authorizing the City Manager to submit an application to the Federal Aviation Administration (FAA) and the New Hampshire Department of Transportation (NHDOT), Division of Aeronautics, for up to \$1,830,861 in grant funds for the purpose of constructing the westerly portion of the Parallel Taxiway for Runway 12/30 at the Concord Municipal Airport; together with report from Engineering.
30. Resolution authorizing the City Manager to enter into a grant agreement for up to \$1,830,861 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics, for the purpose of constructing Phase II of the Parallel Taxiway to Runway 12/30 at the Concord Municipal Airport and to revise the total grant request for Phase I and Phase II to a total of \$3,031,847.

### **Consent Communications**

31. Street closure request from Intown Concord for the 40<sup>th</sup> Annual Market Days Festival to be held Thursday, July 17, 2014 through Saturday, July 19, 2014.
32. Street closure request from the Concord Farmers Market Association requesting Capitol Street be closed on Saturdays from 6:00 a.m to 1:00 p.m. beginning May 10, 2014 with an anticipated closing date of October 25, 2014.
33. Street closure request from the Greater Concord Chamber of Commerce's Creative Concord Committee for the 3<sup>rd</sup> annual Midsummer Night Magic to be held on Friday, June 20, 2014.
34. Street closure request from the Christa McAuliffe School for a Christa McAuliffe Fun Fair Carnival to be held on Thursday, May 22, 2014.

### **Appointments**

#### **From the Mayor**

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

#### **35. March 10, 2014 Public Hearings**

- A. Resolution accepting and appropriating the sum of \$34,323 from Bindery Redevelopment, LLC for the construction of sidewalk improvements along South Main Street in conjunction with the Downtown Complete Streets Improvement Project (CIP #460); together with a report from the City Engineer and Senior Planner. (2-12)

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

Mayor Bouley opened the public hearing.

**Public Testimony**

Roy Schweiker, resident, noted that he would like to make sure that by Council voting to accept this money, they are not promising to do anything particular downtown. He indicated his concern that the level of downtown improvements that are made may not be the sort of improvements that were considered when this amount of money was offered to the city. He further noted his concern with the downtown Main Street project and asked that Council table this item until they work out the costs for downtown.

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

- B. Resolution repurposing \$5,437.76 from completed and unexpended lobby/scoreboard replacement project (CIP #64) to support the replacement of two heaters at the arena (CIP #64); together with report from General Services. (2-13)

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

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

- C. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (2-14) *(In accordance with RSA 75-8-b public hearings must be held in March and April, with Council action to take place in May)*

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

- D. Resolution accepting and appropriating the sum of \$17,000 from the Central NH Bicycle Coalition for bike lane striping and directional signage throughout the City (CIP #35); together with report from the City Engineer. (2-15)

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

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

- E. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-6, Sign Regulations, Section 28-6-7, Signs Prohibited Under this Ordinance and Glossary; together with a report from the Zoning Administrator. (2-16) *(Report from the Deputy City Manager – Development requesting that the public hearing on this item either be tabled or recessed)*

**Action:** City Manager Tom Aspell explained that the Planning Board has requested additional information so Council is being asked to hold off on this item for another month.

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

- F. Resolution accepting and appropriating the sum of \$475,000 in unmatched funds from the State of New Hampshire's Oil Discharge, Disposal, and Cleanup Fund ("ODD Fund") for environmental remediation of city owned property located at 5, 11, 27, 31 and 35 Canal Street, Penacook known as the former Amazon Realty and Allied Leather Tannery Sites CIP #508; together with report from the Director of Redevelopment, Downtown Services, & Special Projects. (2-17)

**Action:** City Manager Tom Aspell provided a brief overview explaining that cleanup activities commenced November 2013 and, as cleanup has progressed, the scope of petroleum contamination of the property proved to be more extensive than initially anticipated. He indicated that, because of these circumstances, the cost of petroleum remediation will likely to exceed the original \$275,000 appropriated. He stated that staff is requesting that Council approve up to an additional \$475,000 in ODD Fund dollars explaining that ODD Fund dollars are unmatched grant funds from the State of NH; no matching funds are required nor is there any costs to the city for accepting these grants.

Matt Walsh, Director of Redevelopment, Downtown Services, & Special Projects, noted that he anticipates that, of the total \$750,000 in ODD Fund dollars, they will be spending approximately \$350,000. He indicated that staff will be coming back in April requesting an additional \$220,000 of city money to deal with some overages that they have run into as the project has gone on for the past several months. He explained that the \$220,000 would be comprised of money from the Penacook Village TIF District as well as from the city's Economic Development Reserve.

Councilor Coen asked if there was any way to use the \$750,000 towards the \$220,000. Mr. Walsh responded that they could not because the ODD Fund is strictly dedicated to petroleum issues. Councilor Coen inquired as to what caused the overage. Mr. Walsh replied that the primary factors driving the \$220,000 includes: additional buried foundations at the site, coal ash, piping with liquid found, and the discovery that the concrete vaults were contaminated with hexavalent chromium which is more complicated to deal with because it's more toxic.

Councilor Keach questioned if this is the end of the environmental issues for this site. Mr. Walsh explained that they are fifty percent of the way through and indicated that there is approximately 1,000 tons of chromium soils that needs to be removed. He stated that he feels that they will know more over the next few weeks but, at this point, a \$220,000 appropriation would help take care of the overages but also leave a \$43,000 contingency to finish the rest of the project.

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

- G. Resolution accepting and appropriating the sum of \$10,612 from the NH Department of Transportation (NHDOT) for a portion of the design of the municipal water main relocation across the Exit 12 bridge over I-93; together with report from the Associate Engineer. (2-18)

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

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

- H. Resolution appropriating the sum of \$10,001,080 for the purposes of construction for the Sewalls Falls Bridge replacement project (CIP #22), including accepting and appropriating \$8,000,000 in U.S. Department of Transportation, Federal Highway Administration Bridge Aid Funds, and authorizing the issuance of bonds and notes in the amount of \$1,940,000, and utilizing \$61,080 from impact fees; together with report from the City Engineer. (2-19)

**Action:** Ed Roberge explained that City Council had previously appropriated \$1.5 million for the design portion and this will complete the appropriation for the funds to build the project that is before Council this evening. He provided a project status update.

Tom Kendrick, McFarland Johnson Project Manager, noted that it is anticipated for construction starting in 2015 and completing in 2016. He explained that, as part of the process for the bridge aid program, they did a type, size, location study report looking at different bridge alternatives, different lengths and alignments, accurate bridge costs for comparison purposes and a decision matrix process. He presented a slide showing an aerial photo of the project location noting that the two truss spans that currently exist, approximately 340 feet in length. He noted that they are looking at replacing those spans with a three span bridge that will be 400 feet in length, removing the approach spans in their entirety and replacing those with embankment. In a powerpoint presentation, Mr. Kendrick highlighted some traditional and non-traditional bridge alternatives. He further highlighted the decision matrix noting that they looked at items such as construction duration, long term maintenance, aesthetics and costs and pointed out that alternatives A, B and C fit within the project budget.

Councilor Coen noted that the question that he has been asked over the past several years is why it took so long to have the bridge rebuilt. He asked how much it cost to deal with the environmental and design issues with any project of any scope today versus eighty years ago. Mr. Roberge responded that there are a number of regulatory processes that are referred to now that were not there years before. He pointed out that they had a previous alternative that Council endorsed in 2010 and, once they concluded additional study, they found that the alternative wasn't feasible so they had to re-engineer the process. He stated that it's clearer to say that it is more expensive today to do projects

than it would be 40 to 60 years ago because of all the programs that are out there but he cannot estimate how much of a percentage more for costs.

Referencing alternatives C and D, Councilor Nyhan asked if the higher costs are due to the aesthetic appeal of these alternatives. Mr. Roberge responded that what concerns them is the long term sustainability of it and explained that with truss and signature bridges comes more costs to maintain. Councilor Nyhan asked for clarification that there is no functional value to those design elements. Mr. Roberge replied that one may argue that it may be less functional in terms of the structural limitations that a truss bridge may bring.

Councilor St. Hilaire noted that the photo of the concrete bridge includes lights and the steel one does not. He questioned whether this was just the drawing or whether this added the extra \$200,000 to the project. Mr. Kendrick responded that they just wanted to show different options. Councilor St. Hilaire inquired whether there was a preference to concrete and steel as far as longevity. Mr. Kendrick responded that generally they are both considered to be of equal durability and both require the same level of maintenance.

Councilor Herschlag questioned how much it would change the cost if the bridge was constructed in one construction season as opposed to two seasons. Mr. Kendrick responded that they selected the 18 month timeframe because it should result in the lowest total cost and is a normal timeframe to construct a bridge. He noted that during the final design they are going to look at shortening that timeframe but at some point they will reach a point of adding costs to the project. He added that they are just starting the environmental process this spring and they are unsure at this point what their in stream work windows will be; they will need to pinpoint as to when the contractor will be allowed to work in the stream. Councilor Herschlag asked if the timeframe would add to the cost if all the elements fell into place or would this be a consequence of ease of construction. Mr. Kendrick responded that, at this point, they can't say it's possible to construct it in twelve months but it is possible to do it more quickly than the eighteen months that they have presented within the timeframe.

Councilor Matson noted that she didn't see anything specific about what type of longevity is expected out of the bridge once it's constructed. Mr. Kendrick replied that the normal practice is for a 75 year design line and they are striving to increase this closer to 100 years with some of the materials they are putting into the bridge.

Councilor Coen asked what department or agency makes the decision as to how long and when they can go into the river. Mr. Kendrick responded that there are multiple permitting agencies that they'll work with during the permitting process including the Army Corp, Department of Environmental Services, and the New Hampshire Fish and Game.

City Manager Tom Aspell asked the City Engineer to highlight some of the items that they will be doing in the water. Mr. Roberge responded that there are mussels in the river that need to be relocated and there will be the drilling of piles.

Councilor Todd asked if there was a timeframe for the maximum amount of time this construction would be completed. Mr. Kendrick responded that they are comfortable with the eighteen month timeframe contained within the report but it's always possible that in work windows are less than they could be and is also possible that the contractor could run into problems along the way.

Councilor Champlin asked if it was intended that there is going to be lighting included on this bridge. Mr. Roberge replied that there is currently no lighting on the bridge and the concern that they have is a significant change in terms of the approach. He stated that they proposed likely to not have lighting out there; looking at costs and how the roadway is used today so there isn't additional impact on abutting properties. Councilor Champlin stated that it would be nice to see something that made it a bit more aesthetically interesting. He pointed out there are proposed five foot safety lanes that bicyclist may be using and noted that, for safety sake, it would be helpful to have lighting on the bridge. He asked that consideration is made for lighting and also for designs that give it a little bit of character.

Referencing mussel relocation, Councilor Coen inquired as to the cost of this. Mr. Roberge responded that they tried to plan for this within the existing budget so it fits within the construction costs. There was no accurate cost available but Mr. Roberge stated that they estimated it costing under five figures pointing out that it's too early to guess a number at this time.

Councilor St. Hilaire noted his disagreement with Councilor Champlin's comments in regards to lighting. He stated that it's a pristine area and it's nice to have it dark for astronomers to see the stars in this area of Concord. He suggested banners or other treatments to make the bridge aesthetically appealing.

Mayor Bouley pointed out that lighting is not currently included within the project costs before Council this evening.

Councilor Werner noted his agreement with Councilor St. Hilaire. He wondered if consideration was made for any type of reflective material or markings that would assist bikers at dusk or dark. Mr. Roberge responded that there will be full pavement markings that are highly reflective but there is not anything that they specifically looked at but can be explored.

Mayor Bouley opened the public hearing.

**Public Testimony**

Liz Blanchard, Penacook, noted that she wanted to assure residents that it has not been the Council's fault that this has dragged on so long. She noted her support in the construction of a new bridge and trusts this Council to make the right decision.

Roy Schweiker, resident, noted that he hopes that if any issues arise that it comes back to Council for the public to comment on. He pointed out that where the steel and concrete are fairly close, it's not an unusual practice to bid an alternate design and let the contractor bid one or another and pick the lowest one.

Ron Rayner, resident, questioned whether there will be any temporary span or bridge crossing during the eighteen month period. City Manager Tom Aspell responded no.

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

- I. 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. (1-13) (2-45E; 2-50) *(Supplemental report from the North End Opportunity Corridor Tax Increment Finance District Advisory Board submitted) (Action to be taken in April, in accordance with RSA 162-K:4)*

**Action:** There being no Council objection, items I and J were read together.

Matt Walsh, Director of Redevelopment, Downtown Services, & Special Projects, provided an overview on items I and J explaining that what Administration is proposing is that the city move forward with the acquisition of the so called "Tsunis" property. He stated that the goal is to buy the property and merge it with other properties currently owned by the city in order to facilitate the establishment of a right of way to connect Storrs Street to Constitution Avenue and South Commercial Street. He indicated that the \$361,000 assessment assumed only one acre of land was developable instead of all four acres and that it also had a different neighborhood rating. He pointed out that since the date that the report was written, the City Assessor has reviewed the assessment and revised it determining that the assessment would be somewhere between \$535,000 (assuming a connection through the city property to the Tsunis property which would require a roadway) to \$1.25 million (assuming that access was off of Storrs Street). He noted that if these are averaged together you end up with a price of \$892,500; the project for this particular acquisition is \$1,050,000 which includes the acquisition of the property, related costs associated, and costs to remove all vegetation as well as stored concrete pipe, grade, loam and seeding the site. He indicated that the financing plan entails \$450,000 of fund balance from the NEOCTIF district and a \$600,000 bond with a five year term exclusively supported by the TIF district. He explained that the NEOCTIF district is expected to sunset in fiscal year 2016 but the addition of this new debt service will extend that date to fiscal year 2019; this date assumes that no money is appropriated

for the future construction of the roadway. Mr. Walsh pointed out that there are three key issues that are affiliated with this property that will have to be worked out: there is a railroad easement crossing of 734 square feet which is held by the Tsunis family and is critical because the city is hoping that it would allow them to have an at grade crossing over the railroad tracks so they do not have to build a bridge; there are parcels inside the Tsunis property called escheated rights which have reverted back to the State of NH and the city will have to work with the state to get title to those; there is a railroad siding agreement that was in place with the state and the Tsunis family dating back to 1989 that needs to be reviewed. He noted that the NEOCTIF Advisory Board met to discuss this proposal and voted to endorse that Council move forward with this.

Councilor Coen asked whether any of this property will be available for development in the future. Mr. Walsh responded that it's going to depend on the final design of whatever the roadway might be. He indicated that a fair amount of this parcel will be dedicated to right of way adding that they will need to relocate the railroad tracks which will take up additional land. That said, he hopes that when the final design is done that they will have residual property that they can offer to the private sector for redevelopment.

Councilor St. Hilaire noted that there have been a few articles lately about the high speed rail and inquired whether the state would be thinking about moving the set of tracks away from this property closer to the bus station. Mr. Walsh responded that the concept that they are currently working with was actually prepared by the State of NH Department of Transportation.

Referencing the flat crossing of the rail, Councilor Keach inquired whether this is part of the title or a separate item that needs to be negotiated. Mr. Walsh replied that there is an easement that runs with the land and they will probably need to talk to the individuals who control the railroad lines just because that particular easement is fixed to a location on the Tsunis property and will most likely have to be moved to accommodate the construction of the roadway. Councilor Keach asked, if the city purchases the land, if it means that they don't necessarily have that easement. Mr. Walsh responded that if the city purchases the land the easement runs with the land so the easement would be the city's however they will need to negotiate with the railroad about possibly relocating the easement on the Tsunis property; the crossing is there and the only issue the city would have to negotiate is relocating it on the property.

Councilor Herschlag asked what opportunities Tsunis Holding Company had to develop the land without escheated rights. Mr. Walsh responded that the rights were key to the Tsunis family developing the extension that they wanted to do. He explained that the city was involved in securing these rights by doing a "friendly" eminent domain process to clear the title in such that they could get to the point of letting the state sell those parcels to the Tsunis family. Councilor Herschlag asked what they would be able to do with that property without those rights. Mr. Walsh noted that there is a "swiss cheese" effect because of the location of the escheated rights parcels because they are sprinkled throughout the property. He indicated that the land likely has some development value.

Councilor Herschlag asked what this does to the valuing of the property if they no longer have those rights. Mr. Walsh replied that they are working under the assumption that they will be able to secure the rights from the State of NH. He stated that he is fairly confident that the city will be able to get those rights for a reasonable price. Councilor Herschlag questioned how this affects the assessed value by the Tsunis family not having those rights to the property; is the city paying too much or does it take into account not having those rights. City Manager Tom Aspell stated that the values that the Assessor gave staff considered the escheated properties within the property.

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

**Public Testimony**

Roy Schweiker, resident, spoke in opposition stating that he is skeptical of the value of the property and feels that it's excessive. He noted that he feels that the project is premature and further noted his concern in regards to the TIF district.

Christian Pannacker, resident, questioned whether there was a demand from the citizens of Concord for this noting that he feels that it's working as it currently is.

There being no further public testimony, the Mayor closed the hearings for items I and J.

- J. 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. (1-14) (2; 45F; 2-51) *(Action to be taken in April, in accordance with RSA 162-K:4)*

**Action:** Public hearing for this item taken with item I.

- K. Resolution modifying the Elderly Exemption Criteria for the City of Concord pursuant to the provisions of RSA 72:27-a; together with report from the Director of Real Estate Assessments.

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

- L. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections; and Schedule Va, Four-Way Stop Intersections; Regional Drive at Chenell Drive; together with report from the Traffic Engineer. (2-23) *(Public testimony submitted)*

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

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

**March 10, 2014 Public Hearing Action**

36. Resolution accepting and appropriating the sum of \$34,323 from Bindery Redevelopment, LLC for the construction of sidewalk improvements along South Main Street in conjunction with the Downtown Complete Streets Improvement Project (CIP #460); together with a report from the City Engineer and Senior Planner. (2-12)

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

37. Resolution repurposing \$5,437.76 from completed and unexpended lobby/scoreboard replacement project (CIP #64) to support the replacement of two heaters at the arena (CIP #64); together with report from General Services. (2-13)

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

38. Resolution accepting and appropriating the sum of \$17,000 from the Central NH Bicycle Coalition for bike lane striping and directional signage throughout the City (CIP #35); together with report from the City Engineer. (2-15)

**Action:** Councilor Nyhan moved approval. The motion was duly seconded and passed with no dissenting votes receiving the necessary two-thirds vote.

39. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-6, Sign Regulations, Section 28-6-7, Signs Prohibited Under this Ordinance and Glossary; together with a report from the Zoning Administrator. (2-16)  
*(Report from the Deputy City Manager – Development requesting that the public hearing on this item either be tabled or recessed)*

**Action:** No action taken on this item. The public hearing for this item was recessed.

40. Resolution accepting and appropriating the sum of \$475,000 in unmatched funds from the State of New Hampshire's Oil Discharge, Disposal, and Cleanup Fund ("ODD Fund") for environmental remediation of city owned property located at 5, 11, 27, 31 and 35 Canal Street, Penacook known as the former Amazon Realty and Allied Leather Tannery Sites CIP #508; together with report from the Director of Redevelopment, Downtown Services, & Special Projects. (2-17)

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

Councilor Coen inquired as to how much money has been spent to date on the Allied Leather Tannery and Amazon Realty sites. Mr. Walsh responded that the city has made a net investment of \$4,636,711 going back to 2001; this excludes the additional appropriation that is before Council this evening. He noted that of this total: \$2.8 million are grants and money from other parties; \$75,000 was from an insurance reimbursement when the Penacook Mill collapsed; the net cash amount that the city has put into the project is \$1,718,184.

Councilor Herschlag thanked Mr. Walsh for working diligently in regards to this site. He stated that he feels, without the city's involvement, there wouldn't be any opportunity to development. He noted that they are finally getting to a point where this property can be developed, start to generate some taxable income for the community, and serve as a cornerstone for redevelopment for the village.

The motion to approve passed with no dissenting votes receiving the necessary two-thirds vote.

41. Resolution accepting and appropriating the sum of \$10,612 from the NH Department of Transportation (NHDOT) for a portion of the design of the municipal water main relocation across the Exit 12 bridge over I-93; together with report from the Associate Engineer. (2-18)

**Action:** Councilor Coen moved approval. The motion was duly seconded and passed with no dissenting votes receiving the necessary two-thirds vote.

42. Resolution appropriating the sum of \$10,001,080 for the purposes of construction for the Sewalls Falls Bridge replacement project (CIP #22), including accepting and appropriating \$8,000,000 in U.S. Department of Transportation, Federal Highway Administration Bridge Aid Funds, and authorizing the issuance of bonds and notes in the amount of \$1,940,000, and utilizing \$61,080 from impact fees; together with report from the City Engineer. (2-19)

**Action:** Councilor Nyhan moved approval of the resolution moving forward with Alternative A. The motion was duly seconded.

Councilor Herschlag urged staff, when they put out the bids for this, to also look at the difference in cost between the estimated eighteen month period and a reduced timeframe of one construction season.

Councilor Keach noted that he does not feel that the construction schedule is much of an issue at this time. In terms of lighting and aesthetics, he stated that this is a rural crossing and not a prominent crossing or a focal point of the city. He stated that the least expensive option is his choice.

Councilor Nyhan's motion to approve the resolution moving forward with Alternative A passed with no dissenting votes receiving the necessary two-thirds vote.

43. Resolution modifying the Elderly Exemption Criteria for the City of Concord pursuant to the provisions of RSA 72:27-a; together with report from the Director of Real Estate Assessments.

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

44. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections; and Schedule Va, Four-Way Stop Intersections; Regional Drive at Chenell Drive; together with report from the Traffic Engineer. (2-23) (*Public testimony submitted*)

**Action:** Councilor Grady Sexton moved approval. The motion was duly seconded.

Mayor Bouley indicated that meeting with individuals on Regional Drive they have heard many concerns about this particular intersection in regards to near misses and vehicles traveling at high speeds. He noted that this came about from the recommendations of the businesses on the street. He pointed out that the Traffic Operations Committee feels that this does not warrant a stop sign in this area.

Councilor St. Hilaire noted that vehicles seem to go faster than the posted 30 mph on this road.

Councilor Herschlag asked how many accidents are contributed because of the difficulty at this intersection. Mr. Aspell responded that there are two per year.

Councilor Coen stated that this is an awkward intersection and noted that by having a stop sign at Chenell Drive it may cause a calming effect to keep the speeds down. He noted that although the volume doesn't warrant a stop sign in this area he will still vote to approve this item.

Mayor Bouley shared that it was pointed out to him that there would most likely be potential backups during certain times of the day with a stop sign noting that he explained this to the individuals within this area.

Councilor Bennett stated that he doesn't support this because he feels that this is a problem that only occurs for a few hours a day. He pointed out that the road was built for a reason; to make it compete with Loudon Road and allow people to access the Heights without having to go through all the traffic lights and congestion on Loudon Road. He feels that by adding a stop sign where it's not warranted is the wrong thing to do.

Councilor Todd noted his agreement with Councilor Bennett's comments. He stated that it appears to him that a stop sign is not the best choice to solve the problem and feels that it

may exasperate the problems in the area in terms of back up. He noted that Mr. Lemieux's written testimony outlines the way he feels about this intersection.

Councilor Herschlag noted his agreement with Councilor Bennett's assessment that Regional Drive connector was put in to reduce some of the impact of the traffic on Loudon Road.

Mayor Bouley asked whether, when Council voted to put a stop sign in at the top of Liberty Street, this intersection warranted a stop sign. Mr. Aspell responded that he did not believe so.

Councilor Champlin indicated that he will not be supporting this proposed traffic sign.

Councilor St. Hilaire noted that he sees a potential need for the stop sign but it does trouble him that any advocate for the sign did not appear for the hearing this evening.

The motion to approve the stop sign failed on a voice vote.

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

#### **Appointments by the Mayor**

#### **Reports**

#### **New Business**

#### **Unfinished Business**

45. 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)(1-42) (2-56) *(Action on this item tabled following a February 2013 public hearing)*

**Action:** This item remains on the table.

46. 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) (1-43) (2-57) *(Action on this item was tabled after a public hearing was held on September 9, 2013.)*

**Action:** This item remains on the table.

47. 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. (1-9) (2-45A; 2-46) (*Action tabled on this item; item also referred to the Impact Fee Committee after a public hearing was held February 10, 2014*)

**Action:** This item remains on the table.

48. 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. (1-10) (2-45B; 2-47) (*Public hearing held on February 10, 2014; action tabled pending additional options from City Administration*) (*Supplemental report and revised ordinance from the Director of Redevelopment, Downtown Services & Special Projects*)

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

Councilor Shurtleff moved to remove this item off the table. The motion was duly seconded and passed with no dissenting votes.

Councilor Shurtleff moved approval of the supplemental report dated February 27, 2014 along with the revised ordinance. The motion was duly seconded.

Councilor Bennett questioned whether this included parking near Hermanos. Mr. Aspell responded that it is on the easterly side of Storrs Street near the end.

Councilor Herschlag pointed out that the sign under the overpass says permit parking only and inquired whether this still applies. Mr. Aspell responded that this would be eliminated and new signage would be put up.

The motion to approve passed with one dissenting vote.

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

Councilor Shurtleff announced that there is a public forum for the Penacook Village Zoning Study Committee taking place on Thursday, March 13<sup>th</sup> at 6:00 p.m. at the United Church of Penacook.

Councilor Shurtleff informed the Council that former Ward Eight City Councilor Jim Rowe passed away.

Councilor Grady Sexton announced that the AmeriCorps National Service program is turning twenty years old this year and there will be a kick off to celebrate their anniversary this Friday, March 14<sup>th</sup> at 9:00 a.m. at the auditorium of the Technical Institute.

Councilor Coen inquired as to the status of snow removal in the city since the last storm. Mr. Aspell responded that with the budgeting that they have done they should have adequate supplies. He indicated that there will be a transfer coming up shortly from the contingency for this purpose to the fund to handle final costs of snow removal.

Councilor Todd announced the third public forum for the Concord 250 on Wednesday, March 26<sup>th</sup> at 6:00 p.m. in Council Chambers.

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

In response to Mr. Pannabacker's question in regards to the Tsunis property, Mr. Aspell explained that back in the mid 90's the city made a decision to help develop contaminated property which is essentially the Concord Lumber site. The concern that the city had was that it's too separated from downtown and to really develop into a conference center that would be available and accessible downtown there needed to be a connection made to downtown eventually. He indicated that the idea was that they would eventually bring Storrs Street through to Constitution Avenue. The property Coastal Concrete, shortly thereafter, was acquired. He explained that the city has been acquiring pieces of property over the years at the request of the community to make this connection. He noted that the State of NH decided that it wants to do I-93 planning and a plan was developed, in cooperation with the city, to take I-393 and eliminate Stickney Avenue and make a connection along Storrs Street. He stated that if the Storrs Street connection can be made down by Exit 13 this traffic can be removed from 93 the state wouldn't have to build an eight lane section of highway and would only need a six lane section of highway. This would save the federal government 10's of millions of dollars, have a much less environmental impact, and the city would work with them to have a road that would then access an open developable property. Mr. Aspell stated that the development potential and the tax potential for the city would be tremendous and it would open up the frontage to the downtown.

Carlos Baia, Deputy City Manager-Development, introduced the new City Planner Nancy Larson.

### **Consideration of Suspense Items**

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

3 Sus1 City Manager's proposed appointment to the Board of Trustees of Trust Funds.  
*Karen A Levchuk*

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

3 Sus2 Proclamation proclaiming April 2014 as Child Abuse Prevention and Sexual Assault Awareness month in the City of Concord. *(For presentation in April)*

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

**Adjournment**

The time being 9:29 p.m., Councilor Champlin moved to enter into non-public meeting with legal counsel in accordance with RSA 91-A: 2, I (b) followed by non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies and a non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition. The motion was duly seconded and passed with no dissenting votes.

Councilor Nyhan moved to exit out of the non-public meeting at 10:34 p.m. The motion was duly seconded and passed with no dissenting votes.

Councilor Nyhan moved to seal the minutes of the non-public meetings. The motion was duly seconded and passed with no dissenting votes.

Upon exiting the nonpublic session concerning property acquisition negotiations for the NH Employment Security property located at 32-34 South Main Street, Councilor Nyhan moved that the City formally reject the two development proposals as submitted by the ReArch Company and the Duprey Joint Venture. Councilor St. Hilaire seconded the motion. The motion carried unanimously on a voice vote.

The City Manager noted formal rejection of these proposals will allow the City to enter into discussions with other interested parties who have expressed interest in partnering with the City to redevelop the property. He also noted that rejection of the two proposals does not preclude the City from having further discussions with the ReArch Company or the Duprey Joint Venture.

Councilor Shurtleff moved to approve a new three year collective bargaining agreement with Local 2232, the International Union of United Automobile, Aerospace and Agricultural Implement Workers of America. The motion was duly seconded and passed on a voice vote.

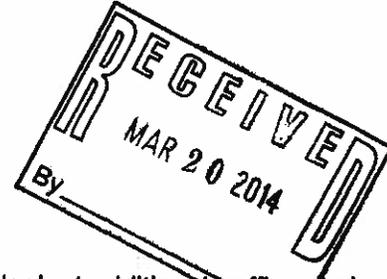
*A true copy; I attest:*

*Michelle Mulholland  
Deputy City Clerk*

4-10

March 20, 2014

Mayor James Bouley  
City Clerk Janice Bonenfant  
Green Street  
Concord, NH 03301



TJA

Please refer the following to TPAC:

I have had a number of requests in my neighborhood (West Village) to look at additional traffic calming methods. Even with the speed bumps that have been placed in our neighborhood there are still areas that see excessive speeds. In two instances these areas involve turns in the road where it is difficult to see a car approaching and difficult for the driver to see people in the roadway.

Specifically the areas are:

On my street Wildflower Dr., between Abbott Rd. and Woodbine Ave.

And on Woodbine Ave. between Mayflower Dr. and Sorrell Dr.

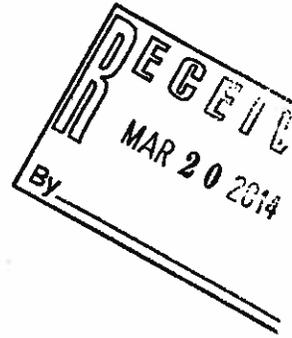
Respectfully submitted by,

Allan Herschiag  
City Councilor  
Ward 2



March 20, 2014

Mayor James Bouley  
City Clerk Janice Bonenfant  
Green Street  
Concord, NH 03301



Please refer the following to Staff:

It has come to my attention that two members on the Parking Committee are members of Intown Concord and were nominated to the committee based on their being members of Intown Concord. It is my understanding that the current city ordinance that authorizes the Parking Committee specifically states that two members come from Main Street Concord, Inc. No mention is made in the City Ordinance (30-3-7) regarding appointing members to the committee from Intown Concord or any other Organization.

Understanding that the city is in the process of undertaking a city wide parking study, that the following options be considered until at least such time as the parking study is completed:

- 1 - Revise the current Ordinances to reflect the current membership make up of the Parking Committee.
- 2 - Revise the current Parking Ordinance to more accurately reflect the many stakeholders of our Downtown and their varied Interests. Including but not limited to expanding membership on the Parking Committee to include representatives from the following: Retail / merchants, restaurants / entertainment, landlords and commercial / business interests.

Respectfully submitted by,

Allan Herschlag  
City Councilor  
Ward 2



4-12  
TJA

To Matt Walch

This letter is in regard to the parking, pick up and drop off at Mill Brook School and Broken Ground School.

The Residents that live on South Curtisville and Curtisville Road are tired of being confined to our homes from 7:00 am to 8:00 am, 11:00 am to 12:30 pm, and from 2:15 pm to 3:00 pm. because of the traffic. They park on both sides of the street. There is not enough room for the buses to pull in to the Broken Ground and Mill Brook schools. They have to park on the right side of the road going into the schools with the buses parked on the right and cars parked beside them and behind them. It takes 10 to 12 minutes for the residents to get through it that only leaves one lane. There are cars parked on the left from the entrance to Broken Ground School all the way up to Curtisville Road.

Myself, I have almost hit a car door 3 different times because they do not look to see if anything coming.

One time a lady was putting her small child in the back passenger side seat, when her other daughter came out from behind her car and in front of a large SUV. If I wasn't going slow and watching very close, she could have been hit.

One time when I was going home a pickup truck started to push his way through. He started to get pretty violent and even started to get out of his truck. I managed to continue on my way.

The next day at about 2:30 pm, I walked into the Broken Ground School parking lot and counted 41 open parking spots. I have called Matt Cashman two to three times about the problem. He has not responded.

Hopefully with this letter and pictures of the problem, and signatures of the residents that it affects, the problem will be taken care of. Included are some suggestions on the cure for our problem. Thank you for your concern on our problem.

When you close down three schools and put the children into one on a dead end street you are going to have problems. I just can't believe the school board and city council went along with this design. Matt Cashman was asked about parking, drop off and pick up and his words were there will be plenty of parking for all. Hopefully we can come to a positive outcome before a tragedy occurs.

Suggestions:

1. Open up North Curtisville Road to decrease traffic on South Curtisville Road and to give us another way out.
2. Create an overflow parking lot.
3. Put up No Parking signs on *South Curtisville Road in front of the school and opposite side for bus parking only.*

(OVER)

Ellen Spague

Thomas Burke

Linda Braden

Steph O'Malley

John S. Ryan

Robert DeGenia

Elizabeth Estrella

Frank

~~Frank~~

~~Frank~~

~~Frank~~

Ann Marie King

Mitchell King

Scott King

John King

Mitchell Paul

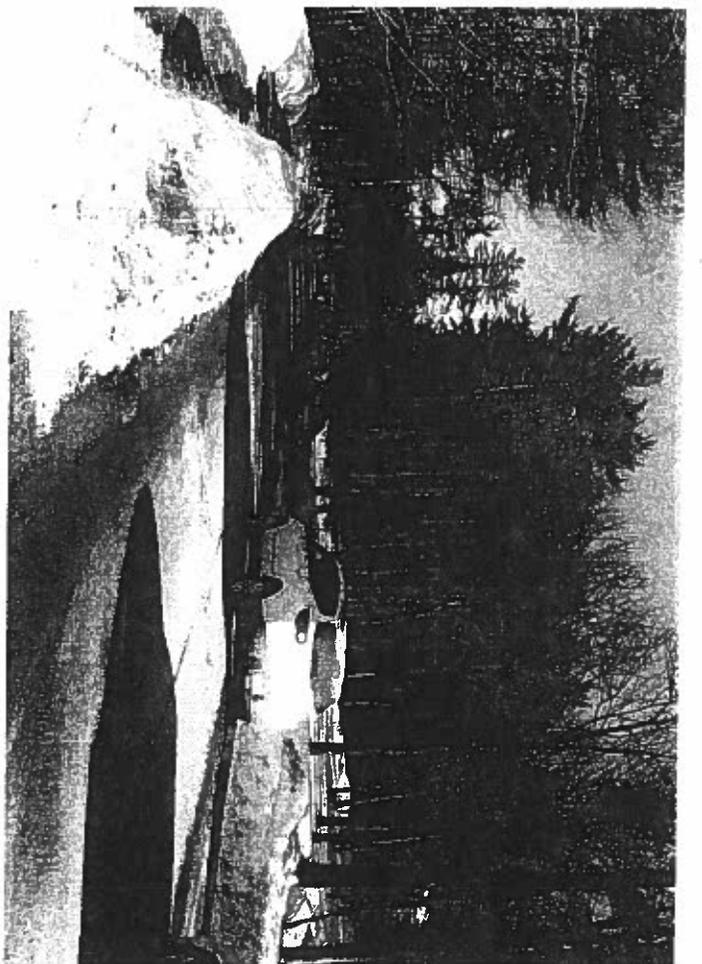
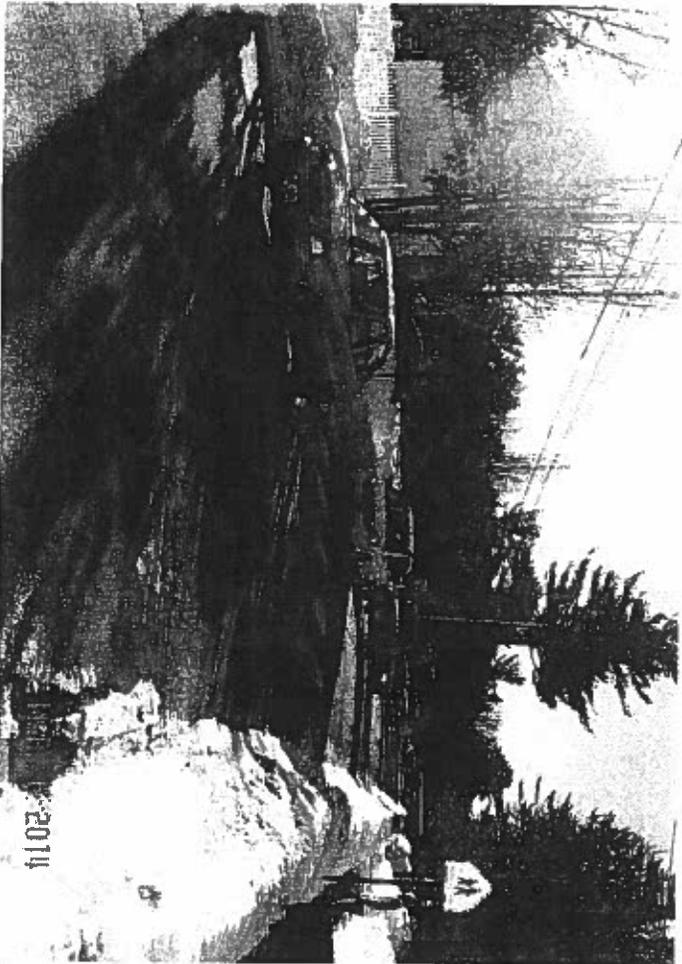
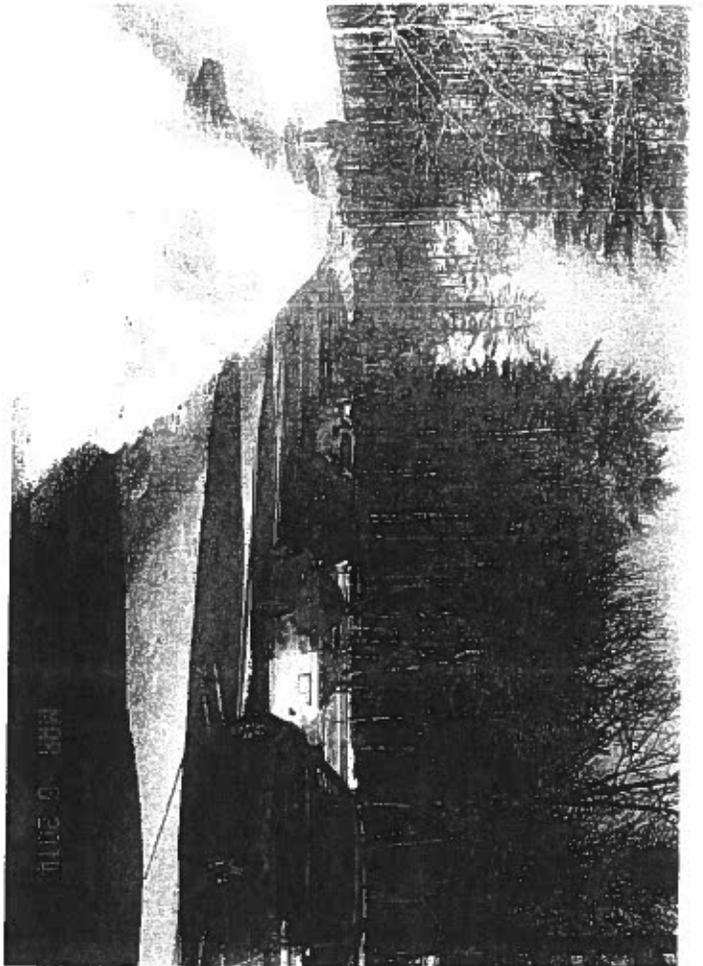
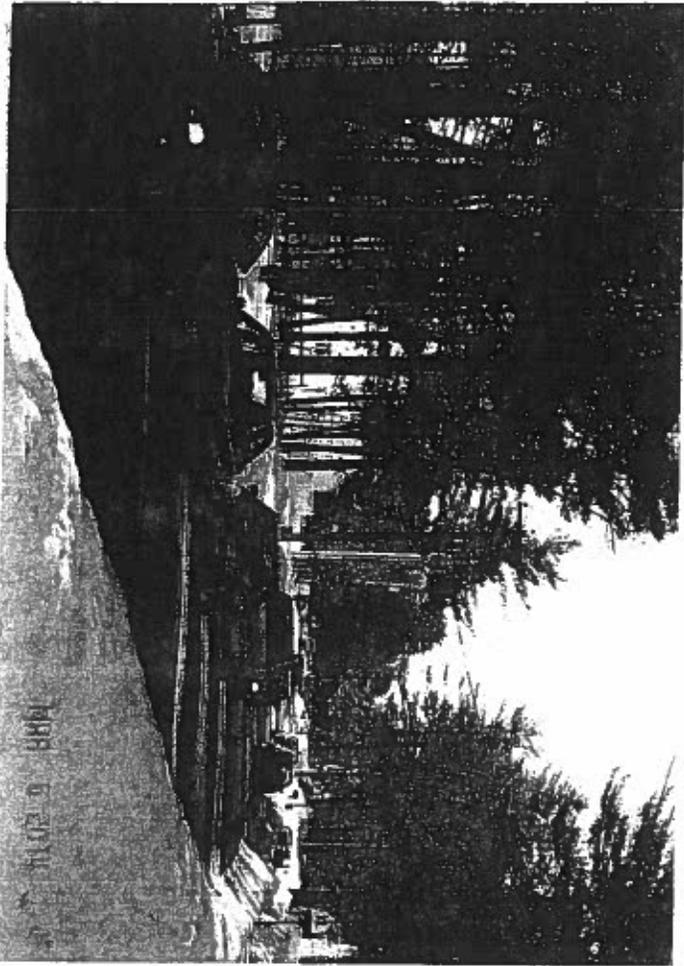
Michael J. Paul

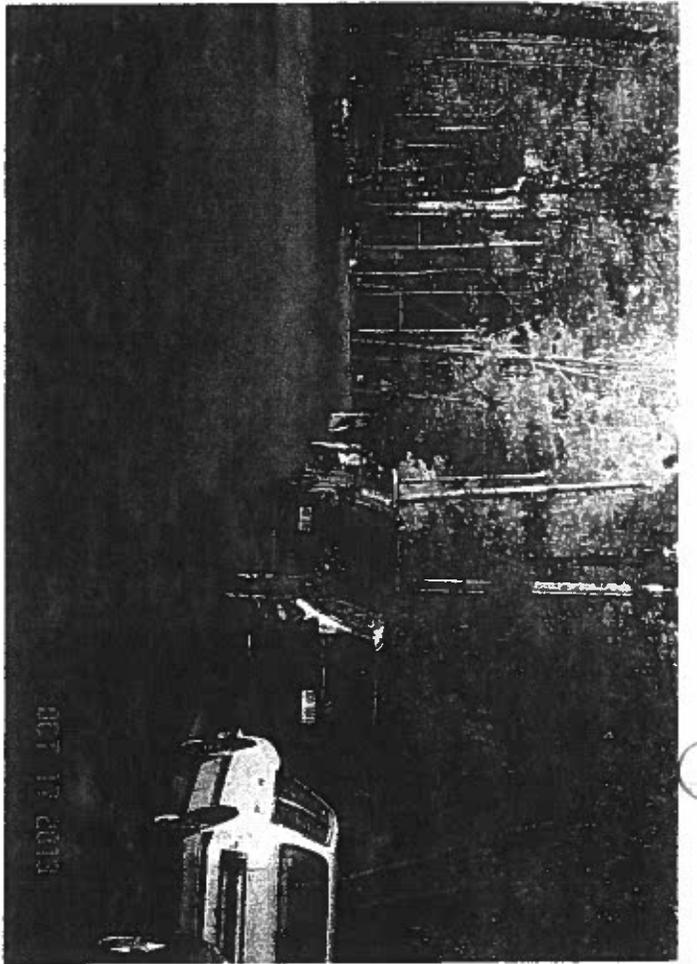
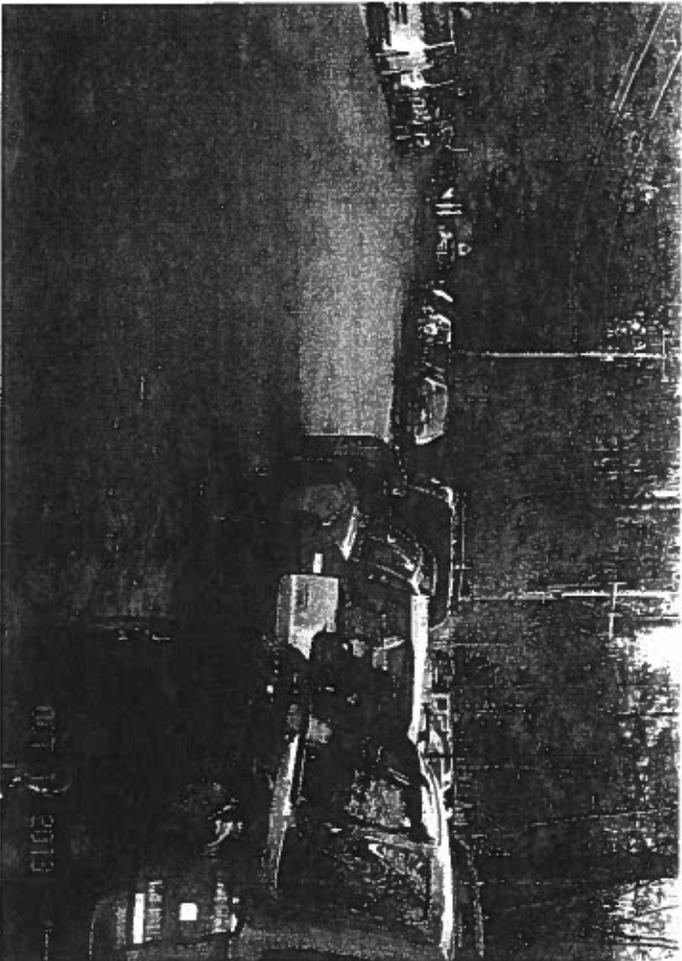
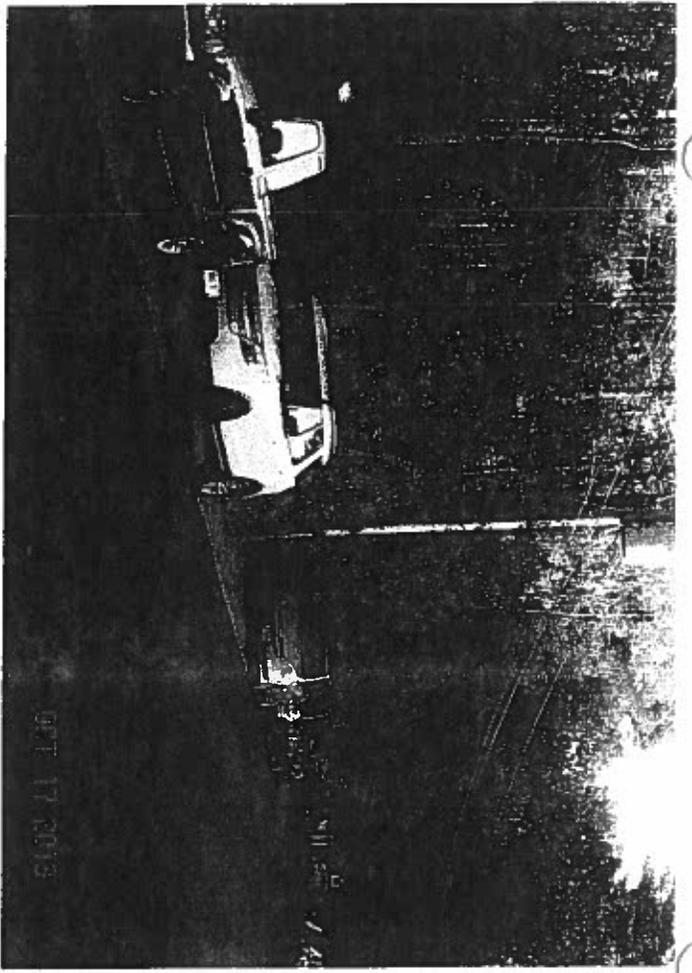
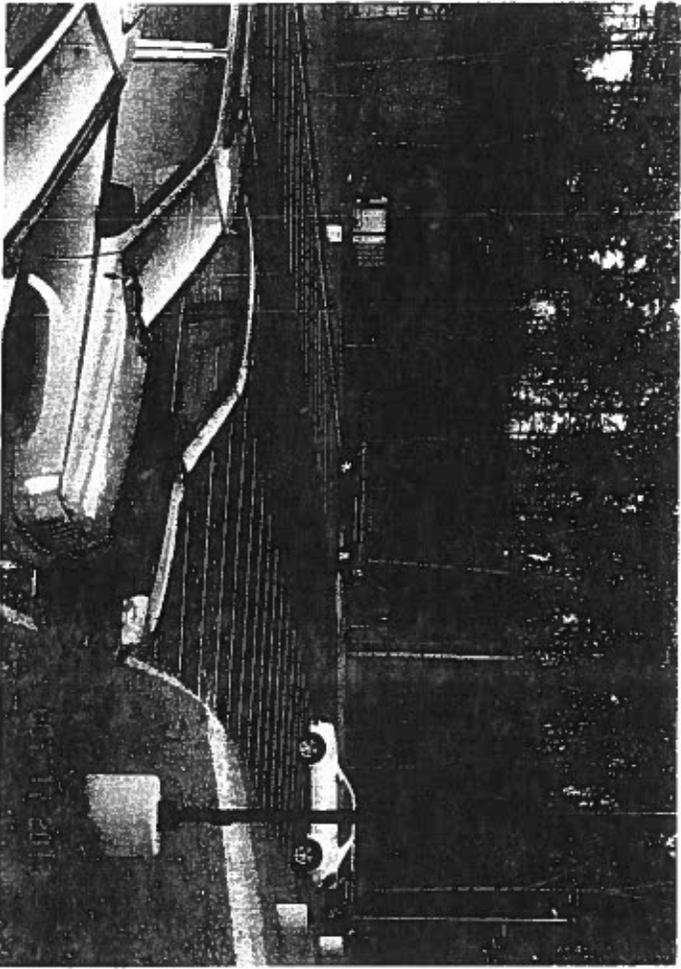
Kevin J. Paul

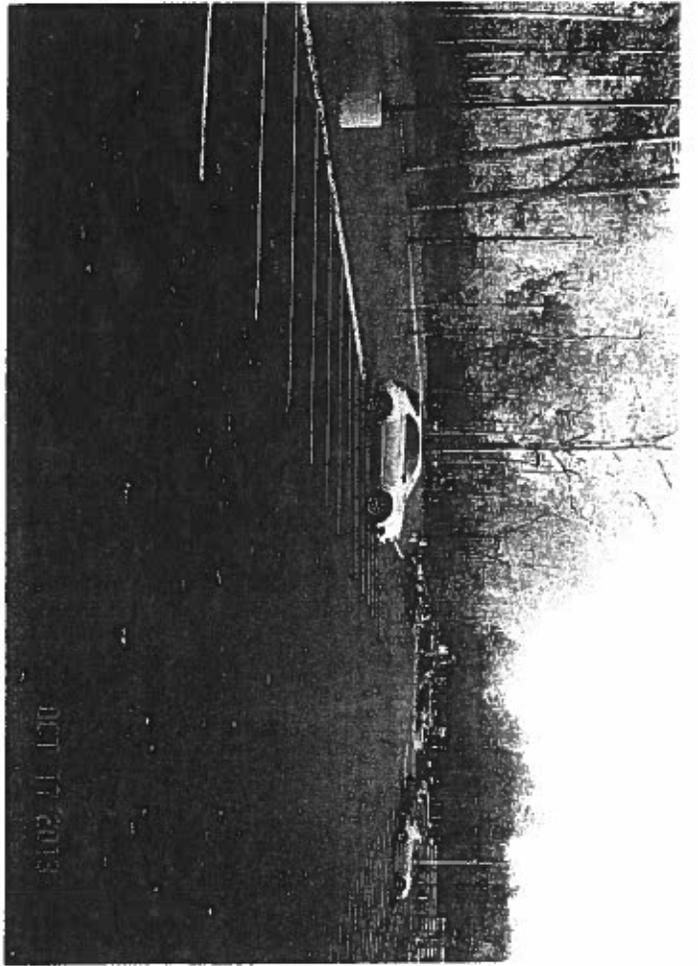
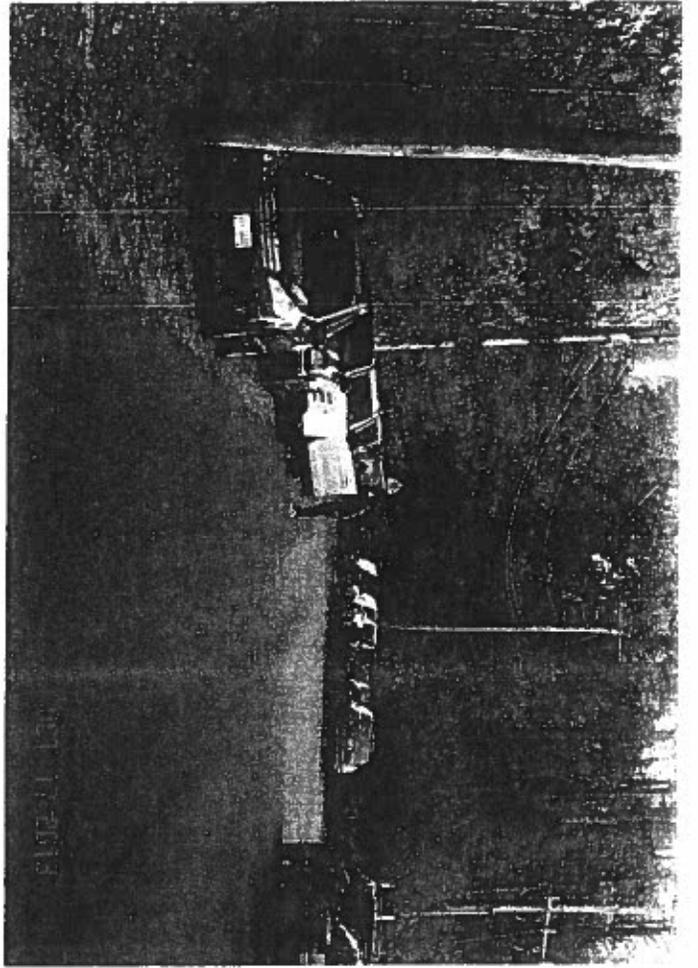
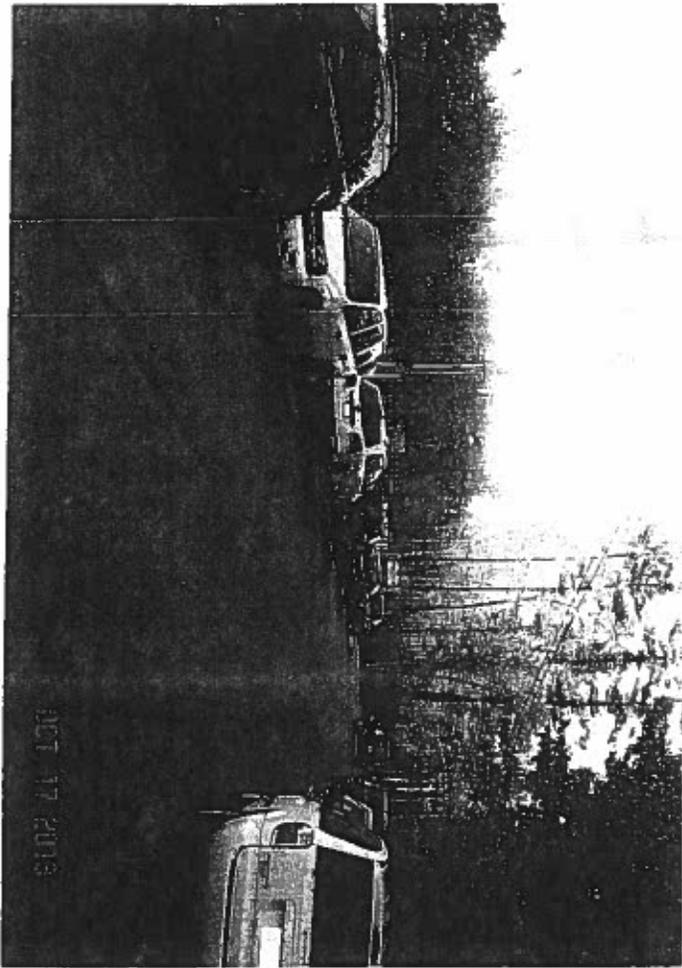
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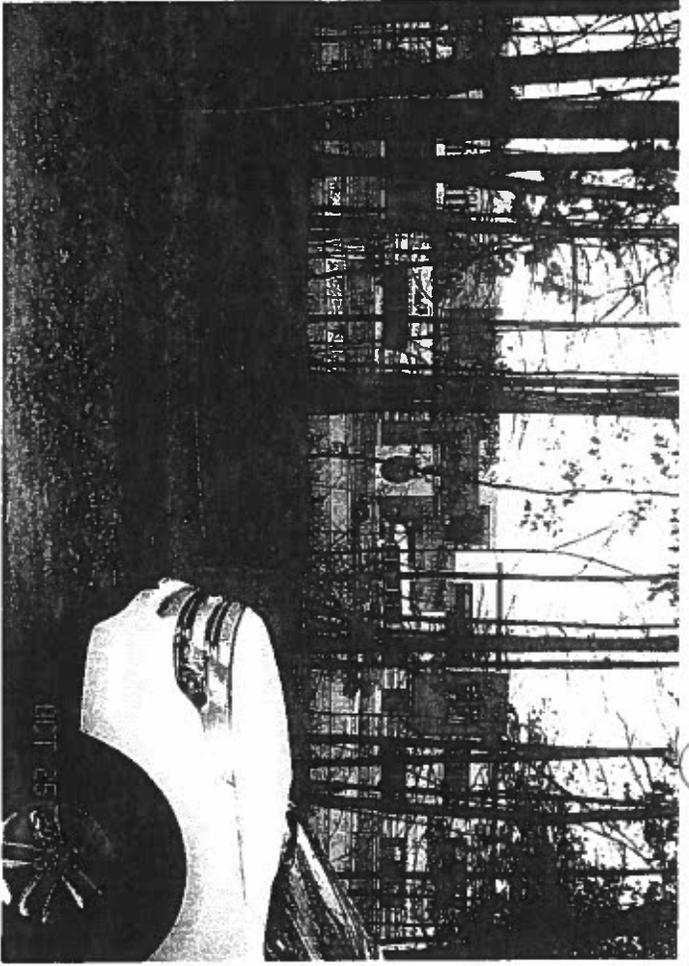
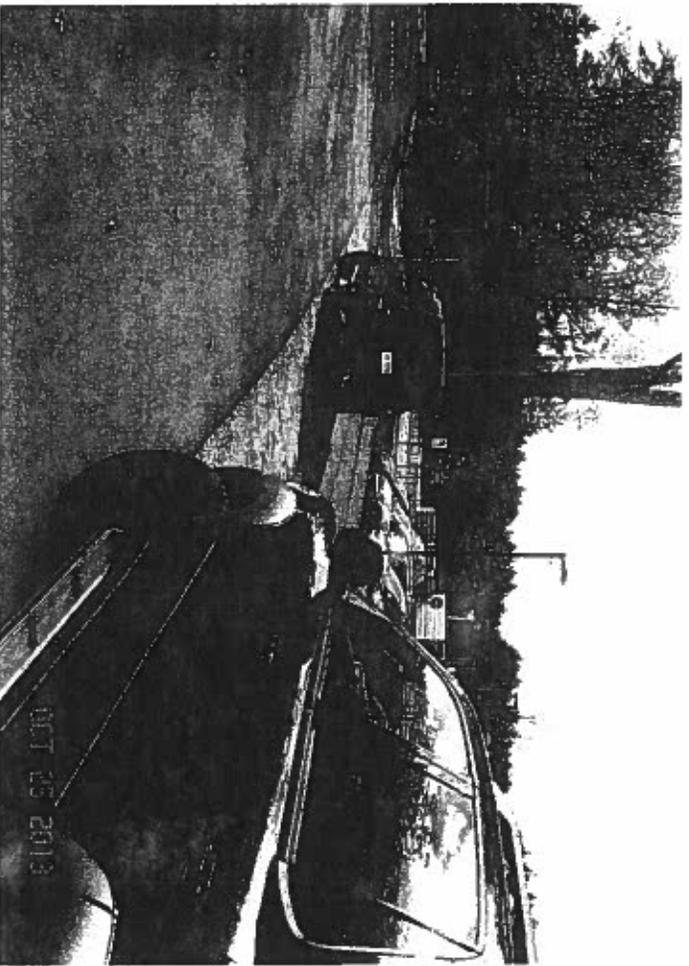
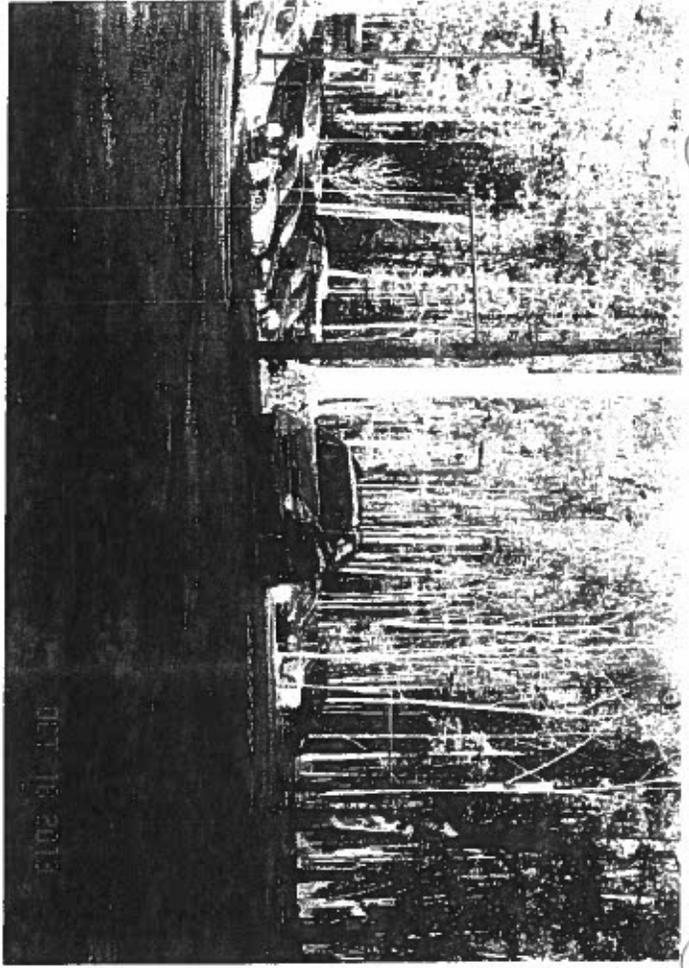
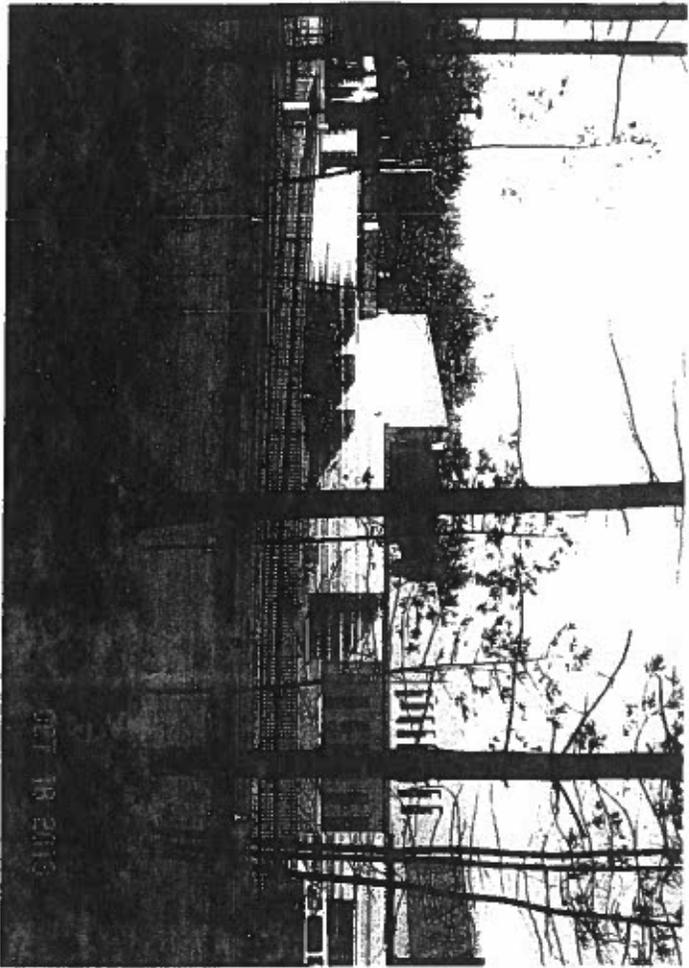
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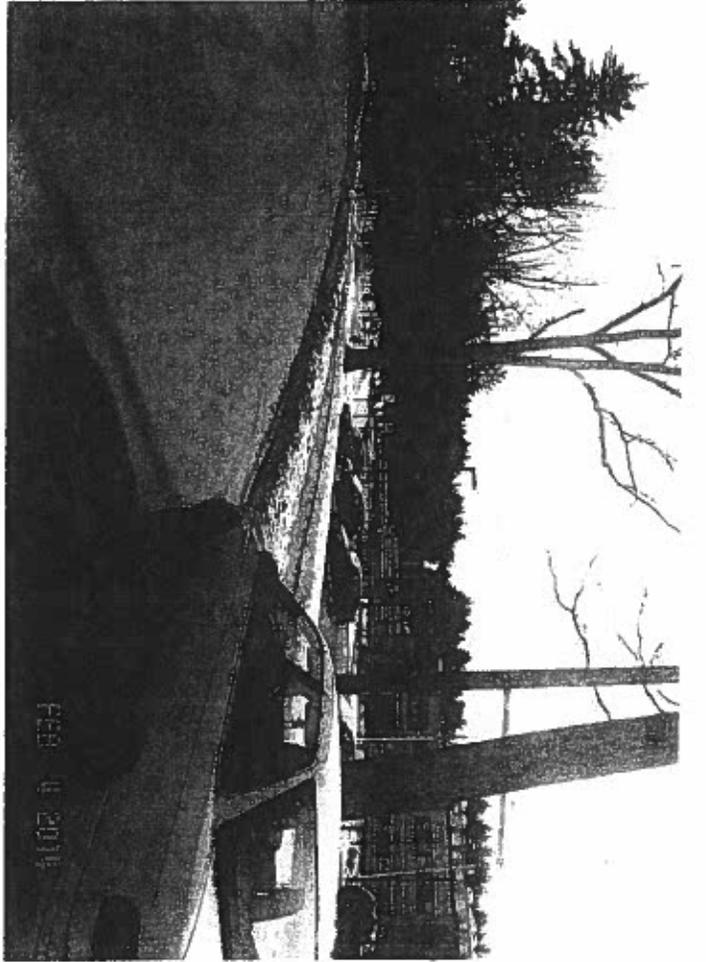
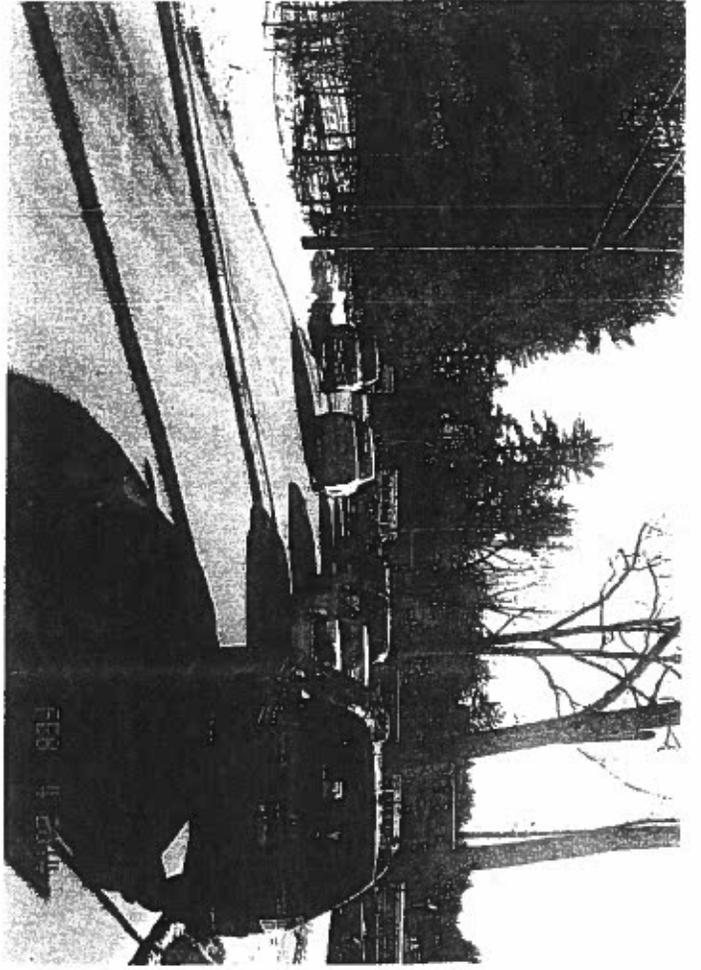
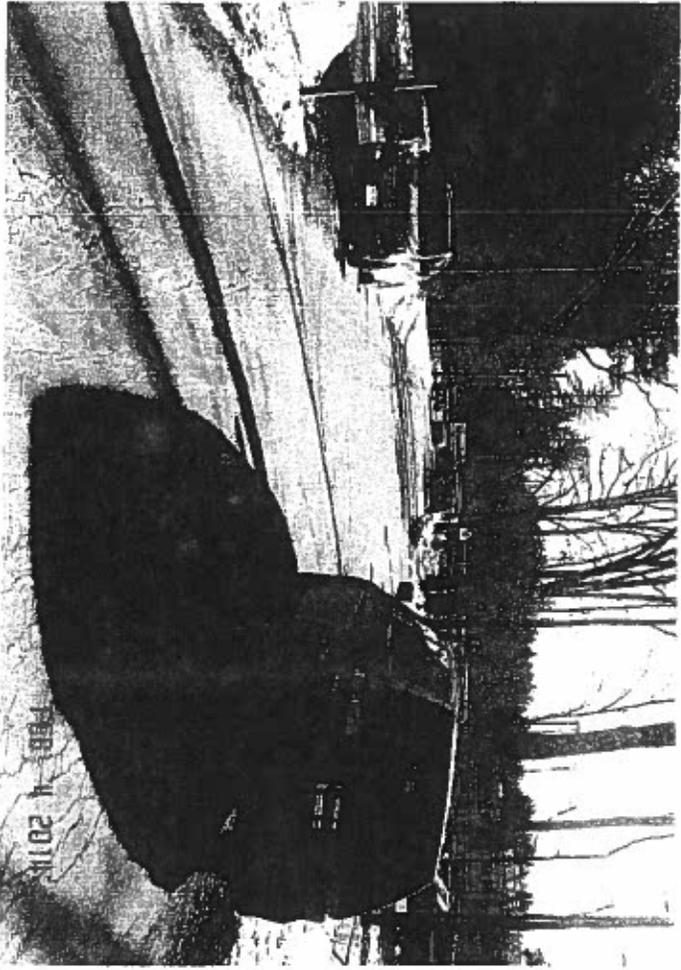
Donald DeGenia

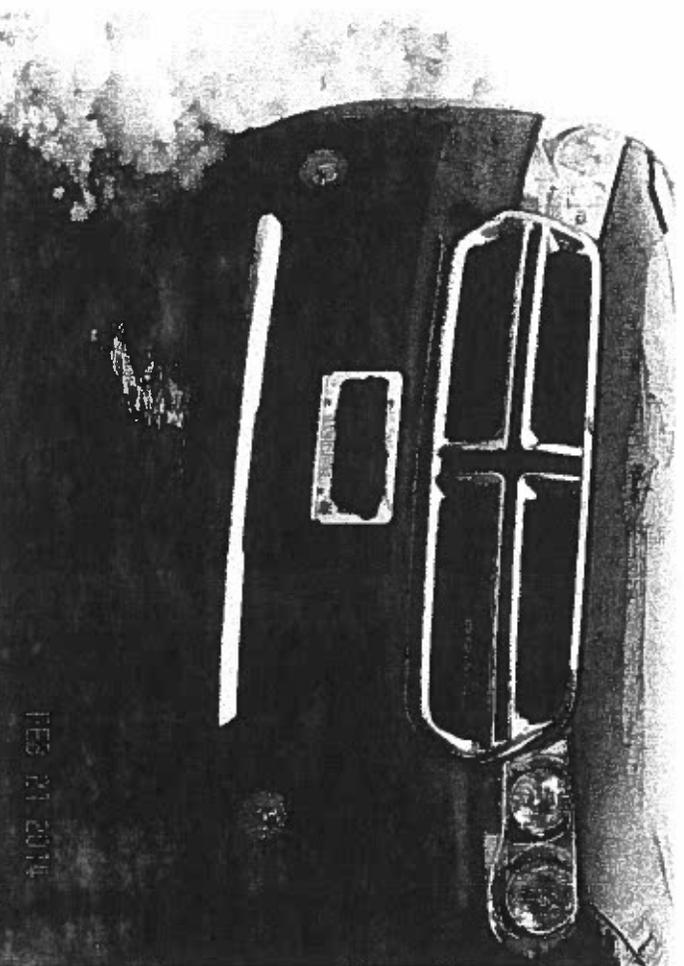
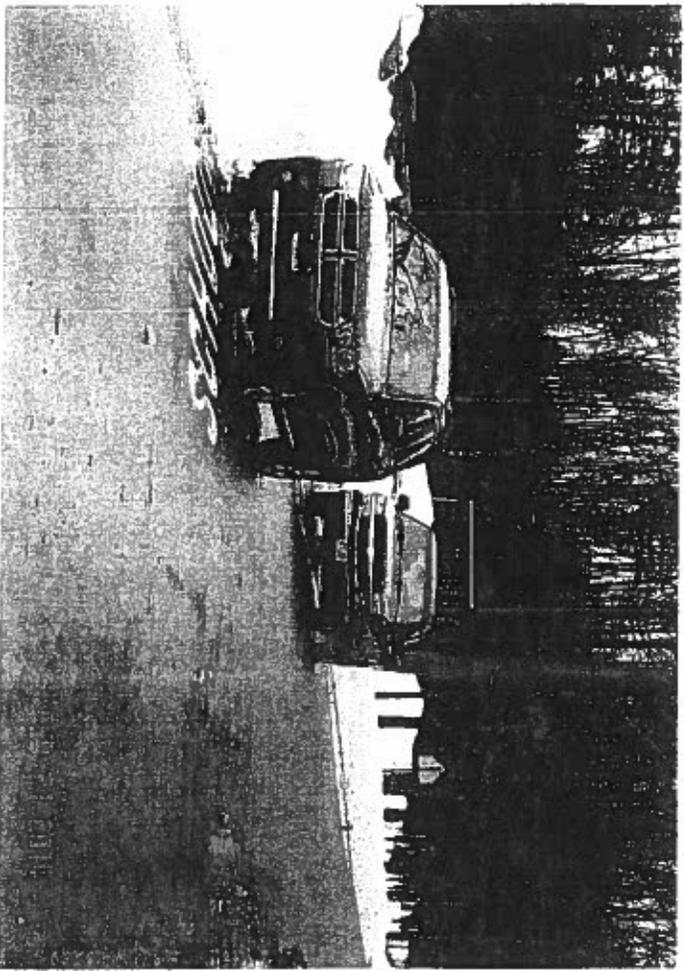
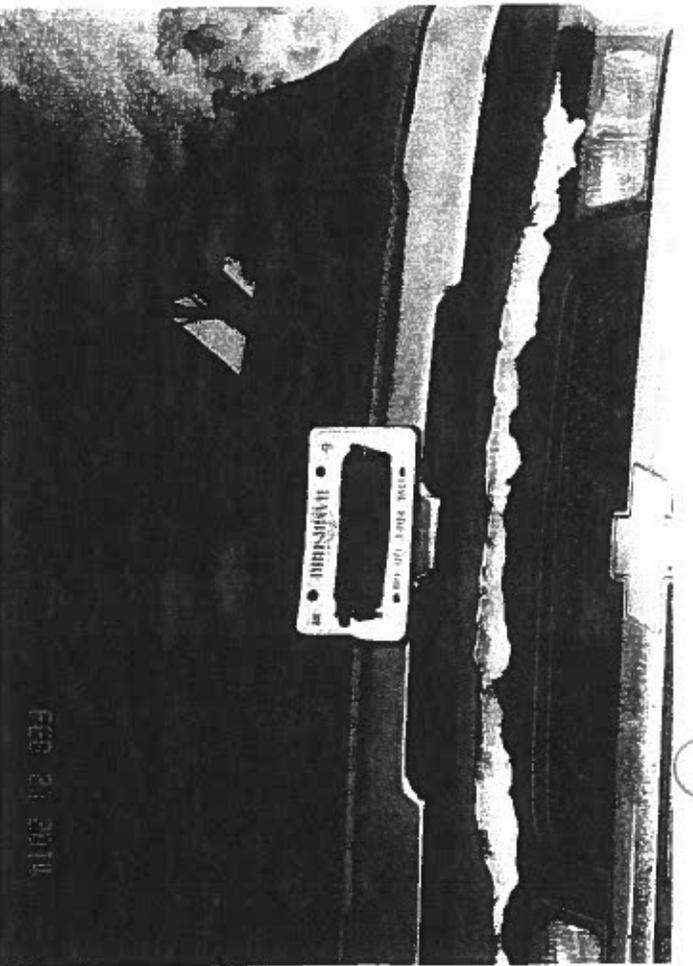


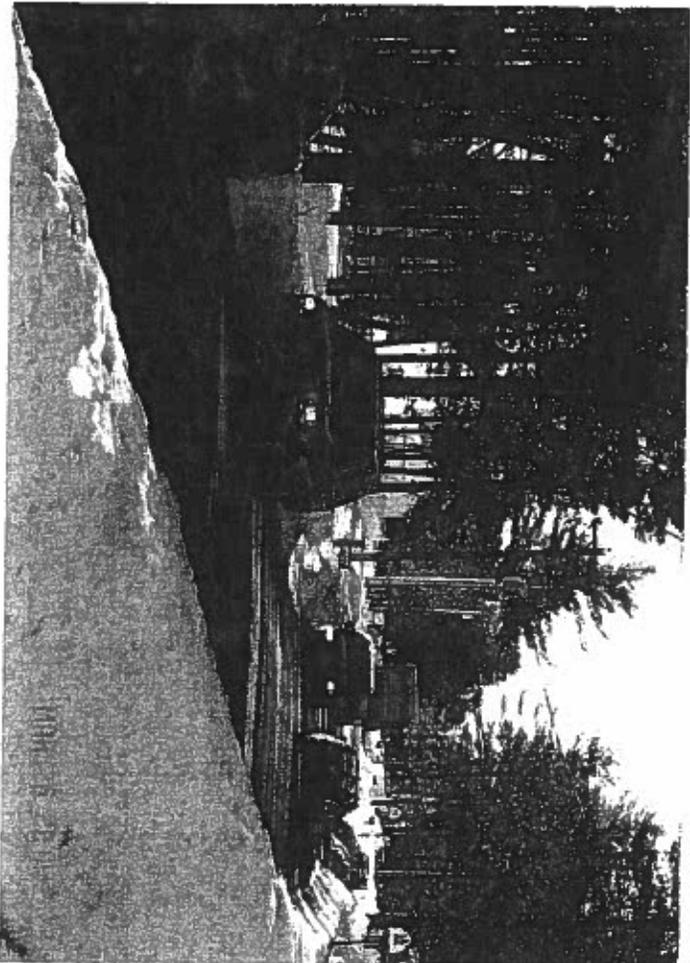
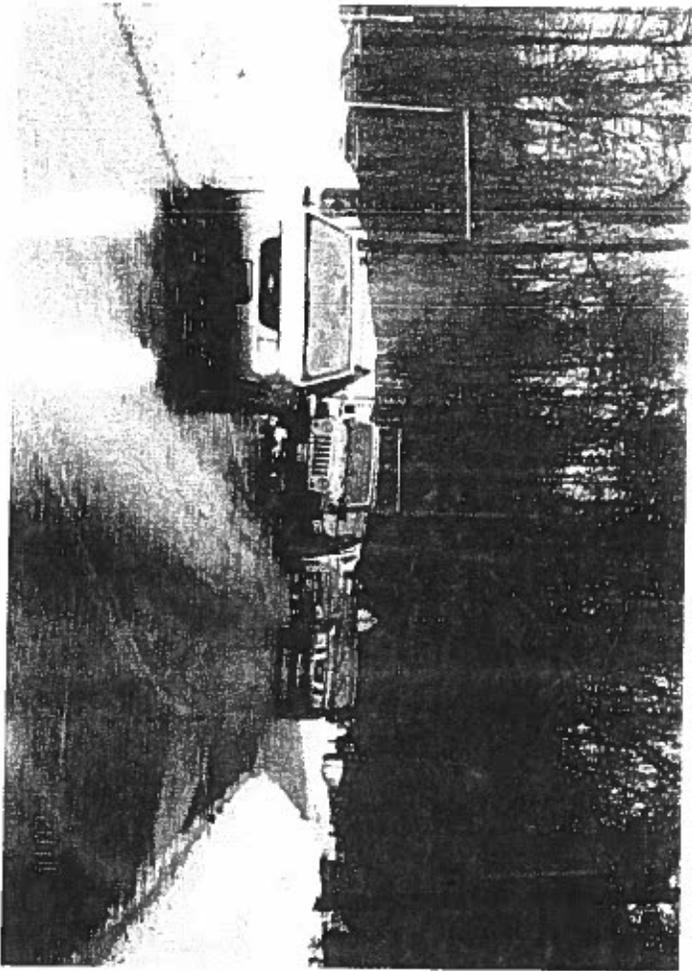
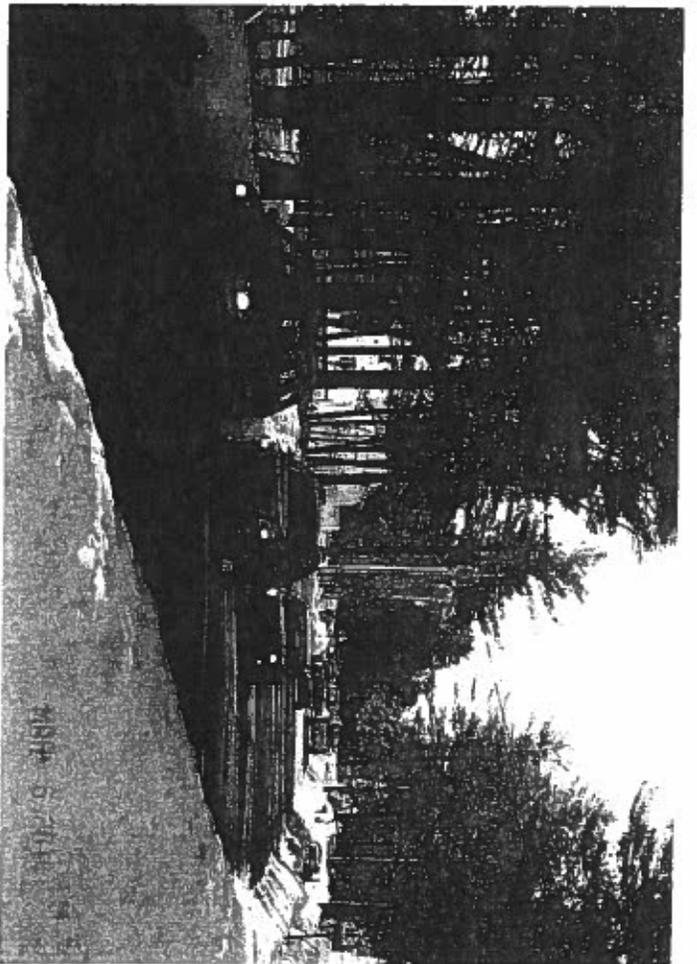
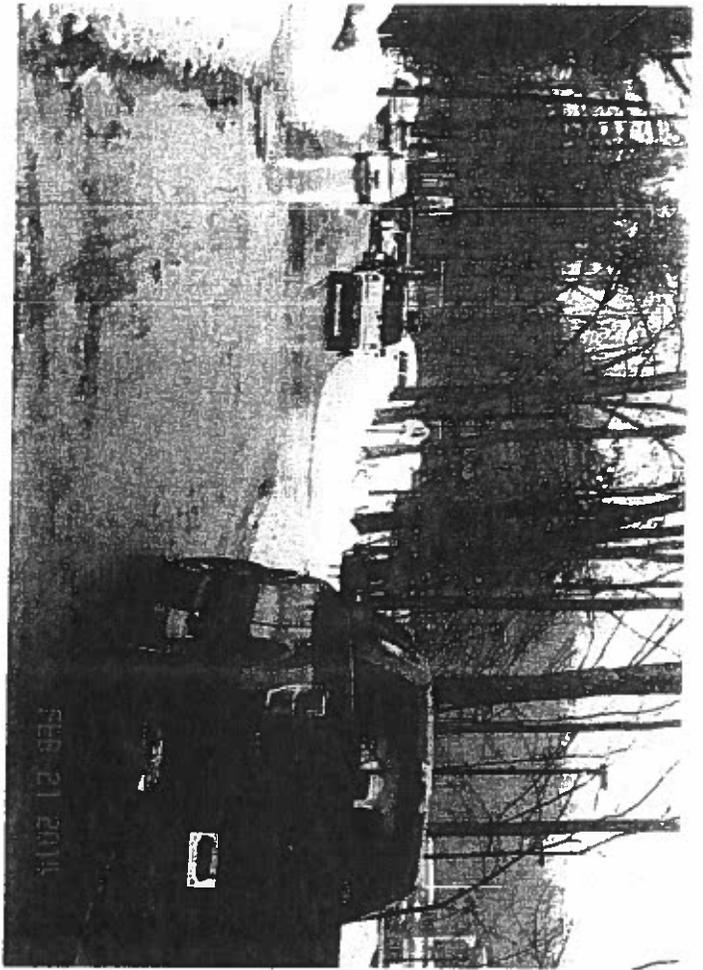


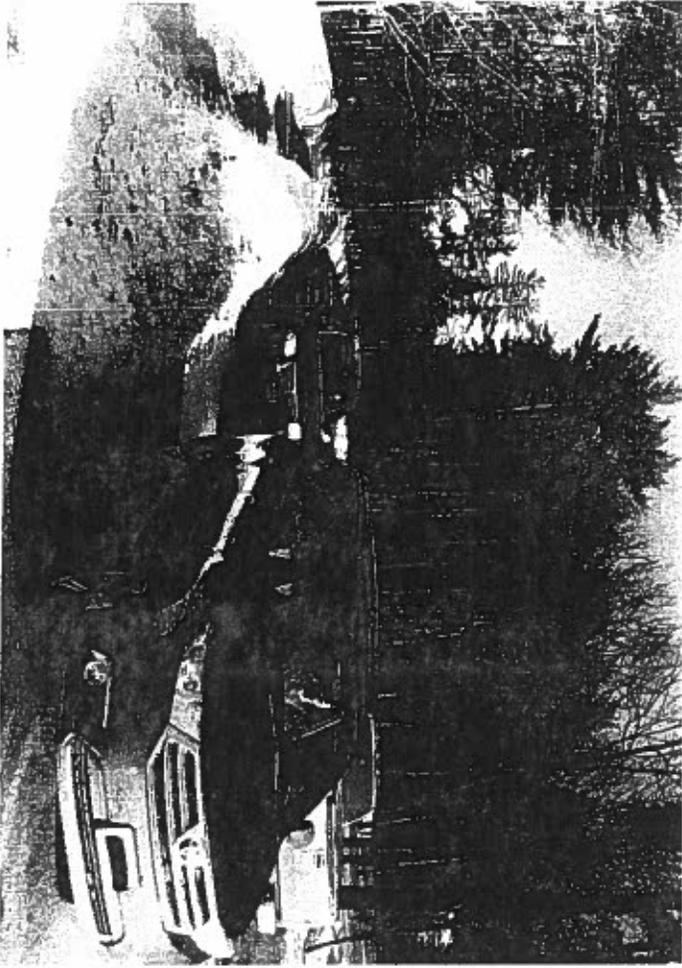












# CITY OF CONCORD

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

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title V, Administrative Code;  
Chapter 34, Personnel Rules and Regulations

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

**SECTION I:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34-2, Personnel Rules and Regulations, Article 34-2, Personnel Code Definitions, Section 34-2-1 Definitions, by modifying the following definitions:

**34-2-1 Definitions.**

*Part-Time Employee.* A person hired for an indefinite period of time and who is, in a calendar year, expected to work less than **975 hours** ~~fifty (50) percent of the hours of an employee, as defined herein, in a similar position.~~

*Permanent Part-Time Employees.* A person working for the City on a permanent basis, having completed a probationary period, who is expected to work at least **975 hours but less than 1820 hours in a calendar year** ~~fifty (50) percent but less than one hundred (100) percent of the hours of a permanent employee in a calendar year in a similar position.~~

*Seasonal/Temporary Employee.* A person hired for an ~~indefinite~~ **specified** period of time, not in excess of six (6) **consecutive** months (unless otherwise authorized by the City Manager), such as seasonal, emergency or other special help.

**SECTION II:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-10 Attendance, Section 34-10-3, Holidays, as follows:

**34-10-3 Holidays.**

The official holidays shall be: New Year's Day, Martin Luther King, Jr. Civil Rights Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Election Day (State), Veteran's Day, Thanksgiving Day, day after Thanksgiving, and Christmas. When a holiday occurs on a Saturday, it shall be observed on the preceding Friday; but when the holiday occurs on a Sunday, it shall be observed on the following Monday.

Noncontractual, nonexempt employees required to work on a holiday will be paid at time and one-half. Noncontractual exempt employees required to work on a holiday shall be

granted additional time off with pay accrued at time and one-half up to a maximum of twelve (12) hours for any one day.

Martin Luther King, Jr. Civil Rights Day which is observed every January, and Election Day which is observed every other November, shall be floating holidays. However, city offices shall be closed on Martin Luther King, Jr. Civil Rights Day.

*The provisions of this section shall apply to permanent part-time employees except the benefits shall amount to fifty (50) percent of the benefits granted to permanent full-time employees.*

**SECTION III:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11 Leave, Section 34-11-1, Annual Leave, paragraphs (a), (d), (e) and (g) as follows:

**34-11-1 Annual Leave.**

- (a) All permanent employees shall accrue annual leave on the basis of a portion of an hour of annual leave for each work hour in the employee's standard work schedule (e.g.,  $0.00500 \times 40$  hrs.) as follows:

<i>Period of Continuous Employment (years)</i>	<i>Hourly Accrual Rate</i>
0—5	0.0500
6—10	0.0615
11—15	0.0731
16—20	0.0846
21—25	0.0962
Over 25	0.1040

The standard work year, in hours, resulting from the City's most common standard workweeks is shown below and the yearly accrual of leave for a person accruing at ~~0.0462~~ 0.0500 is illustrated for each of these standard work years (~~0.0462~~ 0.0500 × 1950 etc.):

<i>Standard Work Week in Hours</i>	<i>Standard Work Year in Hours</i>	<i>Annual Accrual in Hours</i>
37.5	1950	90-97.5

40.0	2080	96-104
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- (d) If a permanent employee retires or resigns from the service of the City or is otherwise discontinued therefrom, ~~except for cause, he~~ *the employee* shall be entitled to receive a lump sum payment of all accumulated annual leave.
- (e) Notwithstanding other provisions of this Code, *any department head hired by the City prior to January 1, 2010 will be paid under option one below. Any* department head hired by the City on or after January 1, 2010, will be given the option upon hiring of selecting only one of the following two options.
- (1) When the department head has served continuously in the employ of the City, in any paid capacity for a period of at least five (5) years, he/she will be deemed to have to his/her credit thirty (30) days of annual leave. Lump sum payment will be made in accordance with subsection (d) above.
  - (2) The department head may elect to accrue annual leave at a higher rate for the first ten (10) years of employment as outlined in the following table 34-11-1(a) Department Head Annual Leave:

TABLE 34-11-1(a)  
DEPARTMENT HEAD ANNUAL LEAVE

<i>Period of Continuous Employment (years)</i>	<i>Hourly Accrual Rate</i>
0—5	0.0615
6—10	0.0731
11—15	0.0731
16—20	0.0846
21—25	0.0962
Over 25	0.1040

- (g) The City Manager may modify the annual accrual rate for any City employee, ~~subject to City Council approval.~~

SECTION IV: Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11 Leave, Section 34-11-2, Sick Leave, paragraphs (b) through (f), and renumbering (g) as follows:

34-11-2 Sick Leave.

- (b) All ~~City employees~~ *permanent full time employees* may accumulate a maximum of two hundred (200) hours of sick leave. *Permanent part-time employees may accumulate a maximum of one hundred (100) hours of sick leave* ~~leave on a pro-rated basis depending on hours worked.~~
- (c) Sick leave shall not be considered a privilege which an employee may use at his discretion, but shall be allowed only in case of necessity and actual sickness and disability of the employee, or because of illness of the employee's spouse, mother, father, stepmother, stepfather, foster mother, foster father, father-in-law, mother-in-law, grandmother, grandfather, grandchild, sister, brother, child, stepchild, foster child, or any other relative living in the same household, or to meet dental appointments, or to take physical examinations or other sickness preventative measures. Where leave is taken because of sickness in the immediate family, such leave shall not exceed three (3) days ~~in any one instance~~ *per occurrence*. In cases involving a grave illness of a member of the immediate family, and where alternate means of home patient care have been exhausted the City Manager, at his discretion, may extend the maximum time limitations of this Section.
- (d) To receive compensation while on sick leave, an employee must ~~notify his department head prior to or within four (4) hours after the time set for the beginning of his regular duties~~ *provide notification in accordance with his or her department's call-in procedures.*
- (e) Proof of illness may be required by a department head or City Manager; ~~but in any case, absence for more than (3) three days shall be substantiated by a physician's certificate.~~
- ~~(f) Sick leave shall not be payable to any employee who is injured while in the employ of an outside employer.~~
- (gf) Upon termination, resignation or retirement from City employment, except as in Section 34-4-9, Severance Pay, the City shall not pay the cash equivalent or any other payment of any kind to any employee of all accumulated, unused sick leave. Sick leave shall only be used for the reasons set forth in this Section.

**SECTION V:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11 Leave, Section 34-11-4, Parental Leave, as follows:

**34-11-4 Parental Leave.**

A leave of absence may be granted for the initial care of a newborn dependent child upon approval by the City Manager and under such conditions as ~~he~~ *deems* to be in the best interests of the City *for those employees who are not eligible for Family Medical Leave.*

Such absence shall first be treated as annual leave until the annual leave account is exhausted and then shall be treated as a leave of absence without pay. Upon return from such leave of absence, an employee shall be reinstated to the previously held position or to one which is comparable and shall retain the same status, rights, and benefits earned prior to taking such leave. Any employee who desires a leave of absence to care for a newborn dependent child must apply in writing to the City Manager for such leave one month prior to the date such leave is to commence.

**SECTION VI:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11 Leave, Section 34-11-7, Civil Leave, as follows:

**34-11-7 Civil Leave.**

Any employee shall be given time off without loss of pay or annual leave when performing civil leave, ~~when due to being~~ called for jury duty; *or* subpoenaed to appear before a court, public body or commission. While on civil leave said employee's civil compensation shall be supplemented by the City to such amount so that the employee will receive *his or her* average weekly wage. *For an employee whose shift occurs outside the hours of the necessary civil leave, the department head shall adjust the employee's schedule so that the employee does not suffer a loss of pay or annual leave.*

No employee, unless otherwise established by rule, shall be a witness in their official capacity as a city employee in a proceeding before a court, public body or commission, where the city is not a party, without accepting service of a subpoena to appear at such proceeding.

**SECTION VII:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11 Leave, Section 34-11-10, Procedures in Requesting Leave, as follows:

**34-11-10 Procedures in Requesting Leave.**

*It shall be the duty of the Director of Human Resources and Labor Relations to establish and maintain procedures for requesting leave and any amendments and modifications thereto, as called for by these rules and regulations.*

- ~~(a) An employee requesting a leave for any reason must fill out a request form obtained from the department head. Upon approval by the department head it is forwarded to the City Manager or his designee. For leave to be granted, it must meet with the approval of the City Manager.~~
- ~~(b) The leave form, approved or disapproved, will then be forwarded to the department head for filing, along with a copy to be returned to the employee.~~
- ~~(c) When possible, requests for annual leave should be made far enough in advance to allow time to carry out this procedure. Department heads may grant emergency annual leave for up to five (5) days.~~

**SECTION VIII:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11 Leave, Section 34-11-11, Leave for Permanent Part-Time Employees, by deleting it in its entirety.

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

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



# CITY OF CONCORD

17A

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Jennifer Johnston

**DATE:** April 1, 2014

**SUBJECT:** Revision to CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations

### Recommendation

Accept the Report and set a public hearing to adopt the revisions to amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations for the April, 2014 City Council Meeting, as unanimously recommended by the Fiscal Policy Advisory Committee to City Council.

### Background

The Human Resources Department has created a leave handbook for all employees in an effort to update and consolidate several existing policies pertaining to use of annual leave, sick leave and other similarly situated leaves. As a result of this examination, the department would like to take the opportunity to make updates to the relevant sections of the Personnel Rules to reflect current practice and to remove ambiguous or unclear language.

### Discussion

We are proposing an update to three definitions contained in the Personnel Rules and Regulations Article 34-2-1 to provide clarity for categorization of employees. The proposed changes to the definition of part time and permanent part time employees ensure all employees will have clarification on who belongs in which category, to ensure benefits are applied corrected and the positions are allocated into the budget model correctly. The proposed change to the temporary employee definition seeks to ensure we are complying with the Affordable Care Act definition of a full time employee by ensuring our temporary employees do not engage in work beyond six months of consecutive time.

We have proposed an amendment to Article 34-11-1, Annual Leave that strikes from subsection d which states that annual leave will not be paid out for terminations due to cause. This has not been the practice as the City sees annual leave as an earned benefit and has made payouts from this accrual to all non-probationary employees who leave the employ of the City of Concord. Furthermore, there is a proposed change to section e, which serves to clarify that all department heads hired prior to 1/1/10 are entitled to a thirty day payout if they have more than five years of service with the City, upon actually leaving the employ of the City. This was mistakenly deleted when the modification to this article occurred in May of 2010. We have also increased the accrual rate for parity with the union contracts and have authorized the City Manager to have flexibility in

modifying annual accrual in order to retain flexibility in the challenging and changing marketplace in an effort to recruit highly talented individuals.

Proposed changes to Article 34-11-2 include: Sick Leave to change language on department call in procedures to more accurately reflect what is happening throughout the City (subsection d); removing the requirement to automatically provide a physician's note for absences of more than three days while still allowing proof of illness to be required at any time (subsection e); allowing for sick pay to be paid to employees who are injured doing other work (subsection f). There is also a proposed amendment to delete Section 34-11-11 in its entirety as it pertains to permanent part time employees and instead inserting language within the relevant articles to reflect the manner in which permanent part time employees will accrue sick and annual leave, and receive holiday pay.

Article 34-11-4, Parental Leave will be modified to reflect that the creation of Family Medical Leave would address most needs for Parental Leave and that Parental leave is not to be compounded or used by those employees who are eligible for Family Medical Leave.

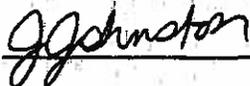
Article 34-11-7, Civil Duty will be modified to recognize that employees, who are regularly scheduled to work non-court hour shifts, may still be authorized to perform their civil duty and be excused from work.

Finally, Article 34-11-10, Procedures in Requesting Leave will be modified to reflect that the requirements of this article are already contained in the Leave Handbook and are therefore redundant. Further, this puts the responsibility for establishing and modifying leave procedures on the Director of Human Resources.

Overall, these proposed changes are not projected to incur any significant increase to costs as most of the changes only serve to codify practices already in place.

In order to accomplish the aforementioned, the City Council will have to set a public hearing for May, 2014 and then approve the attached ordinance.

Respectfully Submitted,



Jennifer Johnston

cc: Thomas J. Aspell Jr., City Manager

TITLE V - ADMINISTRATIVE CODE  
CHAPTER 34 - PERSONNEL RULES AND REGULATIONS

**34-2-1 Definitions.**

For the purposes of these Rules and Regulations, certain words and phrases used herein shall be defined as follows:

*Part-Time Employee.* A person hired for an indefinite period of time and who is, in a calendar year, expected to work ~~less than fifty (50) percent of the hours of an employee, as defined herein, in a similar position.~~ 975 hours.

*Permanent Part-Time Employees.* A person working for the City on a permanent basis, having completed a probationary period, who is expected to work at least 975 hours but less than 1820 hours in a calendar year. ~~fifty (50) percent but less than one hundred (100) percent of the hours of a permanent employee in a calendar year in a similar position.~~

*Seasonal/Temporary Employee.* A person hired for an ~~indefinite~~ specified period of time, not in excess of six (6) consecutive months (unless otherwise authorized by the City Manager), such as seasonal, emergency or other special help.

**34-10-3 Holidays.**

The official holidays shall be: New Year's Day, Martin Luther King, Jr. Civil Rights Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Election Day (State), Veteran's Day, Thanksgiving Day, day after Thanksgiving, and Christmas. When a holiday occurs on a Saturday, it shall be observed on the preceding Friday; but when the holiday occurs on a Sunday, it shall be observed on the following Monday.

Noncontractual, nonexempt employees required to work on a holiday will be paid at time and one-half. Noncontractual exempt employees required to work on a holiday shall be granted additional time off with pay accrued at time and one-half up to a maximum of twelve (12) hours for any one day.

Martin Luther King, Jr. Civil Rights Day which is observed every January, and Election Day which is observed every other November, shall be floating holidays. However, city offices shall be closed on Martin Luther King, Jr. Civil Rights Day.

The provisions of this section shall apply to permanent part-time employees except the benefits shall amount to fifty (50) percent of the benefits granted to permanent full-time employees.

**ARTICLE 34-11 LEAVE**

34-11-1 Annual Leave.

34-11-2 Sick Leave.

34-11-3 Injury Leave.

34-11-4 Parental Leave.

TITLE V - ADMINISTRATIVE CODE  
CHAPTER 34 - PERSONNEL RULES AND REGULATIONS

34-11-5 Leave of Absence.

34-11-6 Military Leave.

34-11-7 Civil Leave.

34-11-8 Bereavement Leave.

34-11-9 Absence Without Leave.

34-11-10 Procedures in Requesting Leave.

34-11-11 Leave For Permanent Part-Time Employees.

**34-11-1 Annual Leave.**

(a) All permanent employees shall accrue annual leave on the basis of a portion of an hour of annual leave for each work hour in the employee's standard work schedule (e.g.,  $0.0462500 \times 40$  hrs.) as follows:

<i>Period of Continuous Employment</i> (years)	<i>Hourly Accrual Rate</i>
0-5	0.04620500
6-10	0.0615577
11-15	0.0692731
16-20	0.08460808
21-25	0.096223
Over 25	0.09621040

The standard work year, in hours, resulting from the City's most common standard workweeks is shown below and the yearly accrual of leave for a person accruing at 0.0462500 is illustrated for each of these standard work years ( $0.0462500 \times 1950$  etc.):

<i>Standard Work Week</i> in Hours	<i>Standard Work Year</i> in Hours	<i>Annual Accrual</i> in Hours
37.5	1950	97.59

TITLE V - ADMINISTRATIVE CODE  
CHAPTER 34 - PERSONNEL RULES AND REGULATIONS

40.0	2080	96104
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More than five (5) days in a non-pay status during any single calendar month will constitute the loss of a month worked for both annual and sick leave credit purposes.

- (b) Annual leave may be accrued to a maximum of two and one-half (2.5) times the employee's actual accrual rate.
- (c) If a permanent employee, while in the City's service, dies and there is remaining to his credit days of annual leave, it shall be payable to the following classes in the following order of priority:
  - (1) A named beneficiary whose name has been filed by said employee with the head of the department in which he is employed;
  - (2) When not having so filed a named beneficiary, to his spouse; or
  - (3) When not having named a beneficiary or not being survived by a spouse, to the estate of the deceased.
- (d) If a permanent employee retires or resigns from the service of the City or is otherwise discontinued therefrom, ~~except for cause~~, he shall be entitled to receive a lump sum payment of all accumulated annual leave.
- (e) When any department head having served continuously in the employ of the City, in any paid capacity for a period of at least five (5) years, will be deemed to have to his/her credit thirty (30) days of annual leave. Lump sum payment will be made in accordance with subsection (d) above. Notwithstanding other provisions of this Code, any department head hired by the City after January 1, 2010, will be given the option upon hiring of selecting only one of the following two options:
  - (1) When the department head has served continuously in the employ of the City, in any paid capacity for a period of at least five (5) years, he/she will be deemed to have to his/her credit thirty (30) days of annual leave. Lump sum payment will be made in accordance with subsection (d) above.
  - (2) The department head may elect to accrue annual leave at a higher rate for the first ten (10) years of employment as outlined in the following table 34-11-1(a) Department Head Annual Leave:

TABLE 34-11-1(a)  
DEPARTMENT HEAD ANNUAL LEAVE

Period of Continuous Employment (years)	Hourly Accrual Rate
0-5	0.0615577
6-10	0.0731692
11-15	0.0731692

TITLE V - ADMINISTRATIVE CODE  
CHAPTER 34 - PERSONNEL RULES AND REGULATIONS

16—20	0.084608
21—25	0.096223
Over 25	0.10408962

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(f) For the purpose of this section only full-time employees of the City with more than six (6) months of continuous service shall be considered permanent employees.

(g) The City Manager may modify the annual accrual rate for any City employee.

(2-14-83; 3-11-85; 6-14-90; Ord. No. 2393, § I, 11-13-01; Ord. No. 2563, § I, 6-14-04; Ord. No. 2780, § I, 3-8-10; Ord. No. 2793, § I, 5-10-10)

**34-11-2 Sick Leave.**

(a) All permanent and probationary employees of the City shall be entitled to accrue sick leave. During the first six (6) months of employment sick leave shall accrue at the rate of 0.0577 hours for each hour worked within a standard work schedule (e.g., 40-hour week). Thereafter the accrual rate shall be 0.0308 hours for each hour worked within a standard work schedule.

The standard work year, in hours, resulting from the City's most common standard workweeks is shown below and the yearly accrual of leave for a person with over six (6) months' employment is illustrated for each of the standard work years (0.0308 × 1950 etc.).

Standard Work Week In Hours	Standard Work Year In Hours	Annual Accrual in Hours
37.5	1950	60
40	2080	64
42	2184	67

(b) ~~All City employees~~ permanent full time employees may accumulate a maximum of two hundred (200) hours of sick leave. Permanent Part time employees may accumulate a maximum of one hundred (100) hours of sick leave.

(c) Sick leave shall not be considered a privilege which an employee may use at his discretion, but shall be allowed only in case of necessity and actual sickness and disability of the employee, or because of illness of the employee's spouse, mother, father, stepmother, stepfather, foster mother, foster father, father-in-law, mother-in-law, grandmother, grandfather, grandchild, sister, brother, child, stepchild, foster child, or any other relative living in the same household, or to meet dental appointments, or to take physical examinations or other sickness preventative measures. Where

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leave is taken because of sickness in the immediate family, such leave shall not exceed three (3) ~~days in any one calendar occurrence~~. In cases involving a grave illness of a member of the immediate family, and where alternate means of home patient care have been exhausted the City Manager, at his discretion, may extend the maximum time limitations of this Section.

- (d) To receive compensation while on sick leave, an employee must notify his department head ~~prior to or within four (4) hours after the time set for the beginning of his regular duties~~. Following department's appropriate call in procedures.
- (e) Proof of illness may be required by a department head or City Manager; ~~but in any case, absence for more than (3) three days shall be substantiated by a physician's certificate.~~
- (f) Sick leave shall ~~not be payable to any employee who is injured while in the employ of an outside employer.~~
- (g) Upon termination, resignation or retirement from City employment, except as provided in Section 34-4-9, Severance Pay, the City shall not pay the cash equivalent or any other payment of any kind to any employee of all accumulated, unused sick leave. Sick leave shall only be used for the reasons set forth in this Section.

(2-14-83; 6-14-90; Ord. No. 2857, § 1, 12-12-11)

**34-11-3 Injury Leave.**

(a) *Definitions.*

- (1) *Injury.* Injury arising out of and in the course of his or her employment with the City of Concord.
- (2) *Base Weekly Pay.* Employee's hourly rate multiplied by the regular scheduled hours per week, not including overtime pay.

- (b) *Payments.* Employees of the City of Concord are covered by worker's compensation insurance. An employee injured and receiving indemnity payments from the City's worker's compensation provider shall be supplemented by the City of Concord at a rate of forty (40) percent of the base weekly pay, pro-rated based on actual work days missed, up to a maximum of fifteen (15) weeks. If this supplemented payment combined with the indemnity payments paid by the City's worker's compensation provider exceeds the base weekly pay, the City shall be reimbursed by the employee any supplemental payment provided in excess of that base weekly pay. Further, the City shall be permitted to adjust any future supplemental payments based on actual indemnity payments to prevent overpayments to the employee. Any withholdings of wages authorized pursuant to RSA 275:28 shall be deducted from the employee's supplement payment.

(2-14-83; 6-14-90; Ord. No. 2908, § 1, 6-10-13)

**34-11-4 Parental Leave.**

A leave of absence may be granted for the initial care of a newborn dependent child upon approval by the City Manager and under such conditions as he deems to be in the best interests of the City for those employees who are not eligible for Family Medical Leave.

Such absence shall first be treated as annual leave until the annual leave account is exhausted and then shall be treated as a leave of absence without pay. Upon return from such leave of absence, an employee shall be reinstated to the previously held position or to one which is comparable and shall retain the same status, rights, and benefits earned prior to taking such leave. Any employee who desires a leave of absence to care for a newborn dependent child must apply in writing to the City Manager for such leave one month prior to the date such leave is to commence.

(9-13-90)

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**34-11-5 Leave of Absence.**

- (a) *With Pay.* Leave of absence may be granted by the City Manager to permit an employee to attend professional meetings or conferences in the interest of the City, or for other justifiable reasons.
- (b) *Without Pay.* Leave without pay may be granted by the City Manager when requested by an employee when such leave is deemed to be justified. Such leave may be granted where, due to extended illness, accumulated sick leave and annual leave have been used or for the extension of vacation time where circumstances will permit. The City Manager may also grant leave without pay for such purposes and under such conditions as he deems to be in best interest of the City. No annual leave or sick leave may be accumulated during a leave of absence without pay.

**34-11-6 Military Leave.**

An employee within the classified system of the City of Concord who is a member of any reserve component of the Armed Forces of the United States or of the national guard shall upon request be entitled to no more than fifteen (15) consecutive calendar days leave of absence in any twelve-month federal fiscal year (October 1 through September 30), for the purpose of engaging in military drill, training, or other temporary duty under military authority. An employee shall be paid the difference between pay for such military service and the amount of straight-time earnings lost by reason of such service, based on the employee's regularly scheduled straight-time rate. Such payments shall be made following the showing of satisfactory evidence of the amount of pay received for such service.

(Ord. No. 2364, § 1, 12-18-00)

**34-11-7 Civil Leave.**

Any employee shall be given time off without loss of pay or annual leave when performing civil leave such as when called for jury duty, subpoenaed to appear before a court, public body or commission. While on civil leave said employee's civil compensation shall be supplemented by the City to such amount so that the employee will receive his average weekly wage. For employees whose shift occurs outside the hours of the necessary civil leave, the department head shall adjust their schedule so that the employee does not suffer a loss of pay or annual leave.

No employee, unless otherwise established by rule, shall be a witness in their official capacity as a city employee in a proceeding before a court, public body or commission, where the city is not a party, without accepting service of a subpoena to appear at such proceeding.

(Ord. No. 2792, § 1, 5-10-10)

**34-11-8 Bereavement Leave.**

In the event of a death in the immediate family of an employee, the employee shall be granted up to three (3) days of paid leave of absence to make household arrangements or to attend funeral services. "Immediate family" is explained under the sick leave section of this Article [Section 34-11-2].

In the event of a death of a "close family member" of a permanent or permanent part-time employee, the employee shall be granted one day of paid leave of absence to attend a funeral on a scheduled work day for a close family member as defined below. Proof of passing may be requested by the Supervisor.

"Close family member" shall include Grandmother-in-law, Grandfather-in-law, Brother-in-law, Sister-in-law, Aunt, and Uncle.

(2-14-83; Ord. No. 2850, § 1, 10-11-11)

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**34-11-9 Absence Without Leave.**

- (a) *Definition.* An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these rules, shall be deemed an absence without leave.
- (b) *Disciplinary Action.* Any such absence shall be without pay, and may be subject for disciplinary action. In the absence of such disciplinary action, any employee who absents himself for three (3) consecutive days without leave shall be deemed to have resigned. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

(2-14-83)

**34-11-10 Procedures in Requesting Leave.**

It shall be the duty of the Director of Human Resources and Labor Relations to establish and maintain procedures for requesting leave and any amendments and modifications thereto, as called for by these rules and regulations.

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- (a) An employee requesting a leave for any reason must fill out a request form obtained from the department head. Upon approval by the department head it is forwarded to the City Manager or his designee. For leave to be granted, it must meet with the approval of the City Manager.
- (b) The leave form, approved or disapproved, will then be forwarded to the department head for filing, along with a copy to be returned to the employee.
- (c) When possible, requests for annual leave should be made far enough in advance to allow time to carry out this procedure. Department heads may grant emergency annual leave for up to five (5) days.

(2-14-83)

**~~34-11-11 Leave For Permanent Part Time Employee.~~**

~~The provisions of Section 34-10-3 shall apply to permanent part time employees except the benefits shall amount to fifty (50) percent of the benefits granted to permanent full time employees. Sections 34-11-1 and 34-11-2 shall apply to permanent part time employees on a prorated basis.~~

(2-14-83; Ord. No. 2393, § II, 11-13-01; Ord. No. 2744, § III, 2-17-09)



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# CITY OF CONCORD

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

**RESOLUTION** ADOPTING AN AMENDED AND RESTATED DEVELOPMENT PROGRAM AND FINANCING PLAN FOR THE PENACOOK VILLAGE TAX INCREMENT FINANCE DISTRICT

*The City of Concord resolves as follows:*

**WHEREAS,** by Resolution #5396, adopted on October 9, 1979, and Resolution #6761, adopted on 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 within the City of Concord; and,

**WHEREAS,** on June 14, 2010, the City adopted Resolution #8376, which established the Penacook Village Tax Increment Finance (PVTIF) District and enacted the District's Development Program and Financing Plan; and,

**WHEREAS,** the City desires to further amend and re-adopt the PVTIF District's Development Program and Financing Plan for the purpose of modifying said documents with respect to environmental cleanup of City-owned real estate located at 5 - 35 Canal Street, known as the former Allied Leather Tannery and Amazon Realty Sites, and for the purpose of issuing additional bonds and notes to finance such cleanup, as well as expenses related thereto; and,

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

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

1. After holding a public hearing and taking public testimony, the City Council hereby finds that the Amended and Restated Penacook Village Tax Increment Finance District Development Program and Financing Plan presented at this meeting and attached hereto serves a public purpose pursuant to NH RSA 162-K:5.
2. In accordance with NH RSA 162-K:6, 162-K:9, and 162-K:10, the City Council hereby amends and restates in its entirety the Penacook Village Tax Increment Finance District Development Program and Finance Plan, adopted by Resolution #8376 on June 14, 2010, by adopting the Amended and Restated Penacook Village Tax Increment Finance District Development Program and Financing Plan, dated May 31 2014, presented at this meeting and attached hereto.
3. This resolution shall take effect upon passage.



## PENACOOK VILLAGE TAX INCREMENT FINANCE DISTRICT DEVELOPMENT PROGRAM AND FINANCING PLAN

Adopted by Resolution #8376 on June 14, 2010  
Amended by Resolution # XXXX on May 31, 2014

- 1 **Introduction:** The Penacook Village Tax Increment Financing District Development Program and Financing Plan is designed to encourage the redevelopment of 47.09 +/- acres of land within the vicinity of the former Allied Leather Tannery and Rivco Complexes, as well as Penacook's Central Business District through the construction and reconstruction of infrastructure to support the private redevelopment of the several public and privately owned properties, including, but not limited to, the following:
- the Former Allied Leather Tannery Complex at #35 Canal Street and #4 Crescent Street;
  - the Former Amazon Realty Site located at #5-11 Canal Street;
  - Vacant land at #4-10 Walnut Street;
  - The Former Rivco Complex located at #77 and #82 Merrimack Street; and,
  - Vacant or underutilized buildings located on Village Street.

The components of the Development Program and Financing Plan include:

- Statement of Objectives;
  - District Boundaries;
  - Development Program;
  - Financing Plan;
  - District Administration; and,
  - Advisory Board Responsibilities.
- 2 **Statement of Objectives:** The Penacook Village Tax Increment Finance District is hereby created to help achieve the following goals and objectives for the revitalization of Penacook Village:
- Short and long-term expansion of the property tax base;
  - Business retention and recruitment;
  - Preservation and expansion of employment opportunities;
  - Redevelopment of vacant, underutilized, or blighted properties, including former industrial properties known as "Brownfields"; and,
  - Revitalization of vacant upper floors in historic buildings.

The adoption of the Penacook Village Tax Increment Financing District Development Program and Financing Plan provides a valuable tool for implementing redevelopment activities to address these stated priorities. The initiative of creating the Penacook Village Tax Increment District aggressively pursues the following objectives:

- Creation and incentivizing of redevelopment opportunities;

- Improvement of the aesthetic character of Penacook Village;
- Expansion of the property tax base;
- Construction, expansion, and rehabilitation of public parking areas, streets, utilities, and pedestrian ways to provide improved access and expanded capacities required to encourage private investment in property within the District;
- Construction or rehabilitation of parks, public walks and scenic pathways (including "river walks"), and other public spaces in order to reinforce and promote Penacook's unique sense of place and quality of life;
- Removal of blighted land uses; and,
- Improvement of transportation infrastructure to permit the efficient use of land for redevelopment.

**3 District Boundaries:** The boundaries of the Penacook Village Tax Increment Finance District are hereby established as follows:

- Beginning at a point at the intersection of the westerly sideline of Village Street with the municipal boundary line of Concord and Boscawen, said point also being the northeast corner of Map P001, Block 5, Lot 4; thence
- Easterly along the municipal boundary line of Concord and Boscawen to the most northerly corner of Map P003, Block 1, Lot 10, said point also being on the westerly line of the Merrimack River; thence
- Southeasterly, easterly, and then southwesterly along Map P003, Block 1, Lot 10 and the westerly line of the Merrimack River to a point on the westerly line of Map P003, Block 1, Lot 3; thence
- Southwesterly along Map P003, Block 1, Lot 3 and Map P003, Block 1, Lot 4 to the most westerly corner of Map P003, Block 1, Lot 4; thence
- Southeasterly along Map P003, Block 1, Lot 4 to the northerly sideline of Merrimack Street; thence
- Southwesterly along the northerly sideline of Merrimack Street to the most easterly corner of Map P003, Block 1, Lot 6; thence
- Northwesterly along Map P003, Block 1, Lot 6 to the most northerly corner of Map P003, Block 1, Lot 6; thence
- Southwesterly along Map P003, Block 1, Lot 6 and Map P003, Block 1, Lot 7 to the most westerly corner of Map P003, Block 1, Lot 7; thence
- Southeasterly along Map P003, Block 1, Lot 7 and the southerly extension of its westerly line to its intersection with the southerly sideline of Merrimack Street; thence

- **Westerly along the southerly sideline of Merrimack Street to the most westerly corner of Map P004, Block 2, Lot 10; thence**
- **Southeasterly, southwesterly, westerly, and then northwesterly along the perimeter of Map P005, Block 2, Lot 11 to the most northerly corner of Map P005, Block 2, Lot 9; thence**
- **Southwesterly along Map P005, Block 2, Lot 9 and the southwesterly extension of its northerly line to its intersection with the westerly sideline of Rolfe Street; thence**
- **Northwesterly along the westerly sideline of Rolfe Street to its intersection with the southerly sideline of Merrimack Street; thence**
- **Southwesterly along the southerly sideline of Merrimack Street to its intersection with the southeasterly extension of the southerly sideline of MacCoy Street; thence**
- **Northwesterly along the extension of the southerly sideline of MacCoy Street to its intersection with the northerly sideline of Merrimack Street; thence**
- **Continuing northwesterly along the southerly sideline of MacCoy Street to its intersection with the southerly sideline of Walnut Street; thence**
- **Southerly and southwesterly along the southerly sideline of Walnut Street to the northeasterly corner of Map P002, Block 3, Lot 12; thence**
- **Southeasterly along the easterly line of Map P002, Block 3, Lot 12 to the southeasterly corner of Map P002, Block 3, Lot 12; thence**
- **Southwesterly along the southerly line of Map P002, Block 3, Lot 12 and Map P002, Block 3, Lot 11 to the easterly sideline of Community Drive; thence**
- **Southeasterly along the easterly sideline of Community Drive to its intersection with the northerly sideline of Merrimack Street; thence**
- **Southwesterly across Community Drive and Merrimack Street to the intersection of the westerly sideline of Community Drive with the southerly sideline of Merrimack Street; thence**
- **Southwesterly along the southerly sideline of Merrimack Street to the most westerly corner of Map P001, Block 10, Lot 3; thence**

- Northwesterly along the southerly extension of the westerly line of Map P001, Block 9, Lot 4 to the southwesterly corner of Map P001, Block 9, Lot 4; thence
- Northwesterly along the westerly line of Map P001, Block 9, Lot 4 to the southwesterly corner of Map P001, Block 9, Lot 8; thence
- Easterly along the southerly line of Map P001, Block 9, Lot 8 to the southeasterly corner of Map P001, Block 9, Lot 8; thence
- Northwesterly along the easterly line of Map P001, Block 9, Lot 8 to the southerly sideline of Sanders Street; thence
- Westerly along the southerly sideline of Sanders Street to the intersection of the westerly extension of the southerly sideline of Sanders Street with the westerly sideline of Village Street; thence
- Northerly along the westerly sideline of Village Street to its intersection with the municipal boundary line of Concord and Boscawen and the point of beginning.

Meaning and intending to describe a Tax Increment Finance District within the Village of Penacook, City of Concord, Merrimack County, State of New Hampshire, as shown on a plan entitled Penacook TIF District, City of Concord, New Hampshire, with a printed date of May 1, 2009, prepared by the Concord Community Development Department, Engineering Services Division, included as Exhibit 1 of this document.

In cases where the District boundaries are shown on the centerline of any street, the boundary of the District shall be interpreted to extend to include the entire road right-of-way.

**4 Determination of Compliance with RSA 162-K:5 District Limitations:** In Accordance with RSA 162-K:5, the City has conducted an analysis of the Penacook Village Tax Increment Financing District as well as the North End Opportunity Corridor Tax Increment Financing District (NEOCTIF) and the Sears Block Tax Increment Financing District (Sears TIF) to insure that the Penacook Village TIF District will not cause the City to exceed the following statutory limitations:

- A. Land Area: Per RSA 162-K:5, the total acreage included in any one development district when designated shall not exceed five percent (5%) of the total acreage of the municipality, and when added to the total current acreage within the development districts for which tax increment financing bonds remain outstanding shall not exceed ten percent (10%) of the total acreage of the municipality. An analysis of these requirements is presented in the table below:

**Table 1: Land Area Calculations**

	Data	Notes
Total Land Area in Concord (Acres)	41,100.00	
5% of City's total land area (Acres)	2,055.00	
10% of City's total Land area (Acres)	4,110.00	
NEOCTIF District (Acres)	67.70	City of Concord Engineering Div.
Sears Block TIF District (Acres)	22.00	City of Concord Engineering Div.
Penacook Village TIF District (Acres)	47.09	City of Concord Engineering Div.
Combined Total (Acres)	136.79	

- B. **Assessed Value:** The total assessed value of taxable real property of any one development district when designated shall not exceed eight percent (8%) 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 sixteen percent (16%) of the most recent total assessed value of taxable real property in the municipality. An analysis of these requirements is presented in the table below:

**Table 2: Assessed Value Calculations**

	Data	Notes
Taxable Real Property Value in Concord	\$4,321,396,542	
8% of total taxable real property	\$345,711,723	
16% of total taxable real property	\$691,423,447	
NEOCTIF District	\$50,223,600	
Sears Block TIF District	\$51,418,000	
Penacook Village TIF District	\$11,149,600	
Combined Total	\$112,792,000	

**FINDING:** Based upon this information, the City has determined that the Penacook Village Tax Increment Financing District, in combination with the other existing tax increment financing districts, shall not exceed the taxable value or land area limitations set forth within RSA 162-K:5 at the time of adoption. In addition, there remains a significant capacity, both in terms of allowable value and allowable land area, for the creation of additional tax increment finance districts as deemed necessary by the City Council.

**5**     **Development Program:** In accordance with RSA 162-K:6, the following shall serve as the City's Development Program for the Penacook Village Tax Increment Financing District.

A. **Phase I Public Facilities To Be Constructed Within District (2010):** In accordance with RSA 162-K:6, I, the City may construct the following public facilities within the District:

- Reconstruction of existing public roads, as follows:
  - ✓ Canal Street (roughly between Boscawen Town Line and Community Drive);
  - ✓ Crescent Street (roughly between Boscawen Town Line and East Street); and,
  - ✓ Realignment and reconstruction of the Walnut Street, Canal Street, Crescent Street intersection, including removal of the Walnut Street slip lane.
  
- Reconstruction or construction of sidewalks along public roadways within the District, as follows:
  - ✓ Crescent Street, between the municipal boundary and East Street; and,
  - ✓ East Street, between MacCoy Street and Community Drive.
  
- Relocation, reconstruction, or construction of utilities, as follows:
  - ✓ Replacement of an existing water main within Crescent Street (360 +/- LF);
  - ✓ Replacement of an existing water main within Canal Street (240 +/- LF);
  - ✓ Replacement of an existing water main within Walnut Street (200 +/- LF);
  - ✓ Consolidation and relocation of aerial utilities at 4 Crescent Street to the south side of Canal Street (between MacCoy and Walnut Streets); and,
  - ✓ Reconstruction and replacement of drainage systems associated with Canal, Crescent, and Walnut Streets.
  
- Construction of streetscape amenities, including street trees and gateway signage along portions of Canal Street.
  
- Any other facilities permitted by RSA 162-K.

**B. Environmental Remediation of Municipally Owned Property & Acceptance of Grants:** In addition to public facilities to be constructed, the City may also complete environmental cleanup, remediation, and monitoring of municipally owned real estate within the District, including, but not limited to:

- 27-35 Canal Street (Former Allied Leather Tannery);
- 4 Crescent Street (Former Allied Leather Tannery); and,
- 5-11 Canal Street (Former Amazon Realty Site).

The City shall have the authority to accept grants from the Federal government, State of New Hampshire, or other entities to finance remediation activities.

**C. Open Space Created Within District:** In accordance with RSA 162-K:6,I, development and redevelopment within the Penacook Village Tax Increment Finance District will enhance open space elements of the City of Concord by providing redevelopment opportunities for commercial and residential uses on previously developed and, in some cases, contaminated properties thereby reducing development pressure on so-called "green field sites" (or virgin, undeveloped lands) to fulfill the demand for commercial and residential development with the City.

Beyond these global benefits, it is anticipated that redevelopment of the former Amazon Realty and Allied Leather Tannery sites at 5-35 Canal Street will include a new public park / "river walk" along the Contocook River. In addition, in the future, the City may amend this Development Program and Financing Plans to make improvements to the so-called Walnut Street Park, a 2 +/- acre undeveloped passive recreational area bounded by Canal Street, Walnut Street, and MacCoy Street.

**D. Environmental Controls to be Applied:** In accordance with RSA 162-K:6,I development or redevelopment which occurs within the Penacook Village Tax Increment Financing District shall to comply with all applicable environmental regulatory controls to assure development and redevelopment activities do not harm the health, safety, and general welfare of the community.

Applicable environmental controls which shall govern development and redevelopment activity within the District shall include, but not be limited to, the following:

- City of Concord Subdivision Regulations;
- City of Concord Large Scale Development Regulations (a.k.a. Site Plan Review Regulations);

- City of Concord Code of Ordinances;
  - City of Concord Zoning Ordinance;
  - City of Concord Building and Life Safety Codes;
  - State and Federal Laws, Codes, Rules, Regulations, and Standards related to abatement of hazardous materials and environmental contamination (if applicable); and,
  - Any other applicable State or Federal Laws, Codes, Rules, Regulations, or Ordinances.
- E. Proposed Reuse of Private Property: In accordance with RSA 162-K:6,I private property within the District shall be developed or redeveloped in accordance with the goals, objectives, or standards as set by the following City documents, as amended: City of Concord's Master Plan, Zoning Ordinance, Subdivision Regulations, and Site Plan Review Regulations.
- F. Operations and Maintenance of the District: As part of Phase I redevelopment within the District, the City shall maintain the following:
- 1,460 +/- linear feet of reconstructed roadways (Canal, Crescent, Walnut, and MacCoy Streets), including street trees and gateway signage on the north side of Canal Street between Crescent and the City's municipal boundary with the Town of Boscawen;
  - 1,830 +/- linear feet of new or reconstructed sidewalks along Canal, Crescent, and Walnut Streets; and,
  - 800 +/- linear feet of reconstructed water line within Canal, Crescent, and Walnut Streets.

In accordance with RSA 162-K:6,I, the City shall operate and maintain all newly constructed or renovated public infrastructure to the same standard as all other municipally owned infrastructure located elsewhere within Concord. Maintenance shall include, but not be limited to the following as resources allow:

1. Snow plowing, sweeping, paving, and patching of City streets, sidewalks, and municipal parking lots;
2. Painting of cross walks and pavement markings;
3. Maintenance of street and gateway signage;

4. Cleaning of storm drains and catch basins;
5. Mowing, trimming, pruning, or replacement of landscaping;
6. Operation of street lights;
7. Maintenance of water and sewer mains; and,
8. Any other activities permitted by Law for the operation and maintenance of the District.

The cost of maintenance and operation of the improvements within the District may be charged against the incremental revenues generated by the new development within the TIF, or as necessary or appropriate, such costs shall become an obligation of the General Fund, Water Fund, Sewer Fund, or other appropriate City fund.

- G. **Reporting:** In accordance with RSA 162-K:11, the City will maintain records of financial activity of the District in accordance with Generally Accepted Accounting Principles. The report shall include at least the following information:
- The amount and source of revenue of the district;
  - The amount and purpose of expenditures;
  - The amount of principal and interest on any outstanding bonded indebtedness;
  - The original assessed value of the district;
  - The captured assessed value retained by the district;
  - The tax increments received; and,
  - Any other additional information necessary to demonstrate compliance with the tax increment financing plan.

The City will include the financial reporting requirement in the Comprehensive Annual Financial Report (CAFR).

- H. **Acquisition of Property and Easements:** In accordance with RSA 162-K:6,III, the City shall have the authority to acquire real estate, either in fee or by easement and subject to available funds, in order to facilitate development or redevelopment activities within the Penacook Village Tax Increment Financing District.

The City shall acquire (or, as required, convey) temporary construction easements and permanent utility easements as may be needed. The construction easements shall expire upon completion of construction.

If necessary, permanent easements shall be retained for future upgrades and maintenance of utilities.

- I. **Relocation and Displacement:** In accordance with RSA 162-K:6,II, the City does not anticipate the need to relocate persons, families, business concerns, or others due to publicly financed development activities within the Penacook Village Tax Increment Financing District. However, in the event relocations of residences or businesses becomes necessary, the City shall undertake such relocations as follows:
- **Households and Businesses:** In the event relocation of households or businesses becomes necessary as a result of improvements to publicly owned property and infrastructure, the City shall make reasonable efforts to relocate such households or businesses through negotiation. In the event relocation is necessitated through an eminent domain action, the City shall facilitate required relocations in accordance with the Uniform Relocation Act, unless the aggrieved parties specifically waive their rights to relocation benefits in writing.
  - **Utilities:** Relocation of some privately owned public utility poles and wires is anticipated as a result of development within the District. All relocations are intended to remain as aerial. However, the City shall have the ability to bury such utilities underground pending available funds. Relocation of all such utilities shall be conducted in conjunction with the affected utility companies. In the case of utility relocations to accommodate private development, the City or private developers shall finance such relocations. In the case of utility relocations to facilitate highway improvements, the private utilities shall be required to finance such relocations at their cost in accordance with laws of the State of New Hampshire.
- J. **Other Program Activities:**
- **Streetscape Improvements:**
    - a. **Streetscape Amenities:** During redevelopment of the former Allied Leather Tannery site, the sidewalks and edges of pavement on East Street, Crescent Street, Walnut Street, MacCoy Street, Community Drive, and others might be disturbed due to the construction of the new private development and associated public improvements. The amenities on those sidewalks and streets will be reconstructed to meet contemporary standards including lighting systems, street furniture, landscaping of streets and public property, and other systems compatible with the character of the District. The cost of constructing these improvements shall be derived from the TIF bond proceeds and other funds as described within the Financing Plan.

- b. Streets: Streets shall be reconstructed, as necessary, to meet contemporary standards. The cost of reconstructing these improvements shall be derived from the TIF bond proceeds and other funds as described within the Financing Plan.
- Property Disposition: The City shall convey all or portions of the former Allied Leather Tannery parcels at 4 Crescent Street and 27-35 Canal Street, at prices approved by the City Council, to private developers in order to promote redevelopment of these properties. As part of these conveyances, the City shall retain whatever easements or other rights it may require for public improvements at those properties.

**6 Financing Plan (Exhibit 3)**

- A. Statement of Objectives – See Section 2.
- B. Estimated Costs of the Public Improvements: The City anticipates approaching the public improvements incrementally in multiple phases to correspond with the timing of future anticipated private development projects.
  - Phase I: 4 Crescent Street Redevelopment: The summary below represents the anticipated costs and source of funds for the initial phase of improving public facilities and infrastructure necessary to support redevelopment of property located at 4 Crescent Street. As additional phases of improvements are proposed, the City shall amend this Financing Plan in accordance with the applicable provisions of RSA 162-K.

**Table 3: Phase I Construction Budget (2010)**

Item	Estimated Cost
Roads, Sidewalks, Drainage, and Streetscape Improvements	\$538,450
Utility Pole Consolidation & Relocation	\$64,165
Water Main Improvements	\$329,000
Sewer Main Improvements	\$13,000
Survey, Design, Permitting, Construction Oversight	\$132,935
Bond Costs & Capitalized Interest	\$31,900
<b>Total Project Cost</b>	<b>\$1,109,450</b>

- Phase II: 5-35 Canal Street Environmental Cleanup (2014): The City shall undertake environmental cleanup of the former Amazon Realty and former Allied Leather Tannery sites. Prior to the amendment of this Development Program and Financing Plan on June 9, 2014, the City had compiled a financing package totaling \$1,344,832 for this effort, which included \$14,964 in funding from

PVTIF District Phase I improvements, as well as grants and other City funds. As work progressed, it was determined that additional funding would be required to address costs of unanticipated issues. Therefore, this Development Program and Financing Plan contemplates the appropriation of \$245,000 of additional funds, comprised of the following sources:

- i. Economic Development Reserve Fund: \$45,000
- ii. PVTIF Fund Balance (Cash): \$30,000
- iii. PVTIF Supported G.O. Bond: \$170,000

Please see Table 3A below for a summary of all City appropriations for the PVTIF District since its initial creation on June 14, 2010.

**Table 3A – Summary of Appropriations for PVTIF District**

Funding Source	Resolution #8347 February 10, 2010	Resolution #8366 May 10, 2010	Resolution #8377 June 14, 2010	Resolution # May 31, 2014	Total
<b>General Obligation Bonds</b>					
1. Tax Increment Finance (TIF) Supported G.O. Bond	\$0	\$0	\$285,000	\$170,000	\$455,000
2. Water Fund Supported G.O. Bond	\$0	\$250,000	\$0	\$0	\$250,000
<b>Capital Closeout</b>					
Water Fund Closeout					
1. CIP 84/2008; Water Fund Supported G.O. Bond	\$0	\$57,226	\$0	\$0	\$57,226
2. CIP 84/2009; Water Fund Capital Transfer	\$0	\$4,000	\$0	\$0	\$4,000
3. CIP 85/2009; Water Fund Supported G.O. Bond	\$0	\$5,000	\$0	\$0	\$5,000
4. CIP 372/2009; Water Fund Supported G.O. Bond	\$0	\$10,181	\$0	\$0	\$10,181
5. CIP 121/2008; Water Fund Supported G.O. Bond	\$0	\$4,052	\$0	\$0	\$4,052
6. CIP 321/2008; Water Fund Supported G.O. Bond	\$0	\$74	\$0	\$0	\$74
Sewer Fund Closeout					
1. Pleasant Street Sewer Project; Sewer Fund G.O. Bond	\$0	\$11,110	\$0	\$0	\$11,110
2. CIP 93/2004; Sewer Fund Supported G.O. Bond	\$0	\$1,173	\$0	\$0	\$1,173
Transportation Closeout (Sidewalks)					
1. CIP 17/2008; General Transportation Improvement Fund	\$0	\$0	\$42,656	\$0	\$42,656
2. CIP 17/2008; Highway Block Grant Funds	\$0	\$0	\$14,668	\$0	\$14,668
<b>Capital Outlay / Transfers</b>					
1. Sewer Fund Capital Outlay	\$0	\$1,000	\$0	\$0	\$1,000
2. Penacook Village TIF District Fund Balance	\$0	\$0	\$0	\$30,000	\$30,000
3. Economic Development Reserve Fund	\$225,000	\$65,000	\$92,900	\$45,000	\$427,900
4. Impact Fees	\$0	\$0	\$40,000	\$0	\$40,000
<b>TOTAL</b>	<b>\$225,000</b>	<b>\$408,816</b>	<b>\$475,224</b>	<b>\$220,000</b>	<b>\$1,354,040</b>

- C. **Estimated Annual TIF District Revenues:** TIF revenues shall be generated by property taxes levied against new incremental assessed valuation associated with new development within the District after the date of the District's creation.

To date, only one project has been complete within the PVTIF which generates incremental property tax revenues to support the Development Program and Financing Plan. This project is the new Penacook Family Physicians building located at 4 Crescent Street. As of April 1, 2013, this 16,600 SF medical office building is currently valued at \$1,833,700 million.

Please see the summary pro forma in Exhibit 3 for current and project annual revenues.

- D. **Estimated Annual Cost of Development District:** Please see the summary pro forma in Exhibit 3 for current and projected annual operating and debt service costs for the PVTIF District.

- E. **Duration of the Program's Existence:** Tax increment district shall existing until all of the following occur:

- Repayment or legal defeasement of all debt issued for improvements financed by the District;
- Repayment of appropriations from the City's Economic Development Reserve Fund used to finance PVTIF improvements, as set forth within this development program, which are not otherwise repaid through the sale of City-owned real estate located at 4 Crescent Street or 27-35 Canal Street; or,
- The City Council votes to terminate the District after making a finding that the purposes for which was created have been fulfilled.

- F. **Sale of Municipal Real Estate Within TIF District:** As part of the Development Program for the TIF District, the City plans on completing environmental remediation of certain City owned real estate; specifically the former Allied Leather Tannery properties at 4 Crescent and 27-35 Canal Street. Upon completing remediation activities, the City intends to convey these properties to private entities for the purpose of redevelopment. Revenues generated from the sale of these parcels shall be used to reimburse the City's General Fund and Economic Development Reserve Fund for previous investments at the Allied Leather Tannery site dating from 2002 by the City prior to creation of this TIF District. Note – as of June 9, 2014, the General Fund's total investment in the PVTIF District was \$300,000. This amount was fully repaid by funds associated with the sale of City real estate at 4 Crescent Street, as detailed in City Resolution #8457 on April 11, 2011.

G. **Reimbursement of Previous City Expenditures:** Since 2002, the City has invested significant financial resources to foster clean-up and redevelopment of the former Allied Leather Tannery Complex. These appropriations included moneys from the City's General Fund and Economic Development Reserve Fund, respectively. Please see summary below.

Appropriations from the City's General Fund and Economic Development Reserve Fund financed acquisition and improvement of properties now incorporated into the Penacook Village Tax Increment Finance District. As such, TIF revenues generated by the District (beyond those required for TIF supported General Obligation bonds, annual maintenance and operating expenses of the District, and those dedicated to a reserve fund for District) **shall** be allocated to the repayment of all previously appropriated moneys from the City's Economic Development Reserve Fund (listed above); **except** those moneys (if any) deposited into the City's Economic Development Reserve Fund which are generated from the sale of City owned real estate located at 4 Crescent Street and 27-35 Canal Street as set forth in Section 6F.

Prioritization of use of TIF revenues to reimburse the City's Economic Development Reserve Fund shall be in accordance with Section 6J of this Development Program and Financing Plan.

General Fund Appropriations and Reimbursements		
March 6, 2014		
Appropriations	Amount	Notes
Resolution #8147, Revised by #8264 (April 13, 2009)	\$300,000	Demolition of Penacook Mill at 27-35 Canal Street.
<b>Total EDR Appropriations</b>	<b>\$300,000</b>	
Reimbursements	Amount	Notes
Resolution #8457 (April 11, 2011)	\$300,000	Net revenues from sale of 4 Crescent Street
<b>Total Reimbursements</b>	<b>\$300,000</b>	
<b>Net to be Repaid to General Fund by PVTIF</b>	<b>\$0</b>	

Economic Development Reserve Fund Appropriations & Reimbursements		
March 6, 2014		
Appropriations	Amount	Notes
Resolution # 7330 (June 17, 2002)	\$100,000	Property Acquisition, Demolition / Cleanup
Resolution # 7392 (December 9, 2002)	\$100,000	Property Acquisition, Demolition / Cleanup
Resolution # 7403 (January 13, 2003)	\$100,000	Property Acquisition, Demolition / Cleanup
Resolution # 7506 (August 11, 2003)	\$400,000	Property Acquisition, Demolition / Cleanup
Resolution # 7856 (January 9, 2006)	\$107,000	Property Acquisition, Demolition / Cleanup
Resolution # 8347 (February 8, 2010)	\$225,000	Phase I TIF Improvements
Resolution # 8366 (May 10, 2010)	\$65,000	Phase I TIF Improvements
Resolution # 8377 (June 14, 2010)	\$92,900	Phase I TIF Improvements
Resolution # 8494 (August 8, 2011)	\$120,000	USEPA Brownfields \$600,000 Grant Match
Resolution # 8570 (June 11, 2012)	\$35,000	CRDC \$300,000 Brownfields Sub-Grant Match
Resolution # 8675 (June 20, 2013)	\$25,000	FY2014 Budget Appropriation CIP 508
Resolution # _____ (May 31, 2014)	\$45,000	Environmental Cleanup of Amazon & Allied Leather Sites
<b>Total EDR Appropriations</b>	<b>\$1,414,900</b>	
Reimbursements	Amount	Notes
Resolution # 8457 (April 11, 2011)	\$38,134	Net revenues from sale of 4 Crescent Street after \$300,000 reimbursement to General Fund for Penacook Mill demolition costs.
Resolution # 8478 (June 27, 2011)	\$65,000	EDR Reserve Fund Spreadsheet from Mike Jache 12/31/2012
Resolution # 8695 (August 12, 2013)	\$120,225	NHDES ODD Fund Reimbursement
<b>Total Reimbursements</b>	<b>\$223,359</b>	
<b>Net to be Repaid to EDR Fund by PVTIF</b>	<b>\$1,191,541</b>	

H. Estimated Tax Increment Financing Impact on All Related Taxing Jurisdictions: In accordance with RSA 162-K:10, tax revenues generated by the "original assessed value" (also referred to as the "base value") of the District shall continue to accrue to the City's General Fund, as well as the Merrimack Valley School District, the County, and State of New Hampshire. However, all property tax revenues (including those customarily collected for the Merrimack Valley School District, the County, or State of New Hampshire) associated with the "captured assessed value" resulting from development within the District after its inception shall be dedicated to defeasement of debt incurred for improvements within the District, or other costs associated with operation and

maintenance of the District rather than supporting the City's General Fund, the Merrimack Valley School District, the County, or State of New Hampshire.

Because all property tax revenues associated with taxable property in existence on or before the date the TIF District is enacted will continue to accrue to the Merrimack Valley School District and the County, no direct negative financial impact to these entities will result from the creation of the TIF District. Further, as market conditions warrant, the so-called "original" or "base" assessed value of taxable property within the District shall be adjusted. Assuming long-term appreciation or background growth within the local real estate market, all additional property tax revenues generated by background growth on the original value of real estate within the TIF District shall accrue to the City's General Fund, as well as the Merrimack Valley School District, the County, and State of New Hampshire.

Once all debt issued for public improvements within the District is paid in full and all appropriations from the City's Economic Development Reserve Fund and General Fund as set forth in Section 6G are repaid in full (excluding those Economic Development Reserve funds which might be recouped from the sale of the former Allied Leather Complex at 4 Crescent Street or 27-35 Canal Street), all property tax revenues generated by new development within the TIF District shall be allocated to the City's General Fund, Merrimack Valley School District, and County at such millage rates which might be in existence at such time as the TIF District is dissolved.

Temporarily diverting incremental tax revenues associated with new development within the TIF District to support the improvements associated therewith is in the best long-term financial interests of the City, Merrimack Valley School District, as well as the County or the State of New Hampshire because without the incentives for new development created by the TIF District, blighted or vacant properties would not be redeveloped by the private sector. Consequently, any additional incremental long-term tax revenues associated with said potential redevelopment of property within the TIF District would never be realized.

- I. Captured Value Dedicated Towards Retirement of Bonds and Notes: One hundred percent (100%) of the captured value of the District shall first be dedicated for the payment of the tax increment supported bonds and notes in accordance with NH RSA 162-k:10,II,a, as well as any other legal purpose as set forth within State Law as well as this Development Program and Financing Plan.

J. **Annual Allocation of Captured Value:** Any annual Tax Increment Revenues from the Penacook Village Tax Increment District, together with any unexpended balances of such Revenues from prior years, that exceed the amount necessary annually to meet (i) current debt service payments on the portion of the bonds designated in TIF Plan as payable from Tax Increment Revenues, (ii) costs of maintenance and operation of the District in excess of available revenues and (iii) debt service payments on the Bonds to be due in the next fiscal year shall be used to reimburse the following funds of the City in the following order for project costs, or debt service related thereto, heretofore or hereafter paid from such funds, plus interest:

1. The General Fund, to reimburse any payments from such Fund required for debt service on bonds issued for the project due to insufficient Tax Increment Revenues;
2. A reserve fund established for the Penacook Village TIF District for the purpose of satisfying existing or future debt service or operation and maintenance costs; or,
3. To repay the City's Economic Development Reserve Fund for moneys previously allocated to the redevelopment of the former Allied Leather Tannery Complex (CIP 508) as set forth in Section 6E which are not otherwise recouped through the sale of former Allied Leather Tannery properties located at 4 Crescent Street or 35 Canal Street.

K. **Ability to Accept, Appropriate, and Administer Grant Funds:** Per RSA 162-K:7, the City shall have the ability to accept, appropriate, and administer grants or other financial assistance from the government of the United States, the state of New Hampshire or any other entity to finance design or construction of public improvements (including environmental remediation of municipally owned property within the District) as well as annual operating and maintenance costs. Amendments to this Development Program or Financing Plan shall not be required to accept or appropriate such grants or related City matching funds, if any.

7 **District Administration:** The administration of the District shall be by the City Manager who shall make an annual financial report to the City Council. The District Administrator shall have all powers set forth within RSA 162-K:13 to the extent said statute does not conflict with the City Charter or adopted City policies. The City may assess charges against the PVTIF District in order to reimburse the City's General Fund for costs of administering the PVTIF District, as well as related overhead expenses.

- 8 **Advisory Board Responsibilities:** In accordance with RSA 162-K:14, the City Council approved Resolutions #8376 and 8615 which established an Advisory Board for the District. These resolutions incorporated the provisions of RSA 162-K:14 and stipulated the powers and authority of the Advisory Committee.

Per RSA 162-K:14, the Advisory Board shall have thirty (30) days to appeal any decision of the District Administrator to the City Council for review and appropriate action. The Advisory Board shall meet only as needed, either as determined by the Chair of the Advisory Board, the Mayor, or the City Manager, to examine the operations and maintenance of the project.

The Advisory Board shall advise the governing body and the District Administrator on planning, construction, and implementation of the development program and on the maintenance and operation of the District, after the program has been completed, until such time as the bonds and notes have been paid off and the district is dissolved.

- 9 **Conflicts with RSA 79-E Community Revitalization Tax Relief Program:** The City Council and the Tax Increment Advisory Board recognize that portions of the Penacook Village Tax Increment Financing District overlap with the RSA 79-E Community Revitalization Tax Relief program area. The City Council and the TIF Advisory Board further recognize that Tax Increment Financing as permitted by RSA 162-K and the Community Revitalization Tax Relief Program as permitted by RSA 79-E are separate and independent economic development tools which have been created by the State of New Hampshire and adopted by the City of Concord.

In accordance with RSA 79-E:5, qualifying structures within the RSA 79-E Community Revitalization Tax Relief District which are substantially rehabilitated or demolished and replaced so as the cost of the improvements is at least fifteen percent (15%) of the qualifying structure's pre-rehabilitation assessed valuation or \$75,000 (whichever is less) are eligible to receive tax abatement relief for a minimum period of up to 5 years on the value of said renovations. Further, the period of tax abatement relief on the value of the renovations may be extended by the City Council for a period not to exceed 15 years from the date renovations are completed, pending compliance with certain criteria set forth within RSA 79-E:5. The City's participation within the RSA 79-E program is strictly optional. Further, the City is under no obligation to grant any tax abatement relief under the 79-E program.

The City desires rehabilitation, redevelopment, and development of real estate within the Penacook Village TIF District as these activities create "captured assessed value". The property tax revenues generated by such "captured assessed value" can be used to support additional improvements to public infrastructure, as well as operations and maintenance activities within the District. Granting of tax abatement relief in accordance with RSA 79-E for properties located within the Penacook Village TIF District may inhibit the TIF District's

ability to support debt service for improvements constructed by the City as well as the District's capacity to finance operational or maintenance activities.

Therefore, the following policy shall govern granting of tax abatement relief in accordance with RSA 79-E to eligible properties within the Penacook Village Tax Increment Finance District until such time as the TIF District expires or is rescinded:

- A. In accordance with RSA 79-e:4,VI, the City shall not grant RSA 79-E benefits when it determines in its sole discretion that the granting of tax relief will impede, reduce, or negatively affect:
  - i. The Penacook Village TIF District development program or financing plan; or,
  - ii. The ability to satisfy or expedite repayment of debt incurred by the Penacook Village TIF District; or,
  - iii. The ability to satisfy program administration, operating, or maintenance expenses within the Penacook Village TIF District.
- B. Approval of RSA 79-E tax abatement relief applications by the City Council for properties within the Penacook Village TIF District shall be generally discouraged, except in cases whereby the applicant can demonstrate to the City Council's satisfaction that the granting of such relief is necessary in order to make a rehabilitation project financially viable and that the applicant's project will further the goals and objectives of the City's Master Plan. To demonstrate this need, the applicant supply detailed comprehensive financial pro formas for its proposed 79-E project, as well as any other information or supporting documentation as required by the City Manager.
- C. For cases whereby the applicant can successfully demonstrate that granting of such tax abatement relief is necessary to make a project financially viable, and the City Council finds that the project results in at least one of the public benefits set forth in RSA 79-E:7, the City Council may, but shall not be obligated to, grant such relief provided the City Council finds that such abatement will not impede the City's ability to satisfy minimum annual payments on existing TIF debt service or cover the annual maintenance and operation costs of the District. If the Council makes such a finding, the City Council shall limit the period of tax abatement relief to the minimum amount necessary and shall discourage 79-E benefits with durations longer than five (5) years.
- D. RSA 162-K:8 stipulates that the first payment on principal for any bonds issued for the improvements within a Tax Increment Finance District shall be no later than five (5) years from the date of issuance of said bond.

Therefore, should the City plan any bond issuances to be solely financed by tax revenues from the captured assessed value of a specific property benefiting from a RSA 79-E tax abatement relief, the City shall either:

- i. Issue said bond with an amortization schedule whereby the date of the first payment on the principal (and interest, if sufficient source of funds to cover capitalized interest payments is not available) of said bond issuance shall coincide with, or occur after, the termination of the RSA 79-E benefit; or,
- ii. Delay issuing said bonds and undertaking such improvements until such time as the RSA 79-E tax abatement relief benefit has expired.

- 10 **Amendments:** Amendments to the boundaries of the TIF District, its Development Program, or Financing Plan shall be undertaken in accordance with the public hearing process as set forth within RSA 162-K:4, as well as reasonable notification to the Merrimack Valley School District and the Merrimack County in accordance with RSA 162-K:9,III.

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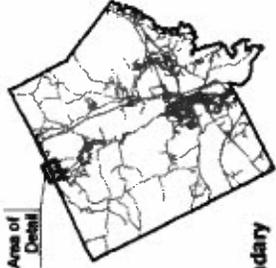
**LIST OF EXHIBITS**

- Exhibit 1**      **Map of Penacook Village Tax Increment Financing (TIF) District**
- Exhibit 2**      **List of properties within Penacook Village Tax Increment Financing District**
- Exhibit 3**      **PVTIF Summary Financial Pro Forma**

# PENACOOK TIF DISTRICT

City of Concord, New Hampshire

Printed: May 1, 2009

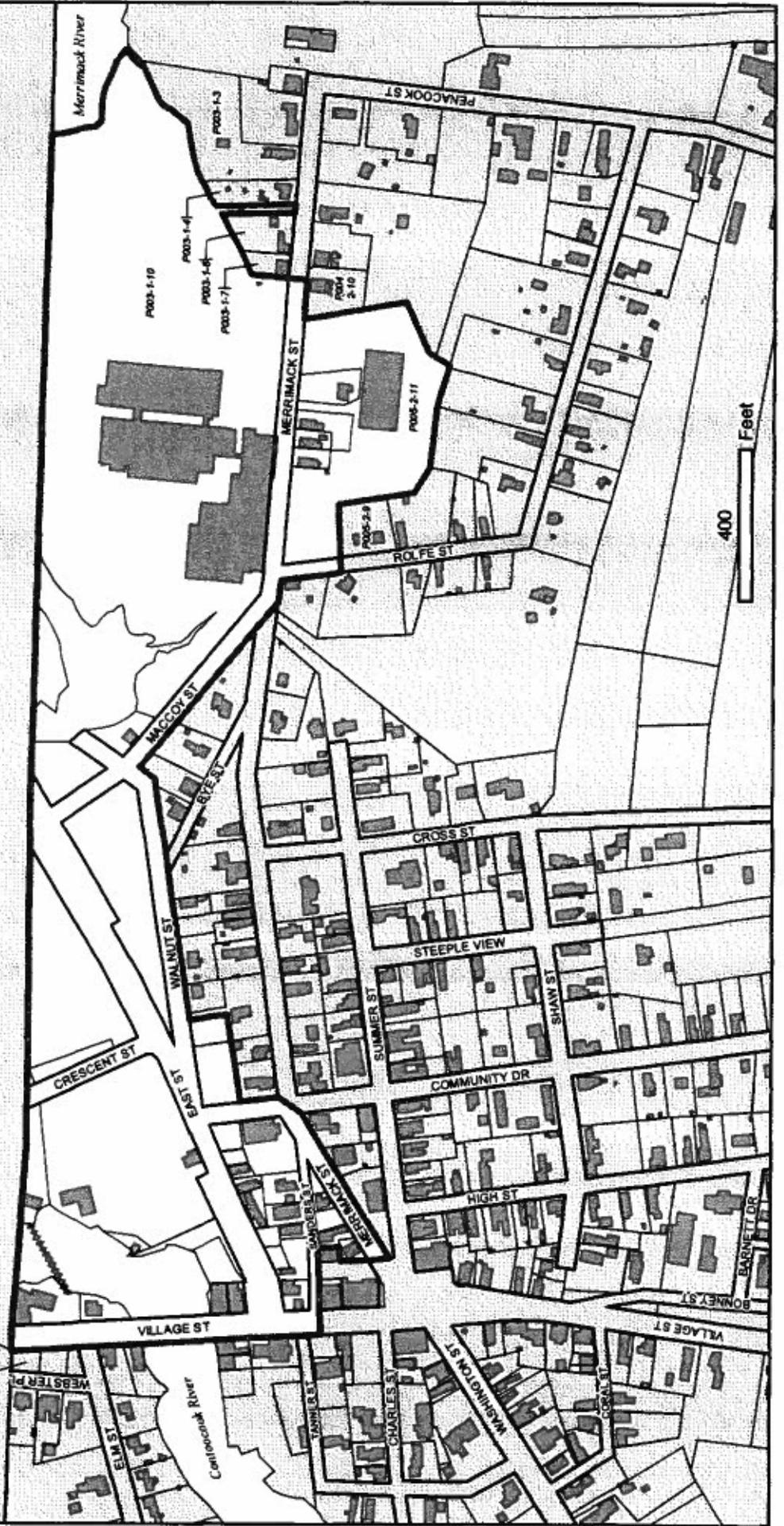


Area of Detail

- TIF District
- Outside TIF
- Parcels
- Buildings
- Water Bodies
- Municipal Boundary

Point of Beginning  
Legal Description

**BOSCAWEN**



400 Feet



## Proposed Penacook TIF District

Properties Within the District

Map-Block-Lot	Property Description	Owner	Co-owner	Value
P001-6-1	382 Village St	Penacook Fibre Co		192900
P001-6-2	378 Village St	378 Village Street Llc		241400
P001-7-1	350 Village St U-3	Dessaint Franklin N Jr & Linda		98100
P001-7-10	350 Village St U-2	Dessaint Franklin N Jr & Linda		89700
P001-7-11	350 Village St U-8	Dessaint Franklin N Jr & Linda		98100
P001-7-12	350 Village St U-4	Dessaint Franklin N Jr & Linda		97300
P001-7-13	350 Village St U-5	Dessaint Franklin N Jr & Linda		98600
P001-7-14	350 Village St U-6	Dessaint Franklin N Jr & Linda		97500
P001-7-15	350 Village St U-7	Dessaint Franklin N Jr & Linda		96900
P001-7-2	346-348 Village St	Amazon Realty Llc		263800
P001-7-3	350 Village St U-1	Dessaint Franklin N Jr & Linda		88800
P001-7-4	11 East St	Amazon Realty Llc		56100
P001-7-5	East St	Amazon Realty Llc		45300
P001-7-6	35 East St	City Of Concord		488000
P001-7-8	Crescent St	Briar Hydro Associates	C/o Essex Hydro Associates	90900
P001-7-9	4 Crescent St	City Of Concord		72100
P001-7-999	350 Village St	River Crossing		0
P001-8-1	21 Merrimack St	United Church Of Penacook		1285500
P001-8-10	18-20 East St	Dusty Apartments Llc		329000
P001-8-11	24-26 East St	Heffernan John P		107700
P001-8-12	28 East St	Heffernan John P		99100
P001-8-13	30 East St	United Church Of Penacook		47600
P001-8-14	East St	United Church Of Penacook		68000
P001-8-3	19 Sanders St	Luba Ronald & Marcia		237300
P001-8-4	15 Sanders St	Perkins Joseph A & Rand Megan J		229600
P001-8-5	13 Sanders St	Kumi Kwok W		152500

Map-Block-Lot	Property Description	Owner	Co-owner	Value
P001-8-6	Sanders St	Guinard Shirley Ann		79400
P001-8-7	336 Village St	Guinard Shirley		241600
P001-8-8	12 East St	Guinard Shirley Ann		44100
P001-8-9	16 East St	Dusty Apartments Llc		62200
P001-9-1	Sanders St	City Of Concord	Triangular Shape Piece	15300
P001-9-2	11 Merrimack St	Roberts James T & Diane A		146400
P001-9-3	5 Merrimack St	Rosen David B & Laurie Haney		186900
P001-9-4	3 Merrimack St	City Of Concord	City Hall	335800
P001-9-9	Merrimack St	Champney Karen S		14400
P002-1-1	East St	City Of Concord		359200
P002-1-2	Walnut St	City Of Concord	Triangular Shape Lot	68900
P002-3-11	4-10 Walnut St	United Church Of Penabook		74200
P002-3-12	Walnut St	Morse Arthur H		6700
P003-1-10	77 Merrimack St	77 Merrimack Street Llc &	South Union Realty Trust	3241100
P003-1-11	3 Maccoy St	Dlubac Erwyn J & Arline D &	Bennett Deanna L	122800
P003-1-8	East St	Briar Hydro Associates	C/o Essex Hydro Assoc Llc	614000
P005-2-11	82 Merrimack St	77 Merrimack Street Llc &	South Union Realty Trust	125900
P005-2-12	86 Merrimack St	Wachovia Bank Na	C/o Ocwen Loan Servicing Llc	170100
P005-2-13	88 Merrimack St	Tewksbury Gary R Sr		169000
P005-2-14	90 Merrimack St	Hardy Beatrice I		161300
P005-2-15	92 Merrimack St	Tatham Michael E & Rayelle K		138500
<b>Sum of Value</b>				
11149600				

**Penacook Village TIF District  
Fund Balance Pro Forma  
March 31, 2014**

	FY 2014 7/1/2013 - 6/30/2014		FY 2015 7/1/2014 - 6/30/2015		FY 2016 7/1/2015 - 6/30/2016		FY 2017 7/1/2016 - 6/30/2017		FY 2018 7/1/2017 - 6/30/2018		FY 2019 7/1/2018 - 6/30/2019		FY 2020 7/1/2019 - 6/30/2020		FY 2021 7/1/2020 - 6/30/2021	
<b>ASSESSED VALUE</b>																
TIF Captured Assessed Value - Existing Development	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800
<b>TOTAL ASSESSED VALUE</b>	<b>\$1,739,800</b>	<b>\$1,739,800</b>														
<b>REVENUES</b>																
Property Tax Revenues	\$51,046	\$52,067	\$53,108	\$54,170	\$55,254	\$56,359	\$57,486	\$58,636	\$59,811	\$61,011	\$62,234	\$63,481	\$64,752	\$66,048	\$67,369	\$68,716
Investment Income	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL REVENUES</b>	<b>\$51,046</b>	<b>\$52,067</b>	<b>\$53,108</b>	<b>\$54,170</b>	<b>\$55,254</b>	<b>\$56,359</b>	<b>\$57,486</b>	<b>\$58,636</b>	<b>\$59,811</b>	<b>\$61,011</b>	<b>\$62,234</b>	<b>\$63,481</b>	<b>\$64,752</b>	<b>\$66,048</b>	<b>\$67,369</b>	<b>\$68,716</b>
<b>EXPENDITURES</b>																
Debt Service & Capital Outlay	\$51,271	\$20,971	\$61,471	\$59,811	\$58,151	\$56,491	\$54,681	\$52,821	\$50,961	\$49,101	\$47,241	\$45,381	\$43,521	\$41,661	\$39,801	\$37,941
Reserve Fund Contributions	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Operating Expenses	\$6,432	\$6,491	\$6,553	\$6,618	\$6,687	\$6,758	\$6,834	\$6,915	\$7,000	\$7,090	\$7,185	\$7,285	\$7,390	\$7,500	\$7,615	\$7,735
<b>TOTAL EXPENDITURES</b>	<b>\$57,703</b>	<b>\$27,462</b>	<b>\$68,024</b>	<b>\$66,429</b>	<b>\$64,838</b>	<b>\$63,249</b>	<b>\$61,515</b>	<b>\$59,741</b>	<b>\$57,961</b>	<b>\$56,151</b>	<b>\$54,326</b>	<b>\$52,486</b>	<b>\$50,631</b>	<b>\$48,761</b>	<b>\$46,886</b>	<b>\$45,006</b>
<b>Net Operating Income (Revenues Less Expenditures)</b>	<b>(\$6,657)</b>	<b>\$24,605</b>	<b>(\$14,916)</b>	<b>(\$12,259)</b>	<b>(\$9,584)</b>	<b>(\$6,891)</b>	<b>(\$4,029)</b>	<b>(\$1,105)</b>	<b>\$1,850</b>	<b>\$3,850</b>	<b>\$5,943</b>	<b>\$8,043</b>	<b>\$10,148</b>	<b>\$12,263</b>	<b>\$14,378</b>	<b>\$16,493</b>
NOI as % of Total Revenue	-12%	90%	-22%	-18%	-15%	-11%	-7%	-4%	3%	6%	9%	12%	15%	18%	21%	24%
<b>Fund Balance Calculation</b>																
Previous Year	\$36,054	\$29,397	\$54,002	\$39,086	\$26,827	\$17,243	\$10,352	\$6,323	\$2,394	(\$1,584)	(\$6,891)	(\$17,243)	(\$28,186)	(\$39,129)	(\$50,072)	(\$61,015)
Projected FY Year End Surplus / (Deficit)	(\$6,657)	\$24,605	(\$14,916)	(\$12,259)	(\$9,584)	(\$6,891)	(\$4,029)	(\$1,105)	\$1,850	\$3,850	\$5,943	\$8,043	\$10,148	\$12,263	\$14,378	\$16,493
<b>Available Fund Balance</b>	<b>\$29,397</b>	<b>\$54,002</b>	<b>\$39,086</b>	<b>\$26,827</b>	<b>\$17,243</b>	<b>\$10,352</b>	<b>\$6,323</b>	<b>\$2,394</b>	<b>(\$1,584)</b>	<b>(\$6,891)</b>	<b>(\$17,243)</b>	<b>(\$28,186)</b>	<b>(\$39,129)</b>	<b>(\$50,072)</b>	<b>(\$61,015)</b>	<b>(\$71,958)</b>



	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
	7/1/2021 - 6/30/2022	7/1/2022 - 6/30/2023	7/1/2023 - 6/30/2024	7/1/2024 - 6/30/2025	7/1/2025 - 6/30/2026	7/1/2026 - 6/30/2027	7/1/2027 - 6/30/2028	7/1/2028 - 6/30/2029	7/1/2029 - 6/30/2030	7/1/2030 - 6/30/2031	7/1/2031 - 6/30/2032
	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800	\$1,739,800
	<u>\$1,739,800</u>										
	\$59,808	\$61,004	\$62,224	\$63,469	\$64,738	\$66,033	\$67,354	\$68,701	\$70,075	\$71,476	\$72,906
	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	<u>\$59,808</u>	<u>\$61,004</u>	<u>\$62,224</u>	<u>\$63,469</u>	<u>\$64,738</u>	<u>\$66,033</u>	<u>\$67,354</u>	<u>\$68,701</u>	<u>\$70,075</u>	<u>\$71,476</u>	<u>\$72,906</u>
	\$18,421	\$17,971	\$17,671	\$17,371	\$17,052	\$16,715	\$13,359	\$11,059	\$10,809	\$10,534	\$9,659
	\$0	\$0	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$100,000
	\$7,534	\$7,911	\$8,306	\$8,722	\$9,158	\$9,616	\$10,097	\$10,601	\$11,131	\$11,688	\$12,272
	<u>\$25,955</u>	<u>\$25,882</u>	<u>\$25,977</u>	<u>\$26,093</u>	<u>\$26,210</u>	<u>\$26,331</u>	<u>\$26,455</u>	<u>\$26,560</u>	<u>\$26,660</u>	<u>\$26,762</u>	<u>\$26,861</u>
	<u>\$33,852</u>	<u>\$35,122</u>	<u>\$33,753</u>	<u>\$32,624</u>	<u>\$31,472</u>	<u>\$30,297</u>	<u>\$26,101</u>	<u>\$2,959</u>	<u>(\$1,865)</u>	<u>(\$745)</u>	<u>(\$49,025)</u>
	130%	136%	-18%	-17%	15%	-13%	-8%	-4%	-3%	-1%	40%
	\$36,912	\$72,765	\$107,888	\$94,135	\$81,511	\$70,039	\$59,742	\$53,640	\$50,681	\$48,816	\$48,071
	\$33,853	\$35,122	(\$13,753)	(\$12,624)	(\$11,472)	(\$10,297)	(\$6,101)	(\$2,959)	(\$1,865)	(\$745)	(\$49,025)
	<u>\$72,765</u>	<u>\$107,888</u>	<u>\$94,135</u>	<u>\$81,511</u>	<u>\$70,039</u>	<u>\$59,742</u>	<u>\$53,640</u>	<u>\$50,681</u>	<u>\$48,816</u>	<u>\$48,071</u>	<u>(\$49,025)</u>





# CITY OF CONCORD

TJA

## REPORT TO MAYOR AND THE CITY COUNCIL

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

**DATE:** March 26, 2014

**SUBJECT:** Penacook Village Tax Increment Financing District  
Supplemental Appropriation for Allied Leather / Amazon Realty  
Environmental Cleanup Project (CIP #508)

### Recommendation:

- Accept the following report;
- Set the attached resolution amending and restating the Penacook Village Tax Increment Finance (PVTIF) District Development Program and Financing Plan for public hearing on May 12, 2014. *In accordance with RSA 162-K:4, a vote on this item must be delayed until 15 days after the public hearing. Staff requests that the Council take action during an upcoming budget meeting tentatively scheduled for May 31, 2014 in order to keep the cleanup project on schedule. However, if the Council is not comfortable with this request, then action should be scheduled for the Council's regular meeting on June 9<sup>th</sup>.*
- Set the attached resolution appropriating the sum of \$245,000, including \$170,000 in PVTIF supported bonds and notes, for environmental cleanup of the city-owned property at 5 -35 Canal Street for public hearing on May 12, 2014. *In accordance with RSA 162-K:4, a vote on this item must be delayed until 15 days after the public hearing. Staff requests that the Council take action during an upcoming budget meeting tentatively scheduled for May 31, 2014 in order to keep the cleanup project on schedule. However, if the Council is not comfortable with this request, then action should be scheduled for the Council's regular meeting on June 9<sup>th</sup>.*

### Background:

The City is the owner of real estate located at 5 -35 Canal Street known as the former "Amazon Realty" and "Allied Leather Tannery" sites.

On June 14, 2010, the City Council approved Resolution #8376 which established the Penacook Village Tax Increment Finance (PVTIF) District. The District was enacted for the purpose of supporting redevelopment of the certain properties in Penacook Village, including the Amazon and Allied sites. The PVTIF's initial investment involved construction of infrastructure to support development of the new Penacook Family Physician's medical office building at 4 Crescent Street. Completed in 2011, that project created \$1.8 million of new assessed value.

**Discussion:**

1. **Allied Leather / Amazon Realty Environmental Clean-Up:** On November 1, 2013, the City began the final phase of environmental cleanup of the remaining portion of the Amazon Realty and Allied Leather Tannery sites located at 5-35 Canal Street. Total available funding for this effort (design and cleanup) was \$1,344,832, as detailed in the table below.

**Original Cleanup Budget**

Funding Source	Amount	Percent of Total
Grants (USEPA, CRDC, & NHDES)	\$1,049,887	78%
City	\$294,945	22%
Total	\$1,344,832*	100%

*\*Excludes proposed \$245,000 supplemental appropriation as well as potential increased use of NHDES ODD Funds per Resolution #8750 approved on March 10, 2014*

This budget was allocated as follows:

Cost	Amount	Notes
Design / Oversight	\$395,200	Includes \$74,000 for soil stockpile removal
Cleanup	\$939,632	
Miscellaneous	\$10,000	Permits, advertising, community meetings, etc.
Total	\$1,344,832	

As reported to the City Council in November 2013, the City received four (4) bids for the project, which ranged from \$1.3 to \$1.9 million. After rejecting all bids, the City negotiated a contract with DL King Associates in the amount of \$927,000. This amount was \$373,000 - or 30% - less than the lowest bid. Although negotiations with DL King were successful, the City was left with only \$11,772 to serve as contingency for the project (or 1.2% of the cleanup contract). This level of contingency is far less than amounts typically carried for such projects.

As of the date of this report, the cleanup was approximately 50% complete. As work has progressed, unforeseen issues have been encountered, which have negatively impacted the cleanup budget. A description of some of the larger challenges encountered is as follows:

a) Removal of Buried Foundations:

- 1) Quantity: The original contract anticipated removal and processing of 61,500SF +/- of buried foundations at the property. However, the actual quantity will be approximately 162,500SF +/-, resulting in an added cost of \$81,000. The overage is related to previously unknown foundations discovered beneath more modern sections of the former Tannery building.
- 2) Coal Ash: Cleanup work also uncovered 1,100 cubic yards of coal ash soils used as fill between the older and newer foundations. The cost to remove and encapsulate this material is approximately \$15,000.

b) Chromium Vaults: The project entails removal of 4 concrete vaults used to store liquid chromium. As work progressed, the following issues were discovered.

- a. Residual Liquids: Work uncovered previously unknown piping systems which contained residual liquid chromium. The cost to address this issue was approximately \$11,000.
- b. Contaminated Concrete: At the time the bid documents were prepared these concrete vaults were believed to be impacted with trivalent chromium. However, upon removal, supplemental testing revealed the vaults and surrounding soils were contaminated with hexavalent chromium. This material is more toxic than its trivalent cousin and consequently resulted in additional unforeseen disposal costs totaling \$138,800 for approximately 130 tons of material.
- c. Chromium Soils Dewatering: Lastly, the project involves removal of 1,000 cubic yards of soils contaminated with trivalent chromium. This effort requires pumping and treatment of groundwater. The City's contract originally anticipated pumping and treating up to 75,000 gallons of groundwater at a cost of \$9,000. However, as the work has progressed, the amount of groundwater to be managed will be closer to 320,000 gallons, at a cost of \$38,400 (resulting in an increase of \$29,400).

These issues have also caused increases in the design / oversight budget for the project, largely due to increased time required for on-site monitoring by the City's environmental engineering consultant, as well as laboratory costs for material sampling.

Despite these increases, the City has experience some savings in other areas of the contract which have helped mitigate these expenses. As a result, the net amount of additional funds needed to complete the project is \$245,000 (design and cleanup). This figure excludes additional funds which will be provided by the State of New Hampshire Petroleum Program (ODD Fund), as approved by the City Council on March 10, 2014 by Resolution #8750.

If approved, the additional \$245,000 appropriation will cover overages and provide a modest contingency of \$22,000+/- for the balance of the project.

2. **PVTIF Amendment & Appropriation of Funds:** Staff proposes financing the additional \$245,000 through the Penacook Village TIF District, as well as the City's Economic Development Reserve Fund, as follows:

- a) \$45,000 from the Economic Development Reserve (EDR) Fund;
- b) \$30,000 in cash from the PVTIF fund balance; and,
- c) \$170,000 from a bond which would be supported by the PVTIF District. The proposed bond would have a 5 year term, with the initial payment due in July 2015 (FY2016).

As of June 30, 2013, the Economic Development Reserve (EDR) Fund had \$348,452 available. Accounting for FY2014 expenditures, this additional appropriation, as well as funds for the upcoming projects such as the Parking System Strategic Plan, the EDR will finish FY2014 with a balance of approximately \$38,000.

Because financing is proposed to be derived from the Economic Development Reserve and PVTIF, there will be no impact upon the tax rate, or direct cost to taxpayers.

In order to proceed with this strategy, the City must amend the PVTIF's Development Program and Financing Plan to include this proposed expenditure. Please see the attached resolutions for more detail.

With this additional expenditure, the PVTIF's projected FY2014 year-end fund balance is approximately \$29,400. The PVTIF's financial pro forma has been updated to include this proposed debt service. A copy of the summary pro forma is included within the Development Program and Financing Plan. It is important to note the following:

- The expiration date of the PVTIF remains unchanged (FY 3032).
- The PVTIF maintains a positive fund balance; however the fund balance is projected to decrease to \$6,300 in FY2020 (or 10.3% of projected expenditures).
- The current pro forma is conservative as it excludes any potential TIF revenues or expenditures associated with future redevelopment of the remaining Tannery site at 27-35 Canal Street.

In accordance with RSA 162-K:9, the City has provided the customary notice to the Merrimack Valley School District and Merrimack County Commissioners concerning proposed amendments to the PVTIF Development Program and Financing Plan.

3. **Modification to Cleanup Plan:** Due to limited financial resources, the staff plans to modify the cleanup plan for the property. Specifically, an area of coal ash soils previously encapsulated by the City in 2004/2005 along the Canal Street frontage of the property (known as AUR A) will be left in place. Originally, this material was going to be relocated to a portion of the Tannery property to be retained by the City for the future riverfront park.

Leaving AUR A in its present location will save the City approximately \$100,000. However, it will also mean that any future buildings developed at the site will be set back from Canal Street approximately 50'-60'. Staff had originally hoped to have new buildings placed closer to Canal Street to reinforce Penacook Village's traditional development pattern.

At the request of the PVTIF Advisory Board, staff also examined the potential option of removing AUR A soils from the site. The estimated cost for this option would be approximately \$350,000. This would be in addition to the \$245,000 being requested.

4. **Repercussions of Not Appropriating Funds:** Should the City Council elect not to appropriate the additional \$245,000, the City will be unable to complete the project. As a result, the property will not be left in a "development ready" condition, thereby making it more challenging to market the property to prospective developers.

Given the site's location and environmental history, staff believes it is important to complete the project and leave the property in the best condition possible in order to maximize our chances of success for selling the site to a qualified developer.

5. **PVTIF Advisory Board Recommendation:** The PVTIF Advisory Board was created by City Resolutions #8376 and #8615 in order to comply with State Law RSA162-K. The Board's purpose is to review proposals by the City Administration and to provide recommendations to the City Council related thereto. The Board is comprised of Ellen Langlais, Carol Foss, Teri Maxell, Wendy Follansbee, Wes Frost, and Warren Leary. The Board currently has 1 vacancy.

The Advisory Board met on March 20, 2014. Their recommendation has been provided to the City Council via a separate report.

6. **Total City Investment in Allied Leather / Amazon Realty Redevelopment:** Since 2001, the total amount of funding appropriated for the redevelopment of the Allied Leather / Amazon Realty sites is \$4,636,711. This figure excludes the proposed \$245,000 appropriation. These funds have been used to acquire property, undertake demolition and environmental cleanup activities, as well as design and construct infrastructure to support redevelopment.

The net amount of City money appropriated totals \$1.7 +/- million, or 37% of total funds. Please see the table below for details.

**Total Appropriations for Allied Leather / Amazon Realty Sites 2001-2013**

<b>Funding Source</b>	<b>Amount</b>	<b>Notes</b>
<b>Grants</b>	<b>\$2,843,527</b>	ODD Fund @ \$124,778; final amount will depend on actual quantities of petroleum soils removed.
<b>Insurance Reimbursements</b>	<b>\$75,000</b>	
<b>City Cash / Bonds</b>		
Econ. Devel. Reserve Fund	\$1,369,900	Excl. Add 'l \$45,000 for Tannery Cleanup
Impact Fees	\$40,000	
Penacook Village TIF	\$285,000	Excl. Add 'l \$200,000 for Tannery Cleanup
Water Fund	\$330,533	
Sewer Fund	\$13,283	
General Fund	\$300,000	Fully repaid by sale of 4 Crescent St in 2011
Subtotal - City Cash / Bonds	\$2,338,716	
<i>Less Sale of Property, Reimbursements, &amp; Capital Close-Out</i>	<i>(\$620,532)</i>	<i>Credited to City Cash / Bonds</i>
<b>Net City Cash / Bonds</b>	<b>\$1,718,184</b>	
<b>Net Total Appropriations</b>	<b>\$4,636,711</b>	
<b>City Share</b>	<b>37%</b>	
<b>Grants / Insurance Share</b>	<b>63%</b>	

Please note that the City's General Fund was fully reimbursed by proceeds stemming from the sale of real estate located at 4 Crescent Street to DEW Construction in early 2011 (i.e. the Penacook Family Physicians property).

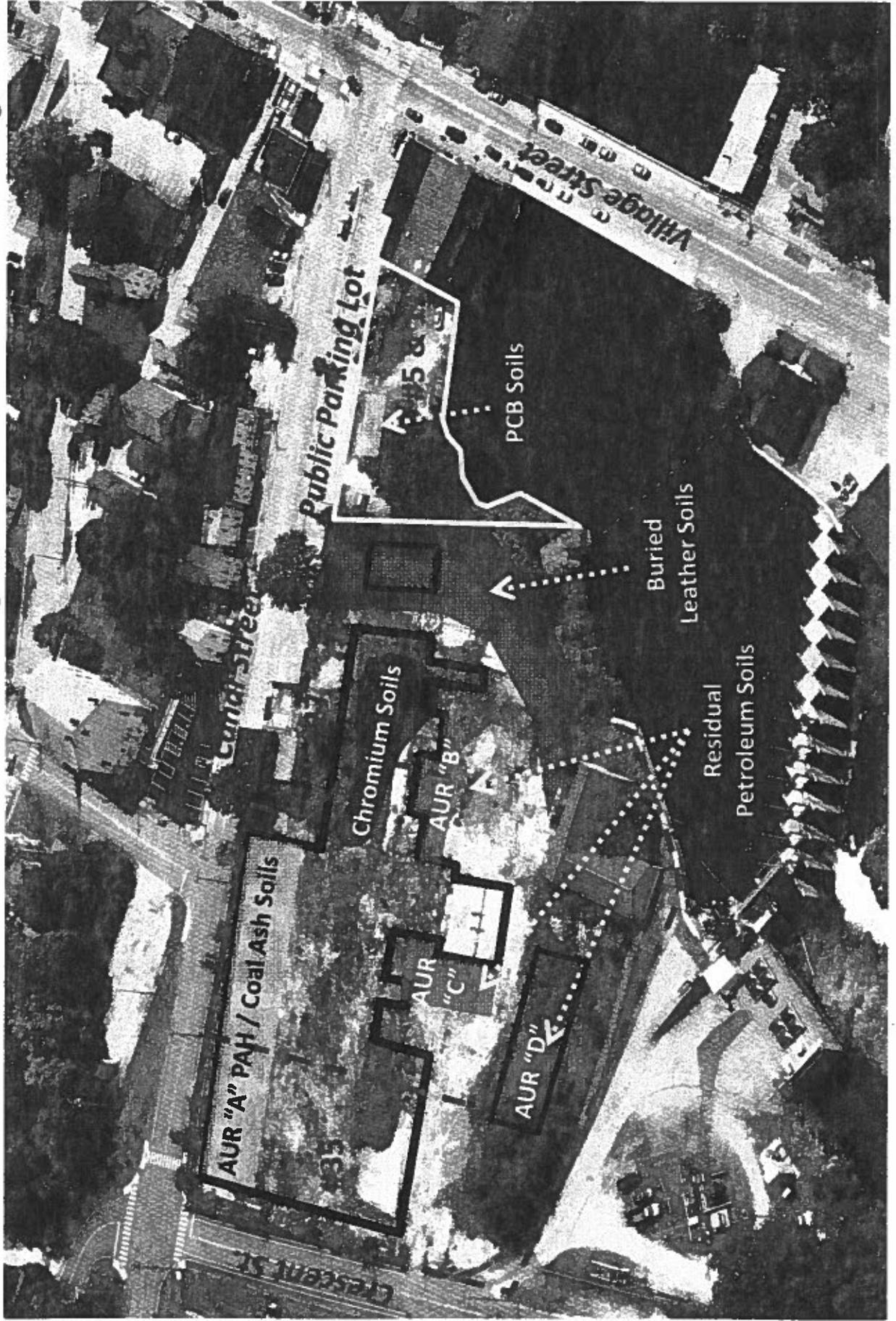
To date, the Economic Development Reserve (EDR) has been reimbursed 223,260, leaving \$1,191,500 to be recouped (including the proposed \$45,000 in supplemental EDR Funds).

Currently, the PVTIF pro forma anticipates incrementally repaying the EDR \$500,000 before the TIF's expiration in FY2032. Assuming no additional investment by the EDR, repayment of EDR funds by the PVTIF and an anticipated sale price of \$370,000 – \$465,000 +/- for the residual Tannery Site (2.0 – 2.5 acres +/-) to be credited to the EDR, the EDR's projected net un-recovered investment in the project will be approximately \$226,500 - \$321,500. However, as more development occurs within the PVTIF, opportunities might arise that could allow for full reimburse the EDR Fund, as well as expedite the timing of potential repayments.

**Summary:** In summary, staff recommends approval of proposed amendments to the PVTIF Development Program and Financing Plan, and the appropriation of \$245,000 to be supported by the PVTIF. Staff recommends this course of action for the following reasons:

- 1) Appropriation of these funds will allow for completion of cleanup activities, thereby leaving the site in the most attractive condition possible given the budgetary limitations. This will help maximize the City's chances of successfully finding a private developer to acquire and redevelop this important property.
- 2) The PVTIF has sufficient financial solvency to support this additional investment.
- 3) The Economic Development Reserve has sufficient funds available to support the proposed investment.
- 4) This course of action has been endorsed by the PVTIF Advisory Board.
- 5) Lastly, should the City Council wish to proceed with the PVTIF Advisory Board's recommendation concerning relocation and encapsulate the AUR A soils on another portion of the site to be retained by the City, the Council would need to increase the proposed resolution to \$345,000. The additional \$100,000 would have to be debt service supported by the City's General Fund, as the PVTIF and Economic Development Reserve do not have sufficient resources to support this additional level of investment.

# Allied Leather Tannery / Amazon Realty



# CITY OF CONCORD

Bury  
4/11/14

4-15

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

**RESOLUTION** APPROPRIATING THE SUM OF TWO HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$245,000), INCLUDING THE AUTHORIZATION FOR THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$170,000) FOR ENVIRONMENTAL CLEANUP OF CITY OWNED REAL ESTATE LOCATED AT 5-35 CANAL STREET KNOWN AS THE FORMER ALLIED LEATHER AND AMAZON REALTY SITES (CAPITAL IMPROVEMENT PROJECT # 508) LOCATED WITHIN THE PENACOOK VILLAGE TAX INCREMENT FINANCE DISTRICT

*The City of Concord resolves as follows:*

**WHEREAS,** On June 14, 2010, the City adopted Resolution #8376, which established the Penacook Village Tax increment Finance (PVTIF) District and enacted the District's Development Program and Financing Plan; and

**WHEREAS,** the purpose of the PVTIF District is to support redevelopment of certain properties in Penacook Village; and

**WHEREAS,** the City owns certain properties located at 5 – 35 Canal Street, formerly known as the former Amazon Realty and Allied Leather Tannery Sites; and

**WHEREAS,** said properties are located within the PVTIF District; and

**WHEREAS,** said properties are contaminated with a variety of hazardous waste, which the City desires to remediate in order to encourage redevelopment of said properties; and

**WHEREAS,** the scope of environmental cleanup will exceed the amount of funds previously appropriated; and

**WHEREAS,** on the date hereof, the City Council has adopted the Amended and Restated Penacook Village Tax Increment Finance District Development Program and Financing Plan (the "Amended PVTIF Plan") to, among other things, modify said Plan with respect to the environmental cleanup of City-owned real estate located at 5-35 Canal Street, known as the former Allied Leather Tannery and Amazon Realty Sites, and include additional debt service costs for such cleanup; and

**WHEREAS,** this is a purpose for which funds are not included in the adopted budget of the City, Section 37 of the City Charter provides for this appropriation to be approved by a two-thirds majority of the City Council, as this resolution authorizes the issuance of bonds and notes;

# CITY OF CONCORD

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

**RESOLUTION** APPROPRIATING THE SUM OF TWO HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$245,000), INCLUDING THE AUTHORIZATION FOR THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$170,000) FOR ENVIRONMENTAL CLEANUP OF CITY OWNED REAL ESTATE LOCATED AT 5-35 CANAL STREET KNOWN AS THE FORMER ALLIED LEATHER AND AMAZON REALTY SITES (CAPITAL IMPROVEMENT PROJECT # 508) LOCATED WITHIN THE PENACOOK VILLAGE TAX INCREMENT FINANCE DISTRICT

Page 2 of 3

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

- 1) The sum of ..... \$245,000  
be and is hereby appropriated as follows:

General Capital Project Fund

City Administration

CIP #508 Allied Leather Tannery ..... \$245,000

- 2) The sum of ..... \$245,000  
be and is hereby made available as follows:

General Capital Project Fund

Trust Transfer

Economic Development Reserve Fund ..... \$45,000

Penacook Village Tax Increment Finance District Fund

Transfer from Fund Balance ..... \$30,000

Penacook Village Tax Increment Finance District Fund

General Obligation Bonds ..... \$170,000

- 3) These funds shall be available for any purpose associated with the environmental cleanup and redevelopment of the former Allied Leather Tannery Complex located #27, 31, and 35 Canal Street, as well as the former Amazon Realty Lots at "5" and 11 Canal Street in order to prepare said parcels for future redevelopment, as well as any other activity related to the redevelopment of properties located within the PVTIF District.

# CITY OF CONCORD

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

**RESOLUTION** APPROPRIATING THE SUM OF TWO HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$245,000), INCLUDING THE AUTHORIZATION FOR THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$170,000) FOR ENVIRONMENTAL CLEANUP OF CITY OWNED REAL ESTATE LOCATED AT 5-35 CANAL STREET KNOWN AS THE FORMER ALLIED LEATHER AND AMAZON REALTY SITES (CAPITAL IMPROVEMENT PROJECT # 508) LOCATED WITHIN THE PENACOOK VILLAGE TAX INCREMENT FINANCE DISTRICT

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- 4) The City Treasurer, with approval of the City Manager, is authorized to issue up to \$170,000 in bonds and notes of the City of Concord, under RSA 162-K:8, Chapter 280 of the Acts of 2000 and/or the Municipal Finance Act, it being the expectation of the City to pay the debt service costs on such bonds and notes from the Tax Increment Revenues as designated and further described in the Amended PVTIF Plan.
- 5) The discretion of the fixing of dates, maturities, rates of interest, form and other details of such bonds and notes (including whether such bonds or notes shall be issued on a tax exempt or taxable basis), and providing for the sale, is hereby delegated to the City Treasurer.
- 6) The useful life of the improvements is expected to be in excess of thirty (30) years.
- 7) Sums as appropriated shall be expended under the direction of the City Manager
- 8) This resolution shall take effect upon its passage.





# CITY OF CONCORD

TFA

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Penacook Village Tax Increment Finance District Advisory Board

**DATE:** March 24, 2014

**SUBJECT:** Allied Leather Tannery Environmental Cleanup  
Supplemental Appropriation

### Recommendation:

Accept this report.

### Background:

The Penacook Village Tax Increment Finance (PVTIF) District Advisory Board was established by Resolution #8376 on June 14, 2010, as amended by Resolution #8615 on November 13, 2012. In accordance with RSA 162-K:14, the Board's mission is to "advise the governing body and district administrator on planning, construction, and implementation of the development program and on maintenance and operation of the district."

Currently, the PVTIF Advisory Board is comprised of Carol Foss, Wendy Follansbee, Wes Frost, Ellen Langlais, Warren Leary, and Teri Maxwell. The Board presently has one vacancy.

### Discussion:

The Advisory Board met on March 20, 2014 for the purpose of reviewing the City Administration's proposal to utilize \$200,000 in PVTIF funds to help finance cleanup of the Allied Leather Tannery and Amazon Realty sites located at 5-35 Canal Street. Cleanup activities began in November 2013 and are approximately 50% complete as of the date of this report.

City staff informed the Advisory Board that during the course of the cleanup work unanticipated issues were discovered, causing budget overages and the need for additional funds in order to complete the cleanup project. These issues included, but were not limited to, the following items:

- Greater than expected quantities of buried concrete slabs (162,500SF vs. 60,000SF as originally anticipated);
- Portions of foundation slabs (approximately 130 tons), which were contaminated with hexavalent chromium; a particularly toxic form of chromium, which required special handling and disposal at a facility in Canada.
- Piping systems with residual liquid chromium which needed to be disposed of at a licensed facility.

- Discovery of approximately 900CY of coal ash soils layered between foundation slabs. These materials must either be capped on site or transported to a licensed disposal facility;
- Greater than anticipated groundwater recharge associated with excavation of chromium soils. Specifically, the City's consulting engineering anticipated having to manage 80,000 gallons of dewatering; however, approximately 320,000 gallons will be required.

Because of these issues, the City staff indicated the following would be required:

1. Additional funds totaling approximately \$250,000 would be required to complete the project;
2. Certain PAH soils (a.k.a. coal ash soils) known as "AUR A" located along the Canal Street frontage of the Tannery Site (previously encapsulated in 2004/2005 by the City) would need to remain in their current location rather than be relocated elsewhere on site as originally planned. This change would mean that any new buildings erected at the Tannery Site will need to be setback 50' – 60' from Canal Street in order to accommodate leaving these soils in place. Originally, the City had hoped that any new buildings would be built closer to the street to help reinforce the Village's traditional development pattern and oriented streetscape.

The Advisory Board also had in-depth discussions with City staff regarding the proposed cleanup plan for the property, including consolidation and capping of PAH soils and leather contaminated soils along the westerly portion of the Tannery property near the Contoocook River. Specifically, the Advisory Board questioned whether this approach could create a long-term environmental liability. Staff explained that soils mixed with leather and PAHs were used to fill the river sometime between the 1930s and 1960s. Staff reported that these specific materials do exceed state soil reuse standards, but are generally not significantly higher than said standards. It was also noted that much of this material is not located within the groundwater table, thereby reducing potential impacts to the river and groundwater. It was also noted that removal of the existing leather and PAH soils near the river would be very challenging and expensive, as temporary coffer dams would likely be required in order to keep the river from flooding excavations. For these reasons, the US Environmental Protection Agency and NH Department of Environmental Services have approved capping these materials in place.

**Recommendation:** The Advisory Board respectfully recommends the following:

1. Appropriate up to \$250,000 to finish cleanup of the Allied Leather Tannery and Amazon Realty parcels. Of this total, \$200,000 would be raised from the PVTIF District through a combination of equity and debt service, with the balance coming from other City funding sources.
2. If the City Council could find the resources, the City should also consider appropriating an additional \$100,000 (for a total of up to \$350,000) to facilitate removal and on-site relocation of coal ash / AUR A soils from their present location along Canal Street. Doing so would allow for any future buildings erected at the Tannery site to be closer to Canal Street, thereby helping to reinforce Penacook Village's traditional development pattern.

4-16

TJA



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**DATE:** March 26, 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



RECEIVED

MAR 03 2014

CONCORD, N.H. POLICE DEPARTMENT

Drew S. Parenti  
Vice President - Security

February 26, 2014

Mr. Bradley C. Osgood  
Acting Chief of Police  
Concord Police Department  
35 Green Street  
Concord, NH 03301

Dear Chief Osgood,

The purpose of this letter is to commend the work of Detective Charles Wroblewski during an investigation of a serious fraud committed against our company last year.

I was first referred to Detective Wroblewski in August, 2013 when we learned that an individual living in Concord, NH had misused one of our corporate credit cards to amass over \$23,000 in fraudulent charges over the period of a year. The frauds began in Vermont in 2012, and then continued into the Concord, NH area in 2013. I won't detail herein the facts of the case, but suffice to say we were in need of an effective and timely response to these crimes in order to stop the thefts and to hold accountable those responsible for committing them.

For the next several months Detective Wroblewski worked closely with me to gather the relevant facts, amass the requisite documentary evidence, and to confirm the identity of the suspect, Mr. [REDACTED]. Detective Wroblewski was at all times professional, engaged in the case, and he shared with me what he could about the investigation. Ultimately, in late November, 2013 Detective Wroblewski confronted Mr. [REDACTED] and obtained a full confession from him. Following a period of time necessary to file the appropriate charges, it is my understanding that Mr. [REDACTED] was formally arrested on February 25, 2014 and has been charged with several felonies relating to the fraudulent use of a credit card. I am confident that a proper resolution will be reached in this case.

On a personal note, before accepting my current position with Penske Truck Leasing, I enjoyed a rewarding 26 year career with a federal law enforcement agency. During my career I

Penske Truck Leasing  
Route 10 Green Hills  
P.O. Box 563  
Reading, PA 19603-0563

Tel 610 775 6325  
Fax 610 775 6330  
drew.parenti@penske.com  
GoPenske.com

was ever mindful that we served the taxpayer, and we had a duty to give the public our best effort every day. With that in mind, I was especially gratified by the service we received from your department, Detective Wroblewski in particular. He is a credit to your agency, and his diligent efforts in this case reflect favorably on the leadership of the Concord Police Department.

Again, please accept my sincere appreciation for the work done by Detective Wroblewski. Hopefully we don't have any more issues of this nature or magnitude in the greater Concord, NH area, but if we do I certainly know who I'll call. Best regards to you and your staff, and please stay safe.

Very truly yours,

A handwritten signature in black ink that reads "Drew Parenti". The signature is written in a cursive style with a large, stylized 'D' and 'P'.

Drew Parenti  
Vice President-Security



# FIRE DEPARTMENT CITY OF CONCORD

24 Horseshoe Pond Lane  
Concord, NH 03301  
[www.concordnh.gov/fire](http://www.concordnh.gov/fire)

March 6, 2014

Lt. Thomas Freire  
Firefighter James Courmoyer  
Firefighter Chris Scarpino

I was very pleased to receive the attached letter from Ms. Cynthia Hogan of 29 Beacon Street commending you for your excellent customer service during a call to her residence on February 18, 2014. Your professionalism and courtesy in handling a water leak at her residence reflects well upon the Department and its members. I understand that she had more than ten inches of water in her basement and that you were on scene for 45 minutes pumping water from the basement and taking other measures to limit damage.

I am proud of your work and will forward Ms. Hogan's letter to the City Manager and City Council.

Respectfully,

Daniel L. Andrus  
Chief of Fire Department

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

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

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

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

I'm an impressed and very grateful community member,

Cynthia Hogan  
29 Beacon

Thank you!

Dear Concord Fire Department -

I had a frozen pipe emergency at the height of the 2/18 snowstorm, and 3 incredible firemen came to my rescue. I'm afraid that in my shaken state I neglected to get their names, but they were absolutely terrific. Please give kudos to all the brave responders who come to the aid of citizens who don't know what else to do but call 911!



# FIRE DEPARTMENT CITY OF CONCORD

24 Horseshoe Pond Lane  
Concord, NH 03301  
[www.concordnh.gov/fire](http://www.concordnh.gov/fire)

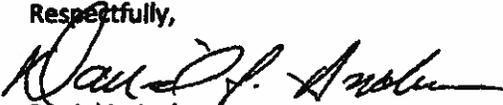
March 21, 2014

Lt. Paul Sirois  
Firefighter Andrew Patterson  
Firefighter Robert Andrews

I was very happy to receive the attached communication from Ms. Gayle Braley complimenting you on your response to a carbon monoxide incident in her home on March 2<sup>nd</sup>. Your excellent handling of the situation and your timely follow up with Ms. Braley are a fine example of our core values of dedication and compassion as well as being excellent customer service.

I will forward this letter to the City Manager's office for inclusion in the April City Council packet.

Respectfully,

  
Daniel L. Andrus  
Chief of Fire Department

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

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

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

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

**From:** Braley, Gayle [<mailto:GAYLE.BRALEY@MCLANE.com>]  
**Sent:** Thursday, March 06, 2014 9:02 AM  
**To:** \* Fire  
**Subject:** Very helpful response of Concord Fire to CO problem

Hi Dan,

I wanted to let you know how kind and responsive your team was in responding to a CO problem that we had at our house (4 Bellflower Circle) on Sunday morning. Our CO monitor went off, so I got the kids out of the house and called 911, which sent me to the fire department. The truck was quick to respond and they took a number of measurements of CO throughout the house, figured out (correctly) that it was the furnace, which they then turned off, aired out the house and took further measurements of the CO level to make sure it was safe for us to be there until we could get the furnace people out to deal with the problem.

The lieutenant followed up today to make sure we were okay.

I really appreciated the kindness and thoroughness of your team.

(We had the furnace replaced . . .).

Best,

**Gayle Braley**



900 Elm Street  
P.O. Box 326  
Manchester, NH 03105-0326  
(603) 628-1299 Direct Dial  
(603) 625-5650 Fax

[gayle.braley@mclane.com](mailto:gayle.braley@mclane.com)

[www.mclane.com](http://www.mclane.com)

With offices in Concord, Manchester and Portsmouth, New Hampshire and Woburn, Massachusetts

**Results based on total surveys received for February 2014**  
***City of Concord – City Clerk’s Office***  
***Customer Service Survey***

**I received services related to (circle all that apply):** (Total surveys completed: 8)

City Council	Elections	Vital Records	Dog Licensing
()	()	(6)	()
Voter Registration	UCC Filings	Other: <u>General Information</u>	
()	()	(1) Marriage License	(1) Wedding

**Were you greeted promptly and friendly?**

(Worst)	1	2	3	4	5	6	7	(Best)
	()	()	()	()	()	()	(8)	

**Was your wait for service reasonable?**

(Worst)	1	2	3	4	5	6	7	(Best)
	()	()	()	()	()	()	(8)	

**Was the staff person knowledgeable?**

(Worst)	1	2	3	4	5	6	7	(Best)
	()	()	()	()	()	()	(8)	

**Was your transaction complete and accurate?**

(Worst)	1	2	3	4	5	6	7	(Best)
	()	()	()	()	()	()	(8)	

**Comments and suggestion**

“Very nice staff, they do a great job”.

“Thank You”!

“Keep it up. Very prompt & efficient”.

“Keep up the great work! Thank You”.

“Very helpful with name edit on daughter’s birth certificate. Thank You!!

**From:** Duquette, David [mailto:[D.Duquette@dover.nh.gov](mailto:D.Duquette@dover.nh.gov)]  
**Sent:** Wednesday, March 26, 2014 2:26 PM  
**To:** \* Fire  
**Subject:** Medical Aid

Chief Andrus,

I take this opportunity to thank you and the members of your department for the aid they gave my wife, Marta Modigliani-Duquette, on Sunday March 23, 2014. Marta was at work at the Department of Safety, 33 Hazen Drive, when she was stricken with sever back pain. After calling the State Police dispatch and having one of the troopers in the building try to assist her it was quickly realized that an ambulance would be needed to transport her to Concord Hospital.

Concord Fire personnel Mike Langille, Ron Piroso, Mark Hebert, Chris Gollomb and Matt Cole responded, their level of professionalism, care and understanding was awesome. Marta was quite embarrassed to have an ambulance respond in the first place and then to be the center of all that attention was tough, this was her first ever ambulance ride. She also felt that she was taking them away from a more "important" call. They assured her she did the right thing by calling and put her mind at ease.

I attended the NH Fire Academy recruit school in 1983, back when there was no real "Fire Academy" , in those days the classes were held at the CAP building and the training grounds were the Concord Fire Departments training grounds. Early on I learned what the Concord Fire Department meant to NH fire training, they were the best of the best, and at the time one of the only departments that offered paramedic level emergency medical services. Thirty years and thousands and thousands of calls later it's great to know that Concord Fire Department is still doing an excellent job!

Again, on behalf of Marta and myself, thank you all so much!

David "Duke" Duquette, Captain (ret)

David Duquette  
Department Mechanic  
Fire & Rescue  
City of Dover, NH  
288 Central Avenue  
Dover, NH 03820-4169  
e: [d.duquette@dover.nh.gov](mailto:d.duquette@dover.nh.gov)  
p: 603.516.6150 f: 603.516.6146

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

Results based on total comment cards received for March 2014

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

Motor Vehicle (4)	Property Taxes (0)	Utility Payments (0)	Misc. Billing (0)
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<b>Our staff was:</b>	courteous (4)	knowledgeable (3)	professional (4)
-----------------------	------------------	----------------------	---------------------

Other: Great

<b>Our service was:</b>	courteous (4)	knowledgeable (2)	professional (4)
-------------------------	------------------	----------------------	---------------------

**Comments and suggestions:**

1. Jan was very friendly and amiable throughout the process of registering our new car. The town hall clerks in our old town were never as nice. How refreshing.
2. Jan always gives the best customer service. She is efficient and accurate and friendly and professional.
3. Donna was helpful and made the process quick and painless.
4. All very sweet and helpful.



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

4-17

12A

PATRICIA A. IMMEN  
LIBRARY DIRECTOR  
603-225-8670

**TO:** Honorable Mayor and City Council  
**FROM:** Sandi Lee and Pamela Stauffacher, Interim Co-Library Directors  
**RE:** Authorization to Accept Monetary Gifts Totaling \$2,671.08 as  
Provided for Under the Preauthorization Granted by City Council  
**DATE:** March 31, 2014

**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	\$376.50	Fees paid by patrons to replace lost and damaged library materials from 02/22/2014 through 03/27/2014
Concord Public Library Book Sale	\$1,294.58	Revenue from sale of used and donated books, audio materials and videos from 02/22/2014 through 03/27/2014
Concord Public Library Foundation	\$1,000.00	Bagan Grant for children's multi-cultural materials. To be deposited into CPLF 2910, 2013 & Beyond, Children's Room Multicultural
<b>TOTAL</b>	<b>\$2,671.08</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





# City of Concord, New Hampshire

## POLICE DEPARTMENT

35 Green Street • 03301-4299

(603) 225-8600

FAX (603) 225-8519

www.concordpolice.com

4-18

**Bradley C. Osgood**  
Interim Chief of Police

TA

**To:** Honorable Mayor and City Council  
**From:** Lieutenant Gregory S. Taylor  
**Re:** Authorization to accept a grant from the NH Highway Safety Agency as provided for under the pre-authorization granted by City Council.  
**Date:** March 12, 2014

### Recommendation

It is recommended that City Council approve the acceptance of the below cited grants provided to the Concord Police Department by the NH Highway Safety Agency:

NH Highway Safety Grant Program	Amount	G/L Account
"Join the NH Clique" Seatbelt Enforcement Patrols	\$2,199.60	Project to be established
<b>TOTAL</b>	<b>\$2,199.60</b>	

### Background

1. Funds are requested to be expended under the authority established pursuant to Resolution #8120, adopted December 10, 2007.
2. The grant application for the purpose specified was approved by City Council per resolution #8707 adopted October 15, 2013.
3. The purpose of this grant as stated above is a condition of the grantor and is consistent with and presents no conflict or obstacle to the accomplishment of City Council goals, the code of ordinances, or the operating functions of the department.
4. No City match is required.
5. The New Hampshire Highway Safety Agency has accepted the authority granted by the City Council for the City Manager to enter into a grant or other agreement pursuant to the resolution cited in number one (1) above.
6. The Finance Director has approved the agreement providing for reimbursement of funds extended in advance by the City.

### Discussion

#### "Join the NH Clique" Seatbelt Enforcement Patrols:

The Concord Police Department recognizes that there is a need to increase seat belt usage by all vehicle occupants and in particular child passengers. The State has a primary child passenger safety law that requires all children up to the age of 6 and 55 inches tall to be restrained and properly secured in an approved child passenger safety seat and that everyone up to the age of 18 is required to use a seat belt. The Concord Police Department actively enforces the state's child passenger safety law. During the period of May 12, 2014 through May 26, 2014 the State of New Hampshire Highway Safety Agency will be promoting the "Join the New Hampshire

*"Community Committed"*

Clique" seatbelt enforcement campaign. As part of this program "Buckle Up! It's the Law Up to 18. Click It or Ticket" patrols will be conducted throughout the State. The New Hampshire Highway Safety Agency has awarded this grant to the Concord Police Department to compliment the efforts already underway by the Police Department and to allow the Department to participate in actively enforcing seatbelt laws during the time frame noted above. This grant will allow for overtime funding for six (6) extra details of three (3) hours each for two officers to specifically target seatbelt violations. It is anticipated that this increased enforcement of seatbelt laws combined with the media attention brought to proper seatbelt usage during this campaign will help improve the driving habits of the motoring public. There is no City match required for this grant.

Cc: City Manager  
Deputy City Manager for Finance  
City Clerk

4-19

TJA



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**TO:** Honorable Mayor and Members of the City Council

**FROM:** David Gill, Park and Recreation Director

**RE:** Authorization to accept monetary donations in the amount of \$1,740

**DATE:** March 26, 2014

### Recommendation

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

Donor	Amount	Purpose	G/L Account
Carl and Mary Demers	\$200	Adopt a Grave	GRTRECMISC 2910 Weekend On the Water
Janet Gentchos	\$20	Skate House	GRTRECMISC 2910 Weekend On the Water
Janet Gentchos	\$500	July 4	GRTRECMISC 2910 Weekend On the Water
Black Ice Pond Hockey	\$1,500	Weekend On The Water	GRTRECMISC 2910 Weekend On the Water

### Background

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

### Discussion

With these donations the City of Concord Parks and Recreation Department will be able to continue offering special events and programs to the community.





## City of Concord, New Hampshire

T/A

### REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Brian LeBrun, Deputy City Manager-Finance *Bm*

**DATE:** March 21, 2014

**SUBJECT:** FY 2015 City Council Finance Committee Review Schedule & Guidelines

#### Recommendation

It is recommended that City Council review and revise, as they deem appropriate, the attached Finance Committee Budget Review Schedule and Committee Guidelines.

#### Background

The proposed schedule varies from last year, in that the bulk of the budget review will occur on one Saturday, which reduces the total number of meetings from five last year to four this year.

City Charter requires that the City Manager present the budget to the City Council no later than 45 days before the start of the fiscal year. This would be Friday, May 16th. The City Council, by ordinance, must adopt the budget by the beginning of the new fiscal year.

**PROPOSED  
FY2015 FINANCE COMMITTEE BUDGET SCHEDULE  
City Council Chambers**

May 12	(Monday)	7:00 PM	REGULAR CITY COUNCIL MEETING
May 15	(Thursday)		BUDGET DELIVERY TO COUNCILORS
May 19	(Monday)	7:00 PM	BUDGET OVERVIEW and REVIEW MEETING SCHEDULE Revenue Review Discussion of Significant Changes
May 26	(Monday)		HOLIDAY
May 31	(Saturday)	8:00 AM	ADMINISTRATION, including Revolving Loan Fund COMMUNITY DEVELOPMENT AIRPORT CONSERVATION COMMISSION LIBRARY PARKS & RECREATION, including Golf Course HUMAN/SOCIAL SERVICES MISCELLANEOUS NON-PUBLIC SESSION RE: COMP ADJUSTMENT FIRE POLICE, including Parking GENERAL SERVICES, including: Arena Solid Waste Water Wastewater
June 2	(Monday)	7:00 PM	CAPITAL BUDGET BONDED DEBT COMMITTEE WORK SESSION
June 5	(Thursday)	7:00 PM	PUBLIC HEARING/BUDGET ADOPTION

## **PROPOSED Fiscal Year 2015 Finance Committee Guidelines**

### **1. ORGANIZATION**

- A. Council Rules are suspended.
- B. "Rule 6" is in effect.
- C. All votes are tentative until adoption of final budget.

(Reconsideration of any tentative vote shall occur only at the next meeting after reconsideration is voted, and any Committee member who is absent when reconsideration is voted shall receive telephone notice from the City Manager of the decision to reconsider.)

- D. Vote taken on each departmental budget at the end of the presentation and question period for that budget.
- E. Members should self-discipline themselves in the number of questions asked in order to allow every member to have a chance to ask questions.

### **2. SCHEDULE**

- A. All meetings will start promptly at 7:00 PM, or as otherwise scheduled, with or without a quorum present.
- B. All meetings will adjourn at 9:00 PM unless a majority of the members present vote to continue.
- C. The order of the hearings will be:
  - (1) Presentation by City Manager
  - (2) Questions from Committee members
  - (3) Questions and comments from the public
  - (4) Discussion and tentative vote on departmental budget

### **3. TIME LIMIT**

- A. Presentation of the departmental budgets by the City Manager, Department Heads or other staff will be limited to a total of 15 minutes, which shall be uninterrupted by questions or comments.
  - (1) Budget presentations should not be used as an opportunity to "educate" new councilors on the operational aspects of any given municipal service.
  - (2) Budget presentations should be limited to budget items (i.e. revenues, expenditures and impacts).
- B. All other speakers will be asked to limit their presentations, exclusive of questions and answers, to 5 minutes or less.
- C. Any speaker may be granted additional time at his/her request, at the discretion of the Finance Committee.

4. **RECORDS OF COMMITTEE ACTION**

- A. Written record of Committee motions will be maintained by the City's Office of Management and Budget.
- B. Running financial summary of Committee budget adjustments will be provided at the beginning of the next meeting.

5. **PRIOR SUBMISSION OF WRITTEN MATERIALS**

- A. Written materials relative to the budget will be distributed at least the meeting before they are to be discussed in order to provide an opportunity for review prior to discussion.
- B. Information may be requested by the Finance Committee Members at any time. Forms will be provided to each Committee member so that they may request supplementary information from City staff. A copy of any information requested by an individual Committee member will be distributed to all other Committee members as well.
- C. If Finance Committee members are absent, the Administration shall be responsible for assuring that the absent members receive copies of any written information distributed during their absence.

6. **EXPLANATION OF FORMAL ADOPTION PROCEDURE**

- A. A resolution representing the City Manager's budget is placed before the City Council and is tabled for a public hearing on a date to be determined by the Council.
- B. After all budget deliberations have been completed by the Finance Committee an amending resolution will be introduced, which reflects any changes made to the original resolution by the Finance Committee. This resolution is the report of the Finance Committee and will be ready for action after the public hearing is completed.
- C. After the public hearing has been held the City Council will take action on the amending resolution. The amending resolution may be further amended at this time. After passage of the amending resolution the Council will take action on the original resolution as amended.



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Brian G. LeBrun, Deputy City Manager - Finance *Brian*  
**DATE:** March 31, 2014  
**SUBJECT:** Auditorium Agreement and Recommendation

### Recommendation

Accept this report and approve an increase in the auditorium rehearsal fee from \$135 to \$150 for the Fiscal Year 2015 season, keeping all other program fees the same as Fiscal Year 2014, as requested by the Friends of the Audi, and approve an extension of the Auditorium Management Agreement to 2019.

### Background

On March 25, 2014, Chip Chesley, representing the General Services Department; David Gill and Terri Stevenson, representing the Parks and Recreation Department; and I met with Friends of the Auditorium Vice President Cindy Flanagan, Treasurer Merwyn Bagan, and Marketing Chair Carol Bagan.

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

### Financial Activity

David Gill presented a table to illustrate the revenue and expenses incurred by the Auditorium for the past year and projections for Fiscal 2014. These were presented on an operating and capital budget basis, along with the cash value of products and services provided by the Friends. A comprehensive review indicates that, on a budgetary basis in 2014, the City Auditorium is projecting a deficit of \$2,892. However, the Friends have contributed a total of \$34,191.66 through in-kind labor and donations, primarily related to their "pitch in" process, as documented in the attached report, which brings the projected net position to a positive \$31,299.66 for Fiscal Year 2014.

General Services provided assistance to the Audi for a variety of projects throughout the year. Although there were no capital projects for Fiscal Year 2013 by either the Audi or the City, the Friends of the Audi contributed \$22,543.41 in materials and supplies, including the plaster/painting restoration project, refurbishment of the Audi sign and upgrades to the sound system. The Friends of the Audi also received in-kind donations of well over \$5,000 from Panera Bread, Edward Bordeleau, Ralph McMechen, Eleanor Stark, Gen Woodward, Steve Meier, Mark Goldstein and Milestone Engineering and Construction, Audi Presenting Companies, Arnie's Place, all the Audi's "Famous Cookie Bakers" and gift certificates for the GALA raffle from Angelina's, Applebee's, Barley House, CC Tomatoes, Cheers,

Common Man, Hermanos, Margaritas and O Steak and Seafood. They also received other financial gifts totaling \$22,155 from the State of New Hampshire; Rotary Club of Concord Foundation; Concord Dance Academy; The Redmond-Scura Family; and gifts in memory of Betty Bourgault, Germaine Pouliot, Faith Sulloway, Richard Dudley, and in Honor of Ken and Edna Walker's 65<sup>th</sup> wedding anniversary.

Future Projects: Friends of the Audi are planning additional upgrades to the Bose Sound System, electrical upgrades and repair/reupholstery of all theatre seats.

### **Marketing**

The Promotion Committee of six volunteers continues to bring new promotional opportunities to the Audi, including a new Audi website, two new Facebook pages, a Box Office Infoline and Billboards, sponsorship of a weekly CCTV show titled "What's Happening at the Audi"; programs conducted for Leadership Greater Concord and Osher Lifetime Learning Institute of Granite State College; participation in Chamber of Commerce programs; development of Art Concord gallery space in the lobby and hosting of shows; decoration of theatre for holiday performances; cooperative bulk mailings and promotions on behalf of presenters, and recruitment of new presenters.

### **Rate Increases**

The Friends and the City discussed a rate increase for the FY 2014 season. Considering the capital project to repair the seats and the fact that many of the current renters are also the same groups that will be targeted for donations, it was the recommendation of the Friends to maintain the rates at the current 2014 level for the fourth season in a row and only increase the rehearsal fees from \$135 to \$150. The City concurred with the recommendation.

### **Contract Extension**

The group discussed the recommendation to extend the contract until 2019. This will continue to provide for a typical five-year contract, which allows the Friends of the Audi to be in a position to apply for a variety of Arts related grants. The term of the agreement under section 5.B., which provides for termination at any time by a mutual agreement of either party with a 6 month notice or 60 days for violation of any term of the agreement, will remain in effect. The City Administration feels there is no adverse condition being placed on either party in granting this request.

### **Thanks**

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

cc: City Manager  
City Clerk  
General Services Director  
Superintendent of Public Properties  
Business Manager  
Cindy Flanagan  
Merwyn Bagan  
Carol Bagan  
David Gill

**FRIENDS OF THE AUDI – 2014 REPORT TO THE CITY OF CONCORD  
MOU MEETING, MARCH 24, 2014**

**Friends' contributions to the City Auditorium – July 1, 2013 – March 24, 2014**

**Purchases:**

\$ 46.84	stage curtain repairs
1,045.00	Starsound – upgrades to Bose sound system
47.88	curtain rods for lobby doors
1,708.00	Advantage Sign – refurbish Audi sign
114.28	Rosebrand – curtains
539.75	Rosebrand – curtains
10,664.90	Milestone – plaster/painting restoration
8,020.00	Milestone – plaster/painting restoration
89.00	Glass repairs
<u>276.76</u>	<u>Pitch In Purchases</u>

**Total Purchases for Audi Upgrades:           \$22,543.41**

**Pitch In Volunteer Maintenance Labor:**

**August 2013 – 115 volunteers worked 555 hours**

**January 2014 MLKing Community Service Day – 7 volunteers worked 22 hours**

**At USDept. of Labor rates for NH volunteers (\$20.25 hr)**

**Total Value of Pitch In Labor:               \$11,684.25**

**TOTAL 2013-2014 CONTRIBUTION:     \$34,191.66 as of March 24, 2014**

**Additional Restoration/Renovation Projects Currently Underway:**

**Sound Upgrades – digitizing Bose Sound System**

**Electrical Upgrades – ETC survey scheduled for March 25, 2014**

**Theatre seat refurbishing – Company survey scheduled for April 2014**

**2013-2014 Theatre Development Activities:**

**September 2013 – House Manager Training, with Concord Fire Department**

**January 2014 – Annual Booking Meeting, with Parks and Recreation Department**

**2013-2014 Fund Raising Activities:**

**23<sup>rd</sup> Annual GALA Season Opening – September 2013**

**22<sup>nd</sup> Annual Rhythm of the Night show – January 2014**

**13<sup>th</sup> Annual Perennial Exchange (with General Services) – May 2014**

**The “Audi Cookie Bakers” serve – never sell – refreshments at performances**

**Grant Writing projects**

**2013-2014 Marketing Activities – per MOU**

**Created and maintained Audi website and two Facebook pages**

**Created and maintained Box Office Infoline and billboards at the theatre**

**Sponsored weekly CCTV show: “What’s Happening at the Audi”**

**Conducted programs for OLLI, Leadership Greater Concord**

**Joined/participated in Chamber of Commerce, Arts Presenters of Northern New England,**

**NH Dept. of Cultural Affairs and NH State Tourism Development activities**

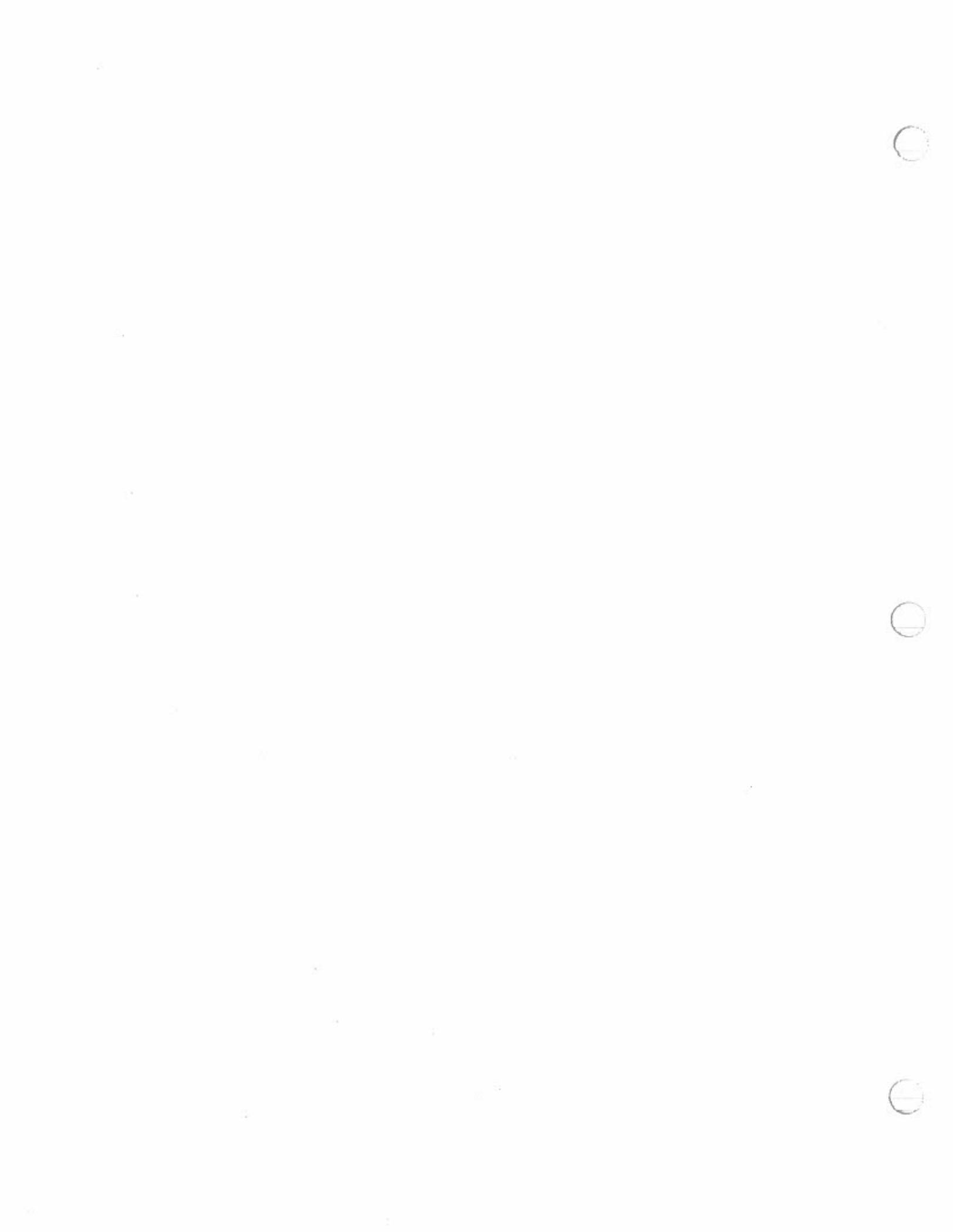
**Developed Art Concord gallery space in the reception lobby and hosted shows**

**Decorated the theatre for holiday performances to enhance usage**

**Enabled cooperative bulk mailings and promotions on behalf of all presenters**

**Recruited new presenters and offered assistance to all presenters**

**Please note that All Friends of the Audi activities are conducted by volunteers!**



**EXTENSION OF AUDITORIUM MANAGEMENT AGREEMENT**

Between the

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

**I. PARTIES AT INTEREST TO THIS AGREEMENT**

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

**II. MUTUAL UNDERSTANDING AND AGREEMENT**

The City and Friends ("Parties") mutually consent and agree to the extension of the existing agreement dated May 9, 2007, under Section 5.A.2 to August 31, 2019.

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

City Council authority to extend this agreement was granted on \_\_\_\_\_.

*Executed* on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF CONCORD**

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

Its City Manager  
Duly authorized

**FRIENDS OF THE CONCORD  
CITY AUDITORIUM**

By: Merwyn Bagan

Its **TREASURER**  
Duly authorized

# NON-ORDINANCE BASED FEES, FINES & PENALTIES

DEPT	DEPT/IN. ENFORCING THE CODE	FEE DESCRIPTION	FEE NAME	QUANTITY PER MEASURE	UNIT OF MEASURE	LOGOS GL ACCT NO.			CURRENT FEE AMOUNT	INCREASE YES OR NOT	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
Parks & Rec	City Auditorium	REHEARSAL FEES - Concord Resident Non-Profit		1	day	11 62	34 268	35031.002	135.00	YES	150.00	15.00	11.11%	4/11/2011	Fee increase recommended by the Friends of Audi during their February 2014 meeting
Parks & Rec	City Auditorium	Rehearsal Fees - Concord Resident Profit		1	day	11 62	34 268	35031.002	135.00	YES	150.00	15.00	11.11%	4/11/2011	Fee increase recommended by the Friends of Audi during their February 2014 meeting
Parks & Rec	City Auditorium	Rehearsal Fees - Non-Resident Non-Profit		1	day	11 62	34 268	35031.002	135.00	YES	150.00	15.00	11.11%	4/11/2011	Fee increase recommended by the Friends of Audi during their February 2014 meeting
Parks & Rec	City Auditorium	Rehearsal Fees - Non-Resident Profit		1	day	11 62	34 268	35031.002	135.00	YES	150.00	15.00	11.11%	4/11/2011	Fee increase recommended by the Friends of Audi during their February 2014 meeting

4-22  
TAA



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Carlos P. Baía, Deputy City Manager—Development

**DATE:** March 11, 2014

**SUBJECT:** Response from the Community Development Department to resident concerns of possible building code violations at the Sandwood Crossing development

### **Recommendation:**

Please accept this report explaining the Department's response to concerns lodged by Pat Harbour of 37 Borough Road relative to construction in the Sandwood Crossing development.

### **Background:**

Ms. Harbour's email to the City Clerk was referred by City Council to the Community Development Department at its February 10, 2014 meeting. Prior to the referral, however, Ms. Harbour had already been in contact with the Code Administration Division expressing concerns about vibrations which she believed were emanating from the construction located on Amy Way in the nearby Sandwood Crossing development. Ms. Harbour's home had experienced damage from construction due to vibration years ago when that project was under the direction of developer Starter Homes.

### **Discussion:**

Code Administration staff verified that three single-family homes were under construction at 26, 36, and 38 Amy Way by the R.J. Moreau Construction Company. All of those homes had been properly permitted.

Representatives from the Engineering Services Division met with Ms. Harbour at her home on February 11, 2014. Ms. Harbour's house shook more than once during the one hour meeting. Upon consultation with representatives from the R.J. Moreau Company, it became evident that the vibration was due to an excavator breaking frost at an active building site. An agreement was reached that no additional excavation would occur in that area of the development until the ground thawed later in the spring.

Community Development staff will continue to monitor the construction of these three homes and others in the area with Ms. Harbour's concerns in mind. Staff will also contact Ms. Harbour when construction activities are planned in the north end of the development nearest her home.



# CITY OF CONCORD

TAA

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Christopher Carley, AIA, Chairman EDAC

**DATE:** March 11, 2014

**SUBJECT:** Referral from Council regarding *NE Real Estate Journal* Advertising

### Recommendation

EDAC does not believe that it is in the City's best interests to pursue print advertising in the *New England Real Estate Journal* unless it is part of a comprehensive, multi-media marketing effort.

### Background

At its February meeting, City Council referred a communication from Councilor Herschlag inquiring as to whether the City should consider advertising in the *New England Real Estate Journal* in partnership with the private development community.

### Discussion

EDAC reviewed this matter at its March 7<sup>th</sup> meeting. It was the consensus of the group that economic development marketing is important. However, such advertising needs to be carried out in a comprehensive fashion and along a multi-media platform. Simply relying on print advertising in the aforementioned publication would not be a sound investment for the community.

EDAC also acknowledged that a truly comprehensive marketing plan would require significant investment on the part of the City. It was recognized that the City has historically not carried a marketing budget, particularly one of the magnitude required to generate regional and/or national interest. EDAC encourages the Council to consider such a program in an upcoming budget.





# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Carlos P. Baía, Deputy City Manager—Development

**DATE:** April 3, 2014

**SUBJECT:** Request seeking authorization to respond to the U.S. Economic Development Administration's (EDA) Comprehensive Economic Development Strategy (CEDS) project solicitation.

### **Recommendation:**

Authorize the City Manager to submit four City capital improvement projects as outlined in this report for placement on the CEDS project list which would allow the projects to be considered for possible future U.S. EDA funding.

### **Background:**

The Central New Hampshire and Southern New Hampshire Regional Planning Commissions were awarded funding from the United States Economic Development Administration to work with communities throughout Merrimack and Hillsborough counties to develop a Comprehensive Economic Development Strategy (CEDS). Concord has participated in the formulation for this CEDS along with approximately 24 neighboring towns. The purpose of the CEDS is two-fold: 1) It aims to have our many different municipalities view economic development from a regional perspective and; 2) it will ultimately include a project list culled from a solicitation amongst the various communities. Projects on that list could be considered for future EDA funding if such funding were to become available. However, it is important to note that even if a project makes it onto this list, there is no guarantee that it would be eligible for EDA funding. The City would still need to review the pertinent grant criteria and submit a grant application for any of its projects on the CEDS list.

### **Discussion:**

Staff has reviewed the CEDS solicitation parameters and the City's Capital Improvement Program (CIP). Based on that examination, the following projects would each seem to meet three or more of the six CEDS goals outlined in the attached solicitation.

Staff is seeking authorization to submit the following projects in time for the CEDS April 15, 2014 deadline:

- 1) CIP #30: Hoit/Whitney Road intersection: This project involves the reconstruction of this intersection and adjacent improvements to the I-93 Exit 17 interchange that will be needed to accommodate a traffic control device such as a signal or roundabout. Without this improvement, it is unlikely that a significant portion of the Whitney Road Industrial Park's 200 vacant industrially-zoned acres would be able to be developed. This park was designated an Economic Revitalization Zone by City Council and State action in 2013. This park's location on the border with Canterbury and near the Boscawen town line also makes it a prime candidate for regional consideration.

CEDS Goals Met: #1, 2, 4, 5, 6

- 2) CIP #36: Manchester Street Reconstruction: Over the years the City has acquired much of the needed right-of-way along this corridor to allow for the conversion of the two-lane section of Manchester Street to three-lanes and related intersection controls. This project would also result in new sanitary sewer and stormwater infrastructure. CIP #36 has broad regional development implications, particularly for Concord and Pembroke, as it would facilitate commuter and business traffic movement in a heavy commercial corridor. It would also advance the development potential of the Garvin Falls reserve area as envisioned in CIP #43.

CEDS Goals Met: #1, 2, 3, 5, 6

- 3) CIP #18: Storrs Street Extension: This project has significant economic implications for the downtown, the Horseshoe Pond Corporate Park, and the South End Rail Yard. In addition, the project could create developable parcels at both the northern and southern ends and—specifically in the north—could provide NHDOT with alternative traffic control options when I-93 is widened.

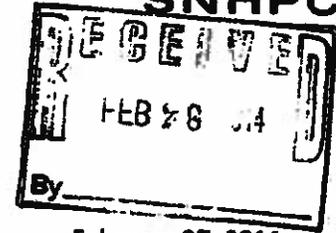
CEDS Goals Met: #1, 2, 3, 5, 6

- 4) CIP #383: Airport Terminal Building: Concord Municipal Airport is a regional airfield that is home to significant regional entities such as the National Guard and the State Police Air Division. The terminal building is in very poor condition and the FAA has not made any funds available for an improvement to the structure. This building, if rehabilitated or replaced as part of a multi-million dollar redevelopment project, could house new businesses that would service airport and non-airport customers.

CEDS Goals Met: #1, 2, 3, 4, 5, 6



**SNHPC**



February 27, 2014

Mr. Thomas Aspell, Jr., City Manager  
City of Concord  
41 Green Street  
Concord, NH 03301

Mr. Aspell:

The Central New Hampshire and Southern New Hampshire Planning Commissions are working together with six municipalities in Hillsborough County (Bedford, Deering, Goffstown, Hillsborough, New Boston, and Weare) and most of the municipalities within Merrimack County to develop a Comprehensive Economic Development Strategy (CEDs) for this region (see attached map).

A CEDs is an US Economic Development Administration (EDA) funded economic development planning process that develops a strategy to coordinate the economic development efforts of the individual communities comprising the region by identifying projects based on needs and priorities. A CEDs is required for municipalities to qualify for EDA funding assistance under its public works, economic adjustment, and planning programs, and is a prerequisite for potential designation by EDA as an Economic Development District.

At this time, our Advisory Committee (which is made of representatives from many of the municipalities within this CEDs region) is developing the first CEDs for this area. As part of this CEDs, the Advisory Committee will include a list of priority projects. Therefore, we are seeking your input and identification of regional projects that would impact your community. These projects can range from traditional infrastructure water and sewer projects, streets and regional roadways to broadband internet connections. They can also include workforce training and internship opportunities. Please feel free to contact planning commission staff with any questions related to project applicability.

Your projects upon submittal may be included on a project list in the final CEDs based upon applicability and regional economic impact. Though the list itself will not constitute the submittal of a grant application or a specific guarantee of funding, projects included in a CEDs may seek EDA funding (if eligible). If an identified project is not eligible for EDA funding, its inclusion in the CEDs may strengthen the case for other future funding opportunities.

Enclosed, please find two attachments to assist you in working through the project identification process. First, you will find a map of the CEDs area. Next, you will see the actual project submittal form. Please fill this out and return it to either of the following by April 15, 2014:

Michael Tardiff  
CNHRPC  
28 Commercial Street  
Concord, NH 03301  
[mtardiff@cnhrpc.org](mailto:mtardiff@cnhrpc.org)

David Preece  
SNHPC  
438 Dubuque Street  
Manchester, NH 30102  
[dpreece@snhpc.org](mailto:dpreece@snhpc.org)



Also, feel free to contact Matt Monahan ([mmonahan@cnhrpc.org](mailto:mmonahan@cnhrpc.org)) or Jack Munn ([jmunn@snhpc.org](mailto:jmunn@snhpc.org)) if you have any questions about these forms. We want to thank you again for your help with this CEDS as it will help to move our region forward in the global economy in the 21<sup>st</sup> Century. Please note that a similar letter will also be sent to non-profits and business entities in the region as well.

Sincerely,

Alice Veenstra  
Canterbury  
Chair, CEDS Committee  
[AVeenstra@myfairpoint.net](mailto:AVeenstra@myfairpoint.net)

William Duschatko  
Bedford  
Vice Chair, CEDS Committee  
[wid@wldgroup.com](mailto:wid@wldgroup.com)

Enclosures:

- CEDS Project Nomination Form
- CEDS area map

CC: Mr. Carlos Bala, Deputy City Manager

**CNHRPC & SNHPC COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES (CEDs)**

**2014 CEDs New Project Nomination Form**

Please complete and return this form via mail, fax or email by April 15, 2014 to:

Matt Monahan, Senior Planner  
Central New Hampshire Region Planning Commission,  
28 Commercial Street, Ste. 3  
Concord NH 03301  
Phone: 603-226-6020 Fax: 603-226-6023 Email: [mmonahan@cnhrpc.org](mailto:mmonahan@cnhrpc.org)

**PROJECT NAME/TITLE:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Community Sponsor/Lead Organization:** \_\_\_\_\_  
**Project Sponsor Contact Person:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Phone:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

**1. PROJECT DESCRIPTION:**

Please provide a brief description of the project purpose and scope of work, including the projected project timeline, from start to finish (if in phases, please show start/end for each phase). Attach map if possible.

**2. TOTAL ESTIMATED PROJECT COST (if in phases, please show cost by phase):**

Funding partners:

_____	Amount:

# CNHRPC & SNHPC COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES (CEDS)

**3. LINKAGE TO CEDS GOALS:** The CEDS Strategy Committee has developed a series of overall regional goals.  
**NOTE:** Every project must be tied to one or more of the CEDS Goals.

CEDS Goal
<b>GOAL 1:</b> Maintain the Region's quality of life as an attractive place for living, working and recreating.
<b>GOAL 2:</b> Develop, maintain and strengthen adequate hard and soft infrastructure for business development.
<b>GOAL 3:</b> Promote the region.
<b>GOAL 4:</b> Identify support for implementing the CEDS.
<b>GOAL 5:</b> Streamline local governmental processes and create a business friendly environment.
<b>GOAL 6:</b> Business promotion and development.
Other Considerations
<b>Regional Significance</b>
Short-Term Readiness (12 to 18 months to complete)
Intermediate Readiness (19 months to 4 years to complete)
Long-Term Readiness (more than 4 years to complete)

**PROJECT BENEFITS:** Describe how this project will meet one or more of the goals of the CEDS.

**4. PROJECT READINESS:**

Project Readiness

Name/Signature of Applicant:

Date:

4-25  
T/A



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Robert J. Mack, PE, PTOE, Chair, Traffic Operations Committee

**DATE:** March 25, 2014

**SUBJECT:** Report from the Traffic Operations Committee recommending that the posted speed limit on Old Loudon Road and the southeasterly end of Portsmouth Street be changed from 35 mph to 30 mph.

### Recommendation

Accept this report.

### Background

The length of Old Loudon Road, as well as the segment of Portsmouth Street southeasterly of the I-393 overpass is currently posted for 35 mph. Both streets, however, are fully within the Urban Compact where the Ordinance and NH Statutes otherwise stipulate a 30 mph speed limit. As such, TOC recommends the removal of the four existing 35 mph signs currently posted on these street segments and reposting with the statutory 30 mph speed. This is a housekeeping change to update the posted speed to conform to the current Ordinance. A change to the Ordinance is not required.

### Discussion

The currently-posted 35 mph speed limit on both Old Loudon Road and Portsmouth Street southeasterly of the I-393 overpass is inconsistent with the Ordinance. NH Statute, Title XXI Motor Vehicles, Section 265:60 Speed Limitations, establishes a 30 mph speed limit in a business or urban residence district. Section 17-4-16 (a) of the Ordinance designates that a business or urban residence district is that area that lies within the Urban Compact. Section 17-4-16 (c) further provides that an otherwise altered speed district shall be those ways listed in Schedule XVII. By virtue of their locations within the Urban Compact, and with no specific references to an altered speed of 35 mph in Schedule XVII, both Old Loudon Road and Portsmouth Street should be subject to the statutory 30 mph speed limit.

At its March 18, 2014 meeting, TOC recommended that the posted speed limits on both Old Loudon Road and the segment of Portsmouth Street southeast of the I-393 overpass be revised from 35 mph to 30 mph. TOC felt that the lower speed limit was not only consistent with the Ordinance, but was more appropriate given the mix of commercial and residential

development in the area as well as consistency with 30 mph postings on similar nearby streets. For example, the section of Portsmouth Street west of the I-393 overpass is appropriately posted at 30 mph. TOC understands that the subject streets had previously been located outside of the Urban Compact which was subsequently revised following the NHDOT's reconstruction of the easterly end of Loudon Road roughly during the development of Steeplegate Mall. The 35 mph postings appear to be relics of this former period.

Legal concurs that in this case, a change in speed limit signing from 35 mph to 30 mph does not require a revision to the Ordinance. Such a change should be considered as a housekeeping change to update signs posted on the street. Consideration and approval by Council is appropriate as the existing 35 mph signs have been in place for a number of years. Penacook Street in Penacook was similarly reposted from 35 mph to 30 mph as recommended by TOC in a November 23, 2010 report that was accepted by City Council in December 2010.

RJM/rjm

cc: Traffic Operations Committee



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

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

**DATE:** March 26, 2014

**SUBJECT:** Report recommending that the City Manager be authorized to apply for Federal Highway Administration Accelerated Innovation Deployment (AID) Demonstration Program grant funds.

### Recommendation

Accept this report recommending that the City Manager be authorized to apply for Federal Highway Administration (FHWA) Accelerated Innovation Deployment (AID) Demonstration Program grant funds associated with innovative project delivery and technologies on the Downtown Complete Streets Improvement Project (CIP460).

### Background

On February 19, 2014, a Notice of Funding Availability (NOFA) was published by FHWA requesting grant applications for Accelerated Innovation Deployment (AID) Demonstration projects, part of the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21). MAP-21 call for a Technology and Innovation Deployment Program (TIDP) that includes three major initiatives; accelerated innovation deployment, future strategic highway research program (SHRP 2), and accelerated implementation and deployment of pavement technologies. The TIDP relates to all aspects of highway transportation projects with innovative methods, practices, and technologies.

### Discussion

Based upon initial review of the NOFA, the AID program is designed to support transportation projects that significantly accelerate the adoption of innovative state-of-the-art technologies that improve quality and safety and user satisfaction, with particular focus on improving highway operation and maintenance efficiency, mobility, reliability, service life, environmental protection, and sustainability. Additionally, the innovations must align with TIDP goals and must not be routinely used by the recipient.

Where the sidewalk snow melt has been considered an innovation option for the Downtown Complete Streets Improvement Project, subject to available funding, and where we are currently soliciting proposals for Construction Management/General Contractor (CM/GC) services, also a major FHWA Every Day Counts (EDC) innovation initiative, we believe this

grant program aligns well with our project. Funds up to \$1.0M are available for local government agencies. FHWA will use an open, rolling application process where project readiness will be treated as primary selection criteria in their evaluation process. To address project readiness, staff will demonstrate that the project will be ready to initiate within the 6 months required for the AID grant program funding.

We are confident that use of the CM/GC procurement process to design and construct the innovative snow melt system for downtown sidewalks is well aligned with the program goals and recommend that the City Manager be authorized to apply for Federal Highway Administration (FHWA) Accelerated Innovation Deployment (AID) Demonstration Program grant funds associated with innovative project delivery and technologies on the Downtown Complete Streets Improvement Project (CIP460).

elr/E

cc: Jamie Sikora, FHWA  
Bill Watson, NHDOT



# CITY OF CONCORD

T/A

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Richard Lemieux, Chair, Transportation Policy Advisory Committee

**DATE:** January 8, 2014

**SUBJECT:** Concord Area Transit (CAT) FY2014 Mid-year Progress Report and Performance Indicator Report (July 1, 2013-December 31, 2013)

### Recommendations:

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

### Background:

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

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

This is the mid-year Report for FY 2014.

### Status of Operations:

- The fixed routes have not changed since February 11, 2013.
- System ridership for the first six months of FY2014 was up from the first six months of FY2013. The Fixed Route ridership rose by 8%; Paratransit ridership was unchanged and Senior Transit ridership rose by 10%.
- Seasonal Saturday Service began on November 30, 2013 and ran through December 14, 2013. The service was scaled back from ten weeks in 2012 to three weeks this year because of funding cuts. The Saturday Ridership was down approximately 18% compared to the previous year on the Heights and 11% on the Penacook Routes for this Holiday service.

- The Volunteer Driver Program continues to provide a portion of the unmet transportation needs within the Mid-State Regional Coordinating Council area which includes the City of Concord. Listed below are the numbers for 2013. Ridership increased by 67% during calendar year 2013.

• January	328	February	331	March	421
• April	473	May	478	June	469
• July	538	August	555	September	529
• October	571	November	575	December	548

#### **Status of Program Goals:**

##### **1. Expand management staff**

- Effective August 19, 2013 Terri Paige has resigned her position as Mobility Manager with Concord Area Transit. She will be working with the Mid-State Regional Coordinating Council in the new position of Transportation Coordinator with the Volunteer Driver Program / Purchase of Service Contract (POS). CAT has advertised for a replacement and anticipates hiring somebody shortly after the new year.
- CAT continues to hire drivers as needed. The existing pay schedule continues to create challenges in hiring new drivers.

##### **2. Performance standards**

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

##### **3. System design changes/fare structure and passes**

- The Boarding & Alighting survey was performed November 19, 20 and 21, 2013 in cooperation with CNHRPC.
- ARRA Projects
  - CAT worked with Central New Hampshire Regional Planning Commission to update and redesign the CAT website.
  - The bus stop schedule sign holder installation has been completed to what the CAT Staff has been able to do. CAT continues to work with General Services to schedule the moving and replacement of posts and signs that are either missing or in need of repair.
  - CAT is working with the Friendly Kitchen and City staff to formalize and complete the process for a bus stop and shelter at the intersection of South Commercial Street and Constitution Drive. CAT is working to gain permission to install shelters on private property within their service area.

##### **4. Other Activities**

- **Customer Compliments:**
  - 7/2013 -Customer also stated that all of the CAT people were basically great, helpful people.
  - 7/2013- Customer thanked CAT for keeping a bus with a bike rack on the Penacook route and said how much he appreciated being able to use both the bus and his bike to get back and forth to work every day.
  - 8/2013- Compliments to the a.m. and p.m. Penacook Drivers on making customers feel safe and making transfers easy.
  - 11/2013 - One customer took the time to mention that the bus is great but left no contact information.
  - 11/2013- The Crosstown Route was commended for running on time.
- **Suggestions:**
  - 7/2013 - Customer stated that it would be helpful to have a stop at Health South on the way through the Concord Hospital complex to provide access for people who need to visit for PT. (CAT Staff is implemented this change upon request).
  - 8/2013- All bus stops should have shelters in case of rain.
  - 8/2013 - Change the color of the stop request sign so it can be seen easier. Provide seats at all bus stops.
  - 11/2013 - A comment was made stating that the bus should not go into Storrs Plaza so that it could stay on time.
  - 11/2013- A request came in to have a bus stop at Health South on the Concord Hospital Campus. This has been addressed with all drivers that they can pick up and drop off passengers at Health South as long as it is in a safe location and does not affect traffic flow.
- **Concerns:**
  - 7/2013 -A customer left a comment card onboard stating that Trolley 7111 did not have apparent fire extinguishers. There was also another item written that could not be read. The customer did not leave any contact information so CATstaff was not able to follow up on his feedback. The vehicle was checked to make sure there was a fire extinguisher in the vehicle. All fire extinguishers are not meant to be accessible to the general public for safety reasons. All drivers are trained in the use of fire extinguishers.
  - 8/2013- A customer wrote an email to let us know that the Crosstown bus was running several minutes late the previous Friday and that the Heights bus has been rerouted to Walmart which delayed it by more than 10 minutes on the last run of the day.
  - 11/2013- A question from one customer was in regards to fire extinguishers and first aid kits on the vehicles. All drivers are instructed on the use of first aid kits and fire extinguishers in the event of an emergency. These items are not intended to be used by the general public.
  - 11/2013 - On two occasions Ralph Littlefield, Executive Director, has been contacted by a customer in regards to concerns about Concord Area Transit vehicles. These concerns were referred and followed up by the Concord Area Transit Director. No unsafe conditions were found. All drivers report vehicle conditions in writing before and at the end of every shift. If there is a concern the vehicle is taken out of service immediately.
- **Complaints:**
  - 8/2013 - Trolley 7112 radio scratchy I can't hear my music.

- o 8/2013 - A customer called to report that he thought that the Crosstown bus had passed him by at the Marriott stop on Commercial street. There was some confusion as to which bus stop he was actually waiting at, so we are not clear if he was actually late getting to the stop that he was referring to, or if the bus was running early.



# CITY OF CONCORD

4-28  
TAA

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Kathryn H. Temchack, Director of Real Estate Assessments

**DATE:** March 10, 2014

**SUBJECT:** Amendment to Existing Payment in Lieu of Taxes Agreement between the City of Concord and Fellowship Housing Opportunities, Inc. and its affiliates

### Recommendation

Request that the Mayor and Council accept this report and authorize the City Manager to sign the attached amended agreement for payment in lieu of taxes (PILOT) between the City of Concord and Fellowship Housing Opportunities, Inc. and its affiliates.

### Discussion

Fellowship Housing Opportunities, Inc. and its affiliates own properties in the City at 22 Fayette Street, 70 Washington Street, 12 Allison Street, 106 South State Street, 36 Pleasant Street, and 22 Chesley Street. All of these properties are currently used and occupied to provide affordable housing for very low income adults with mental illness, persons with disabilities and for behavioral health services. Fellowship Housing Opportunities, Inc. and its affiliates entered into a PILOT agreement with the City for these properties in February 2011, and a copy of the agreement dated and signed February 11, 2011 is attached. The agreement recognized Fellowship Housing Opportunities, Inc. and its affiliates as charitable organizations pursuant to RSA 72:23-1 and set forth the conditions for a voluntary payment in lieu of taxes for the properties as allowed pursuant to RSA 72:23-n.

Fellowship Housing Opportunities, Inc. recently renovated property located at 10 Jackson Street to be used as 5 apartments which will be leased to very low-income people with serious and persistent mental illness. Fellowship Housing Opportunities, Inc. desires to amend the existing PILOT agreement by adding 10 Jackson Street. If approved, the PILOT payment will begin for the April 1, 2014 tax year. The present agreement is for 5 (five) years beginning April 1, 2011 and ending on March 31, 2016. The payments are determined by multiplying the previous years' market value assessment by the current City portion of the tax rate. For example, if the assessments in 2012 totaled \$1,250,000 and the City portion of the 2013 tax rate is \$ 8.67, the payment in lieu of taxes for 2013 will be \$10,837.50. ( $\$1,250,000 \times .00867$ ).

The attached amended agreement between the City of Concord and Fellowship Housing Opportunities, Inc. and its affiliates has been reviewed and approved by both parties. Under New Hampshire law, it is necessary for the governing body to accept an agreement for a payment in lieu of taxes. Accordingly, it is necessary for City Council to approve the acceptance of a voluntary payment in lieu of taxes for the 10 Jackson Street property.

March 10, 2014

First Amendment to Agreement for Payment in Lieu of Taxes Between

City of Concord

And

Fellowship Housing Opportunities, Inc.  
Fellowship House, Inc.  
Fayette Street, Inc.  
Fellowship Apartments, Inc. and  
Washington Court, Inc.

Hereinafter referred to as "Fellowship Housing Opportunities, Inc. and Affiliates"

This First Amendment to Agreement for Payment in Lieu of Taxes is made as of \_\_\_\_\_ day of May, 2014 pursuant to RSA 72:23-n between the City of Concord, a municipal corporation established under the laws of the State of New Hampshire (the "City"), having a place of business at 41 Green Street, Concord, NH 03301, and Fellowship Housing Opportunities, Inc. and Affiliates, all of which are organized under the laws of the State of New Hampshire as nonprofit organizations and having a place of business at 11 Chesley Street, Concord, NH 03301.

Whereas, Fellowship Housing Opportunities, Inc. owns the property located at 10 Jackson Street, currently identified in the Assessing Office as Map 54-1-8, within the City of Concord and,

Whereas, Fellowship Housing Opportunities, Inc. on or about May 24, 2013 obtained a building permit to convert the property from 3 apartments to 5 apartments to be used by very low-income people with serious and persistent mental illness and,

Whereas, Fellowship Housing Opportunities, Inc. has requested the City to recognize them as a charitable organization pursuant to RSA 72:23-l and,

Whereas, Fellowship Housing Opportunities, Inc. is willing to make a payment in lieu of taxes and the City is willing to accept a payment in lieu of taxes for the property located at 10 Jackson Street and,

Whereas, the City and Fellowship Housing Opportunities, Inc. and Affiliates currently have an agreement for payment in lieu of taxes for other properties owned by Fellowship Housing Opportunities, Inc. and its affiliates which was approved by the Concord City Council and dated and signed on February 14, 2011 and,

Whereas, both the City of Concord and Fellowship Housing Opportunities, Inc. and Affiliates wish to amend the existing agreement by including the property located at 10 Jackson Street.,

Whereas, all of the other terms of the existing agreement dated and signed on February 14, 2011 will remain in full force and effect, and

Whereas, this Amended Agreement may be terminated in accordance with the existing agreement dated and signed on February 14, 2011, which includes termination in the event that Fellowship Housing

Opportunities, Inc. no longer qualifies as an organization or society that is exempt from real estate taxation pursuant to RSA 72:23 or in the event the property at 10 Jackson Street is no longer occupied and used for a purpose that is exempt from taxation under RSA 72:23.

IN WITNESS WHEREOF, the parties have hereunder set their hands effective the date first above written.

CITY OF CONCORD

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

FELLOWSHIP HOUSING OPPORTUNITES, INC.

By: \_\_\_\_\_  
Page Cannon, Executive Director  
Duly Authorized

January 4, 2011

**Agreement for Payment In Lieu of Taxes Between**

**City of Concord**

**And**

**Fellowship Housing Opportunities, Inc. and Affiliates  
Fellowship House, Inc.  
Fayette Street Project, Inc.  
Fellowship Apartments, Inc. and  
Washington Court, Inc.**

Herein after referred to as "Fellowship Housing Opportunities, Inc. and Affiliates:"

This Agreement is made as of 14<sup>th</sup> day of February, 2011 pursuant to RSA 72:23-n between the City of Concord, a municipal corporation established under the laws of the State of New Hampshire (the "City"), having a place of business at 41 Green Street, Concord, NH, 03301, and Fellowship Housing Opportunities, Inc. and Affiliates, all of which are organized under the laws of the State of New Hampshire as non profit organizations and having a place of business at 36 Pleasant Street, Concord, NH 03301.

Whereas, Fellowship Housing Opportunities, Inc. and Affiliates are New Hampshire non profit corporations and are established to provide affordable housing for very low income adults with mental illness and persons with disabilities, and behavioral health services and,

Whereas, Fellowship Housing Opportunities, Inc. and Affiliates own real estate located within the City of Concord at the following locations; 22 Fayette Street, 70 Washington Street, 12 Allison Street, 106 South State Street, 36 Pleasant Street, and 11 Chesley Street (the "Properties" or individually as a "Property") and,

Whereas, Fellowship Housing Opportunities, Inc. and Affiliates has requested the City to recognize them as a charitable organization pursuant to RSA 72:23-1 and,

Whereas, subject to the terms of this Agreement, Fellowship Housing Opportunities, Inc. and Affiliates are willing to make a payment in lieu of taxes and the City is willing to accept a payment in lieu of taxes for the Properties, as set forth in this Agreement and,

Whereas, the City Council for the City of Concord has voted to approve this Agreement for a Payment In Lieu of Taxes under RSA 72:23-n on February 14, 2011 and,

Whereas, the assessment year in New Hampshire is April 1 through March 31 and the tax rate for the City is not set until late fall following April 1 and,

Whereas, both the City and Fellowship Housing Opportunities, Inc. and Affiliates wish to have a reasonable level of assurance of an expected income and payment, respectively, for the Properties for budgetary purposes and,

Whereas, each April, Fellowship Housing Opportunities, Inc. and Affiliates shall report to the City Assessing Office any physical changes or improvements to any of the Properties which have occurred since the previous April 1<sup>st</sup>

NOW THEREFORE, the parties agree as follows:

1. Annually, upon receipt of information regarding the physical changes and improvements to the Properties, the Assessing Department will inspect, review, and amend/correct the assessments for such applicable Properties.

2. This Agreement shall not impede the Assessing Department from assessing the Properties in accordance with any other revaluations, statistical updates, or other methods of assessing properties.

3. It is agreed that each of the Properties will be treated as exempt from real property taxation during the term of this Agreement provided that each of the Properties continues to be used and occupied in accordance with those purposes which qualify the Fellowship Housing Opportunities, Inc. and Affiliates as a charitable organization and the charitable tax exemption, and provided further that each of the Properties is not acquired by or converted to a for-profit business. Fellowship Housing Opportunities, Inc. and Affiliates agrees to make the following filings with the City's Assessing Department:

A. On or before April 15 each year, an annual application for the charitable exemption as required under RSA 72:23-c, I.

B. Before June 1 each year, the statement of its financial condition and such other information required under RSA 72:23, VI to enable the City to evaluate Fellowship Housing Opportunities, Inc. and Affiliates' claim that the Properties continue to be entitled to the charitable exemption from property tax.

C. On or before April 15 each year, an annual statement of any physical changes/improvements to any of the Properties, as noted earlier in this Agreement.

4. Annually, in connection with each of the Properties, Fellowship Housing Opportunities, Inc. and Affiliates shall pay, in lieu of taxes, a sum equal to the annual assessed value of each of the Properties the previous year, as amended by any changes/corrections for new construction/improvements to each of the Properties, multiplied by the City portion of the previous year's tax rate. For example: If the cumulative assessed values of Fellowship Housing Opportunities, Inc. and Affiliates Properties for 2010 was \$ 950,000 and improvements/additions of \$10,000 were added on or before April 1, 2011, the payment in lieu of taxes for 2011, given a tax rate of \$6.82 per \$1000.00, would be \$6,547.20 ( $\$960,000 \times .00682$ ).

5. Each year, the Assessing Department, on or about December 1, will issue a bill for the payment in lieu of taxes and Fellowship Housing Opportunities, Inc. and Affiliates will remit the payment by the due date shown on the bill, which due date will not be less than 30 days from the bill's date. If any portion of the payment is not remitted by the due date, the City shall have the right to charge statutory interest and fees and to use any remedies to collect the payment provided by law under RSA Chapter 80.

6. Nothing in this Agreement shall prevent Fellowship Housing Opportunities, Inc. and Affiliates from challenging the assessment of the Properties or the improvements made to each of the Properties, in accordance with applicable law.

7. In the event that all or a portion of any of the Properties owned by Fellowship Housing Opportunities, Inc. and Affiliates is leased to or occupied by one or more persons or entities which are not exempt from taxation (the "Non-Exempt Parties"), Fellowship Housing Opportunities, Inc. and Affiliates shall be liable for the full property taxes (that is, city, school, county and state taxes) on all or such portion of the property that is leased or occupied by the Non-Exempt Parties. The amount of taxable assessed valuation shall be determined by a fraction, the numerator of which is the area in the building leased to or occupied by the Non-Exempt Parties and the denominator of which is the total area of the building. The fraction shall then be multiplied by the total assessed valuation of the building and the land to arrive at a taxable assessed value. For example, if the total area of a building is 6,000 square feet, and 2,500 square feet of the building is leased to a Non-Exempt Party, 41.67% (2,500 divided by 6,000) of the total assessed value of the land and building would be taxable. In agreeing to this paragraph, the parties acknowledge that the fraction will apply to both the land and building value, assuming that a building or a portion of a building is leased or occupied. In the event that only land is leased or occupied by a Non-Exempt Party, only that portion of the land so leased or occupied would be taxed.

8. As to each of the Properties, this Agreement shall be effective for a term of five (5) tax years beginning with the April 1, 2011 tax year and terminating on March 31, 2016 or such earlier time as there is either a material change in the use or ownership of any such Property or a material change in the law governing the charitable exemption from property tax, either of which would prevent any Property from being treated as tax-exempt. If at any time the City believes that a material change has occurred in the use of any of the Properties, or to the law governing charitable organizations and charitable

exemptions from real property taxation, any of which would prevent that Property from being treated as tax-exempt, it shall discuss the matter with Fellowship Housing Opportunities, Inc. and Affiliates. The parties shall attempt, in good faith, to reach consensus as to whether this Agreement should be modified or terminated in response to the change(s). In the event that no consensus is reached, either party may terminate this Agreement upon written notice to the other, which termination shall be effective March 31 following the date of the written notice.

9. This Agreement constitutes a binding agreement between the City of Concord and Fellowship Housing Opportunities, Inc. and Affiliates. This Agreement is not transferable.

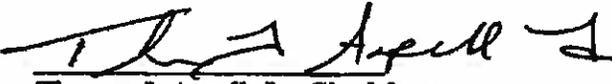
10. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

11. Any amendment to the Agreement shall be effective only if executed in writing and agreed to by both parties.

12. Neither party shall be obligated to renew or extend this Agreement upon its termination.

IN WITNESS WHEREOF, the parties have hereunder set their hands effective the date first above written.

CITY OF CONCORD

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

FELLOWSHIP HOUSING OPPORTUNITIES,  
INC. AND AFFILIATES

By:   
Page Cannon, Executive Director  
Duly Authorized



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** David Gill, Parks and Recreation Director

**DATE:** April 2, 2014

**SUBJECT:** July 4 Celebration.

**Recommendation:**

Review and accept this report.

**Background**

As part of the FY 09 Budget the Recreation Department was tasked to fundraise donations for the entire cost of the Annual July 4 Fireworks. The cost of the event in 2009 was around \$12,000. With the rising costs of Fireworks and other expenses over the past several years the cost of 2014 Firework Celebration will be approximate \$28,000: \$20,000 for the fireworks show and another \$8,000 other expenses such as Police overtime, marketing and live music.

**Discussion**

For as long as everyone can remember, the Concord July 4 celebration has been held at Memorial Field. Since at least 1998 we have set off the fireworks with State permission in the corn field just behind Memorial Field. However, over the past fourteen years the trees have grown higher. Two of the past four years we have moved the location to the just off Langley Parkway due to the field being under water. With moving the location away from the park and the trees growing, it has made viewing the fireworks difficult for many spectators.

I would like to recommend we host this year's July 4 celebration at Memorial Field as we have done in previous years. We would continue have music in the park, several food vendors and will try to bring some addition onsite entertainment options. With State and Federal fireworks regulations, we rope off an area around the location of the fireworks which limits the useable space in the Park. The cost of this year's event would be \$28,000. We will begin

fundraising for this year's event with the approval of this report. I will write a report for the May City Council meeting with an update on fundraising efforts.

I would like to recommend for 2015 as part of our 250<sup>th</sup> Celebration we move the celebration to a location along the riverfront or another suitable location. We could fire the fireworks off on the farm land behind the Post Office and they would be visible from several different areas around Concord. We could host events at several locations around town. Everett Arena, Eagle Square, Storrs Street near Cheers and even could host a VIP Party on the top deck of one of the parking garages. With several different locations hosting events we would increase the value of private donations and potential increase the number of private donations. Although I have not talked with these restaurants I can see Tandy's, Cheers, Wild Wings and other local restaurants hosting events for the celebration if the show is moved to this location. The cost of this show would be around \$35,000.



# CITY OF CONCORD

1/20

## REPORT TO MAYOR AND THE CITY COUNCIL

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

**DATE:** April 7, 2014

**SUBJECT:** Downtown Banner License Revisions

### Recommendation

- Approve the revised license agreement with Intown Concord for installation of sponsorship banners on light poles in the Downtown Central Business District.
- Approve the attached license agreement with the Greater Concord Chamber of Commerce for installation of way finding banners on 4 light poles along the frontage of 49 South Main Street.

### Background

On May 9, 2005, the City Council granted Main Street Concord, Inc. a license agreement, which authorized them to display banners upon City-owned light poles on several streets located within the Downtown area, as well as on the Loudon Road and Manchester Street bridges. Main Street Concord reorganized into Intown Concord in 2013.

The Greater Concord Chamber of Commerce relocated from the Grappone Conference Center to 49 South Main Street in February 2012. Since relocating, the Chamber has desired to improve visibility for its visitor's center. The Visitor's Center provides a unique public service to the community, as it is an important tourism resource for the community. The Chamber estimates that the Visitors Center serves approximately 5,000 people annually.

Currently there are 4 light poles located along the frontage of 49 South Main Street. Once the forthcoming Complete Streets Project is finished, 4 poles will still be present although in a new configuration.

### Discussion

- 1) Intown Concord License: The 2005 license agreement would be modified as follows:
  - a. All references to Main Street Concord, Inc. will be changed to Intown Concord, Inc.

- b. The license will specifically exempt those light poles assigned to the Greater Concord Chamber of Commerce's Visitor's Center.
- c. Minor "housekeeping" changes to certain terms and conditions; specifically those related to insurance requirements, termination, and assignment.

Please see the attached license for more information.

- 2) Greater Concord Chamber of Commerce: The proposed license and banner design is attached. The License will grant the Chamber the authority to hang way finding banners on the 4 existing light poles currently existing directly along the frontage of the 49 South Main Street. The License will also permit the Chamber to hang way finding banners on 4 replacement light poles to be installed as part of the upcoming Complete Street Project (CIP 460). The License also contains standard language regarding liability, insurance requirements, termination, and assignment. Please see the attached license for more information.

## LICENSE

The CITY OF CONCORD, a municipal corporation duly existing under the laws of the State of New Hampshire and having a usual place of business at 41 Green Street, Concord, New Hampshire 03301 ("Licensor"), hereby authorizes and licenses INTOWN CONCORD, INC., of 49 South Main Street, Suite #202, Concord, New Hampshire 03301 ("Licensee"), to install and maintain street banners on City owned streetlight poles within the rights of way for the following City streets, except as otherwise noted herein:

- North Main Street (between Center and Pleasant Streets);
- South Main Street (between Pleasant and Perley Streets) Park Street (between North Main and South State Streets), excluding those reserved for the Greater Concord Chamber of Commerce as noted herein;
- Capitol Street (between North Main and South State Streets);
- School Street (between North Main and South State Streets);
- Warren Street (between North Main and South State Streets);
- Pleasant Street (between North Main and South State Streets);
- Depot Street (between North Main and Storrs Streets);
- Pleasant Street Extension (between North Main and Storrs Streets);
- Storrs Street
- The Manchester Street bridge; and,
- The Loudon Road bridge.

This license is subject to the following conditions:

1. This License supersedes and replaces the July 12, 2005 License in its entirety.
2. Light poles located along the frontage of 49 South Main Street shall be reserved for the Greater Concord Chamber of Commerce to install way finding banners for its Visitor Center. Further, recognizing that the City's Complete Street Project (CIP #460), scheduled for construction during 2014-2015, will cause the sidewalk along 49 South Main Street to be removed and replaced, the Chamber of Commerce shall have the ability to hang way finding banners on new light posts to be installed as part of that project, as shown on the drawing attached to this License as Exhibit 1.
3. The banners shall be limited to City-owned light poles, as currently exist and might be

installed in the future, within the right of ways of the aforementioned streets.

4. The banners shall be installed by the Licensor and maintained in good condition by the Licensee.
5. The banners shall not adversely affect maintenance by the City within the aforementioned right of ways.
6. Banners shall conform to the designs presented to and approved by the Concord City Council on May 9, 2005, as subsequently amended on June 8, 2009, shown as Exhibit #2.
7. In consideration of the foregoing grant and the privileges therein specified, the Licensee hereby indemnifies, holds harmless, and defends the Licensor from any and all liability arising out of or incident to the banners, their installation, existence, use, or maintenance, except for liability arising out of the negligence or willful misconduct of the Licensor or its employees.
8. The Licensor shall have the right to temporarily remove said banners and replace them with holiday banners, during the traditional holiday period commencing on or about November 1 and continuing through approximately February 1 of the following year. The Licensor shall be held harmless from damage or destruction of said banners while they are in the Licensor's possession.
9. The Licensee shall temporarily remove said banners during construction of the Complete Streets Project (CIP #460), which is anticipated to occur during 2014-2015. If the Licensee does not remove the banners, the Licensor shall have the ability to temporarily remove and/or store said banners for the duration of construction. In the event of removal by the Licensor, the Licensor shall be held harmless from damage or destruction of said banners while they are in the Licensor's possession.
10. Existing banners that highlight area non-profit organizations may be located on the Manchester Street and Loudon Road bridges.
11. The Licensee shall furnish to the City a certificate that the Licensee has in force general liability insurance, naming the City as an additional insured as it pertains to this license, in an amount not less than \$1,000,000 per incident or occurrence. The evidence of insurance filed with the City shall include a statement by the insurance carrier that thirty days' notice will be given to the City before cancellation of coverage. Further, the City reserves the right to periodically review and increase the amount of insurance coverage required.
12. The City may by sixty (60) days' advance notice in writing, delivered by first-class mail, postage prepaid, to the Licensee at the address listed above or such other address on file, cancel this License for any reason, including, but not limited to, breach of the terms of this license or for the City's convenience. The Licensee shall have the right to remove the banners at the end of the sixty-(60) day notice period.

13. This license is granted to Intown Concord, Inc. only, and cannot be conveyed, assigned, or otherwise transferred without the Licensor's written consent.

Authority for the issuance of this license was granted by an affirmative action of the City Council on May 9, 2005, as amended on \_\_\_\_\_, 2014.

City of Concord

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

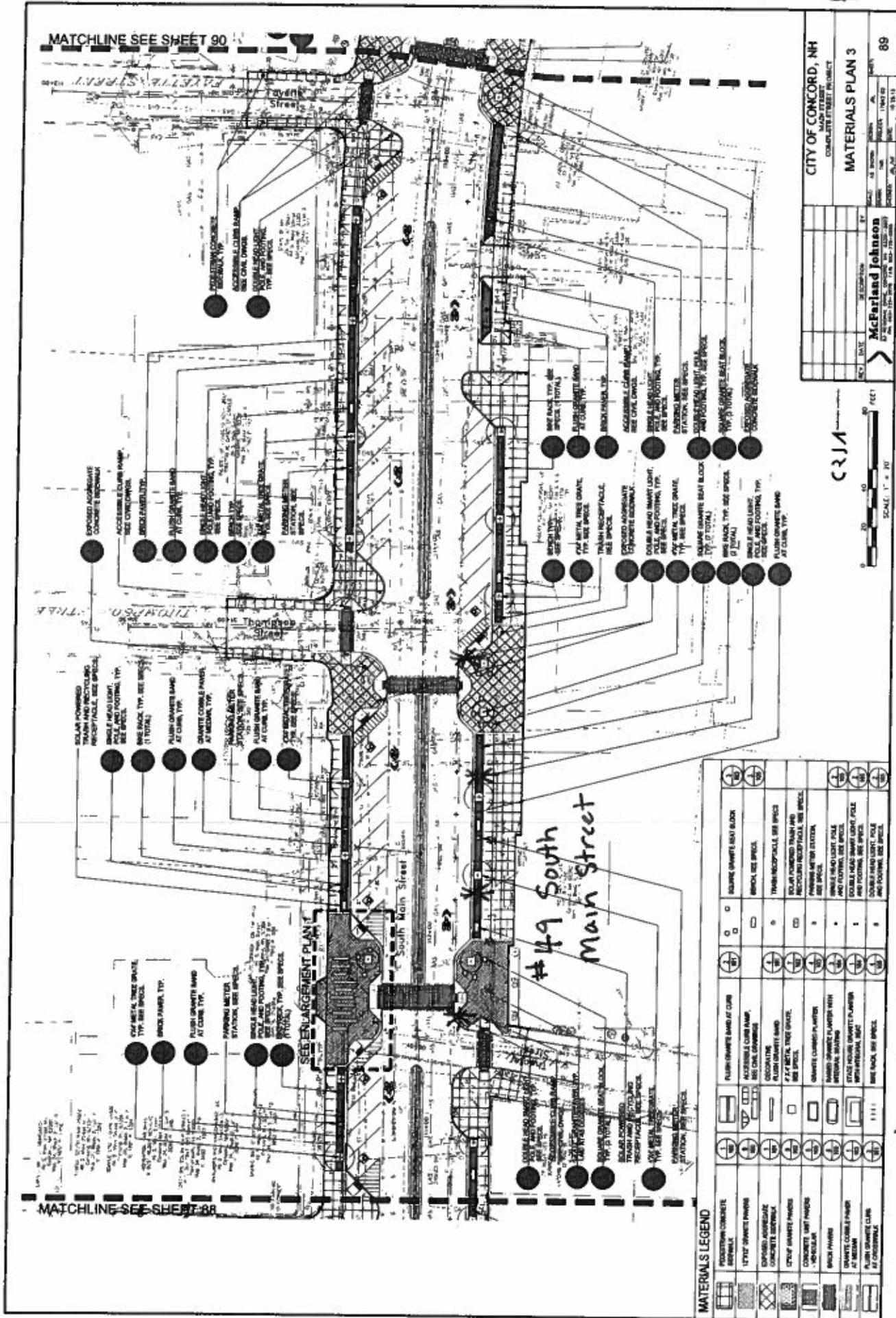
Date: \_\_\_\_\_

Intown Concord, Inc.

By: \_\_\_\_\_  
Sean Skabo  
President  
Duly Authorized

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

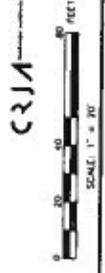




MATCHLINE SEE SHEET 90

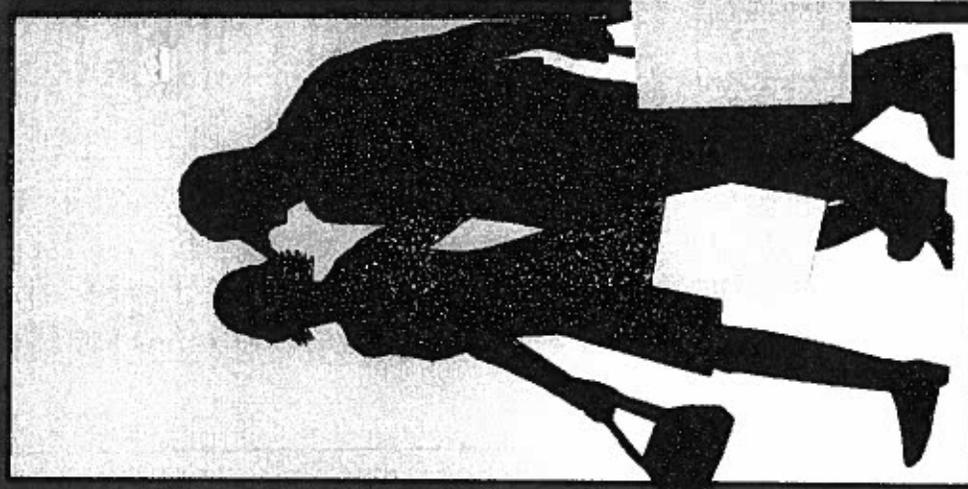
MATCHLINE SEE SHEET 88

CITY OF CONCORD, NH		MAP SHEET		DATE	
COMPLET STREET PROJECT		PROJECT NO.		DATE	
MATERIALS PLAN 3		DRAWN BY		SCALE	
McParland Johnson		PROJECT NO.		DATE	
1000 W. MAIN STREET, CONCORD, NH 03301		PROJECT NO.		DATE	



SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
[Symbol]	POSITIONING CONCRETE DETAIL	[Symbol]	FLUSH GRANITE BENT BLOCK	[Symbol]	FLUSH GRANITE BAND AT CURB	[Symbol]	FLUSH GRANITE BAND AT CURB
[Symbol]	EXPOSED APPROXIMATE CONCRETE REINFORCING	[Symbol]	BRICK, SEE SPEC.	[Symbol]	ACCESSIBLE CURB RAMP, SEE CIVIL DRAWING	[Symbol]	ACCESSIBLE CURB RAMP, SEE CIVIL DRAWING
[Symbol]	EXPOSED APPROXIMATE CONCRETE REINFORCING	[Symbol]	THIN RECEPTACLE, SEE SPEC.	[Symbol]	OCCLUSIVE	[Symbol]	FLUSH GRANITE BAND
[Symbol]	CONCRETE LIGHT FIXTURE	[Symbol]	SOLAR POWERED TRAILER AND RECYCLING RECEPTACLE, SEE SPEC.	[Symbol]	2" X 4" METAL TRUSS BRACE, SEE SPEC.	[Symbol]	GRANITE CHAMFER PLANTER
[Symbol]	BRICK FINISH	[Symbol]	PARKING METER STATION	[Symbol]	GRANITE CHAMFER PLANTER WITH METALLIC FINISH	[Symbol]	GRANITE CHAMFER PLANTER WITH METALLIC FINISH
[Symbol]	GRANITE CHAMFER BAND AT MEDIAN	[Symbol]	SMALL HEAD LIGHT POLE	[Symbol]	GRANITE CHAMFER PLANTER WITH METALLIC FINISH	[Symbol]	GRANITE CHAMFER PLANTER WITH METALLIC FINISH
[Symbol]	FLUSH GRANITE BAND AT CURB	[Symbol]	DOUBLE HEAD BANNER LIGHT POLE	[Symbol]	FLUSH GRANITE BAND AT CURB	[Symbol]	FLUSH GRANITE BAND AT CURB
[Symbol]	FLUSH GRANITE BAND AT CURB	[Symbol]	SOCKET HEAD LIGHT POLE	[Symbol]	FLUSH GRANITE BAND AT CURB	[Symbol]	FLUSH GRANITE BAND AT CURB
[Symbol]	FLUSH GRANITE BAND AT CURB	[Symbol]	SOCKET HEAD LIGHT POLE AND FOOTING, SEE SPEC.	[Symbol]	FLUSH GRANITE BAND AT CURB	[Symbol]	FLUSH GRANITE BAND AT CURB
[Symbol]	FLUSH GRANITE BAND AT CURB	[Symbol]	SOCKET HEAD LIGHT POLE AND FOOTING, SEE SPEC.	[Symbol]	FLUSH GRANITE BAND AT CURB	[Symbol]	FLUSH GRANITE BAND AT CURB

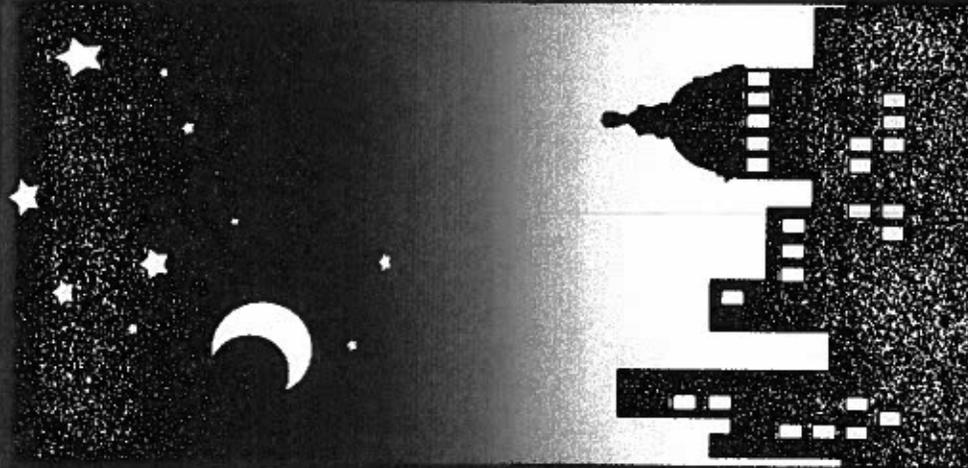
\* = Light pole location for Visitor Center wayfinding banners



# SHOP

DOWNTOWN

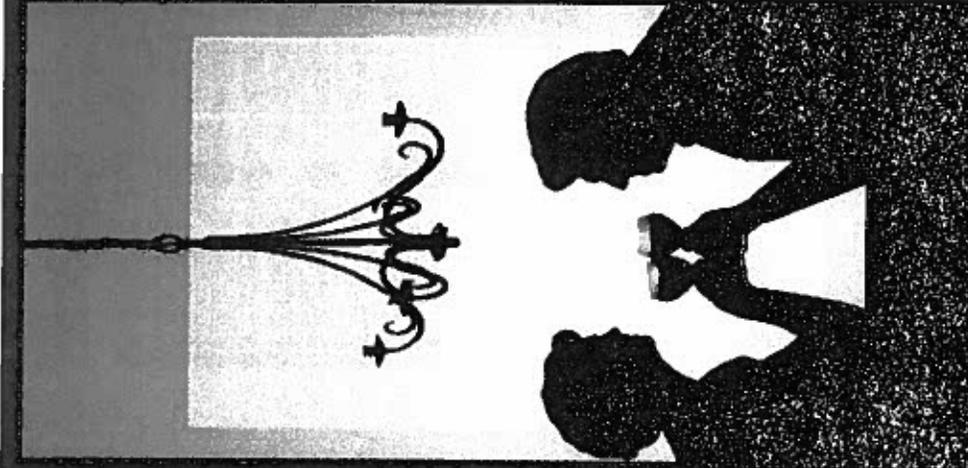
[mainstreetconcord.com](http://mainstreetconcord.com)



# LIVE

DOWNTOWN

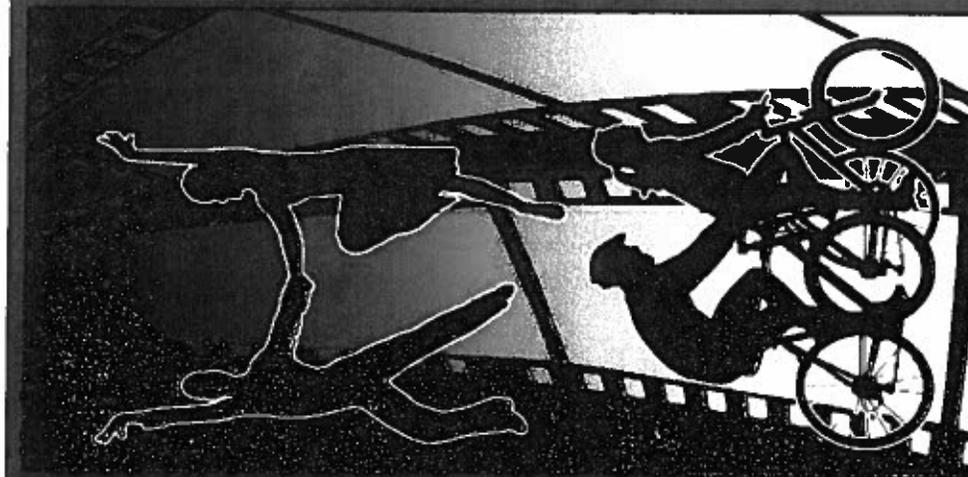
[mainstreetconcord.com](http://mainstreetconcord.com)



# DINE

DOWNTOWN

[mainstreetconcord.com](http://mainstreetconcord.com)



# PLAY

DOWNTOWN

[mainstreetconcord.com](http://mainstreetconcord.com)



## LICENSE

The CITY OF CONCORD, a municipal corporation duly existing under the laws of the State of New Hampshire and having a usual place of business at 41 Green Street, Concord, New Hampshire 03301 ("Licensor"), hereby authorizes and licenses the GREATER CONCORD CHAMBER OF COMMERCE of 49 South Main Street, Suite #104, Concord, New Hampshire 03301 ("Licensee"), to install and maintain way finding banners on City owned streetlight poles at the following location:

- The easterly side of South Main Street, generally along the frontage of 49 South Main Street, within the public right-of-way.

This license is subject to the following conditions:

1. The banners shall be limited to City-owned light poles, as currently exist and might be installed in the future, including those light poles which shall be installed along the frontage of #49 South Main Street as part of the forthcoming Complete Street Project (CIP #460), scheduled for construction in 2014-2015, as shown on the drawing attached to this License as Exhibit 1.
2. The banners shall be installed by the Licensee and maintained in good condition by the Licensee.
3. The banners shall not adversely affect maintenance by the Licensor within the aforementioned right of ways.
4. Banners shall conform to the designs presented to and approved by the Concord City Council on April 14, 2014, as attached hereto as Exhibit #2.
5. In consideration of the foregoing grant and the privileges therein specified, the Licensee hereby indemnifies, holds harmless, and defends the Licensor from any and all liability arising out of or incident to the banners, their installation, existence, use, or maintenance, except for liability arising out of the negligence or willful misconduct of the Licensor or its employees.
6. The Licensor shall have the right to temporarily remove said banners and replace them with holiday banners, during the traditional holiday period commencing on or about November 1 and continuing through approximately February 1 of the following year. The Licensor shall be held harmless from damage or destruction of said banners while they are in the Licensor's possession.
7. The Licensee shall temporarily remove said banners during construction of the Complete Streets Project (CIP #460), which is anticipated to occur during 2014-2015. If the Licensee does not remove the banners, the Licensor shall have the ability to temporarily remove and/or store said banners for the duration of construction. In the event of removal by the Licensor, the Licensor shall be held harmless from damage or destruction of said banners while they

are in the Licensor's possession.

8. The Licensee shall furnish to the City a certificate that the Licensee has in force general liability insurance, naming the City as an additional insured as it pertains to this license, in an amount not less than \$1,000,000 per incident or occurrence. The evidence of insurance filed with the City shall include a statement by the insurance carrier that thirty days' notice will be given to the City before cancellation of coverage. The City reserves the right to periodically review and increase the amount of insurance coverage required in its sole discretion.
9. The City may by sixty (60) days' advance notice in writing, delivered by first-class mail, postage prepaid, to the Licensee at the address listed above or such other address on file, cancel this License for any reason, including, but not limited to, breach of the terms of this license or for the City's convenience. The Licensee shall have the right to remove the banners at the end of the sixty-(60) day notice period.
10. This license is granted to the Greater Concord Chamber of Commerce only, and cannot be conveyed, assigned, or otherwise transferred without the Licensor's written consent.

Authority for the issuance of this license was granted by an affirmative action of the City Council on \_\_\_\_\_, 2014.

City of Concord

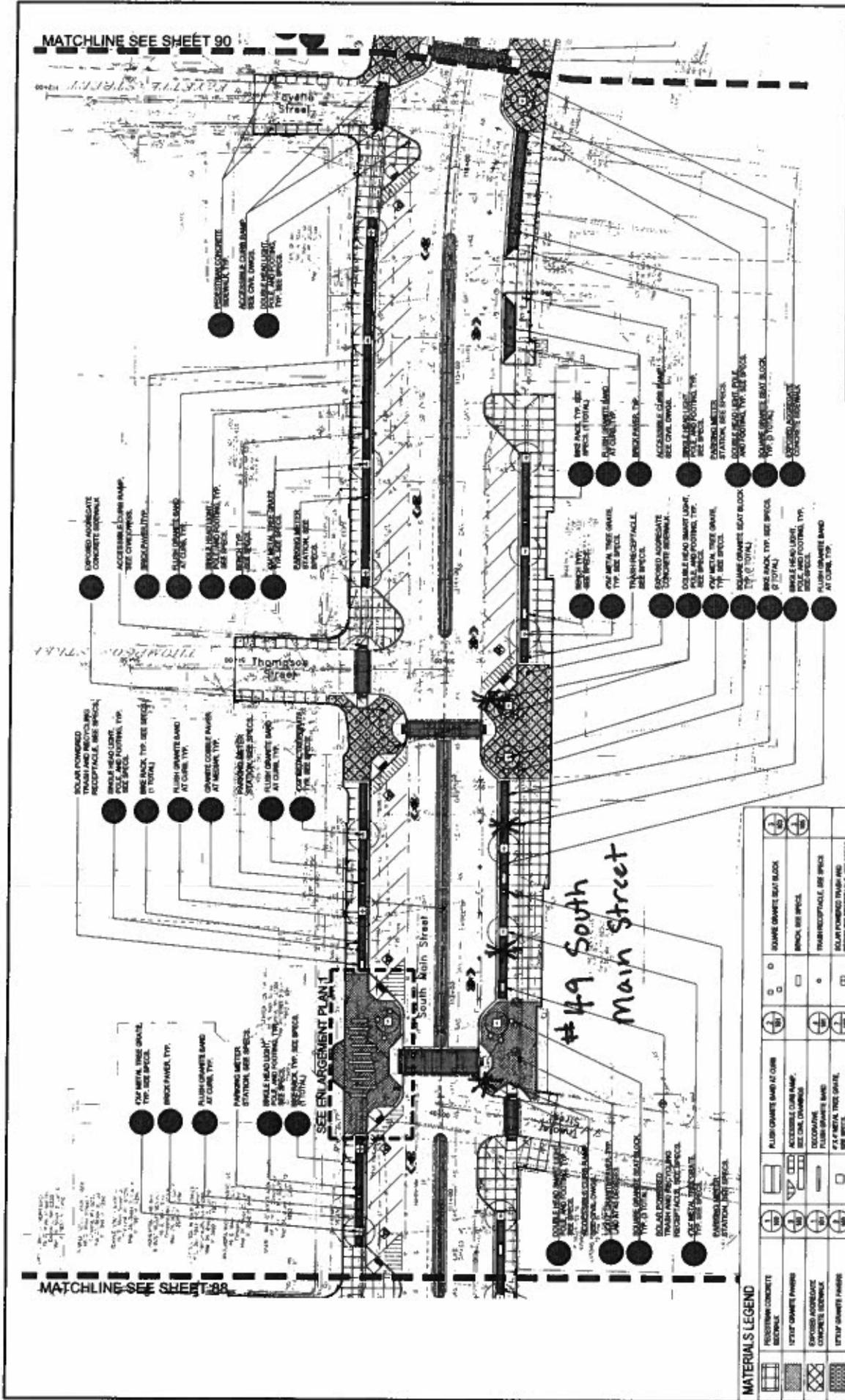
By: \_\_\_\_\_  
Thomas J. Aspell, Jr.  
City Manager  
Duly Authorized

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

Greater Concord Chamber of Commerce

By: \_\_\_\_\_  
Timothy G. Sink, CCE  
President  
Duly Authorized

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



**MATERIALS LEGEND**

	PERFORMING CONCRETE		FLUSH GRANITE BAND AT CORNER		FLUSH GRANITE SEAT BLOCK
	TEXTURE GRANITE FINISH		ACCESSIBLE CURB RAMP		BRICK, SEE SPEC.
	EXPOSED AGGREGATE CONCRETE SURFACE		DECORATIVE FLUSH GRANITE BAND		TRANSPIRETABLE, SEE SPEC.
	CONCRETE LIGHT FINISH		4" x 4" METAL TREE GRADE, SEE SPEC.		SCALY FORMING PANEL AND RECYCLED RECEPTACLE, SEE SPEC.
	CONCRETE LIGHT FINISH		GRANITE CURBED PLANTER		PARKING METER EDITION
	BRICK FINISH		FLUSH GRANITE LIGHTER WITH INTERNAL METAL		SINGLE HEAD LIGHT POLE AND FOOTING, SEE SPEC.
	GRANITE CURBED FINISH AT INTERIOR		FLUSH GRANITE SEAT WITH INTERNAL SEAT		DOUBLE HEAD LIGHT POLE AND FOOTING, SEE SPEC.
	FLUSH GRANITE CURB AT CORNER		BRICK FINISH		DOUBLE HEAD LIGHT POLE AND FOOTING, SEE SPEC.

CITY OF CONCORD, NH  
COMPLETISTREET PROJECT

**MATERIALS PLAN 3**

NO.	DATE	DESCRIPTION	BY
1			McFarland Johnson

SCALE: 1" = 20'  
0 10 20 30 40 50 60 70 80 FEET

CRJA

\* = Light pole location for Visitor Center way finding banners

MATCHLINE SEE SHEET 90

MATCHLINE SEE SHEET 88



77.00"

30.00"



Sign Types:  
Exterior pole mounted  
banner.

Design © Advantage Signs, Inc. 2014

PROPERTY WILL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO ORIGINAL MATERIALS OR TO THE ORIGINAL DESIGN.

Sales Rep:  
Russ  
Brown By:  
EA  
Date:  
3/17/14  
Revision #:  
Original

APPROVED FOR INSTALLATION

APPROVED FOR PERMITS

APPROVED AS NOTED

OTHER COMMENTS

Job Name:

Greater Concord  
Chamber of Commerce

**ADVANTAGE**  
*Signs*

128 Hill St. Ste. C Concord, NH 03301  
603-224-7446 v. • 603-224-3888 f  
www.advantagesigns.net

DATE

Bun  
3/31/14  
4-30

# CITY OF CONCORD

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

**RESOLUTION** REPURPOSING NINETY FIVE THOUSAND DOLLARS (\$95,000) FROM COMPLETED AND UNEXPENDED PROJECT BALANCES FOR BUILDING/STRUCTURAL AND EQUIPMENT/SITE IMPROVEMENTS AT THE PENACOOK WASTEWATER TREATMENT FACILITY (WWTF) (CIP #466) TO SUPPORT THE REMAINING FUNDS NEEDED FOR THE EQUIPMENT/PROCESS IMPROVEMENTS AT THE HALL STREET WWTF (CIP #104).

*The City of Concord resolves as follows:*

**WHEREAS,** the failure of the existing fire alarm system necessitates replacement to afford the proper operation of the facility and meet current code, as described and approved in FY 2014 (CIP #104); and

**WHEREAS,** an additional \$95,000 is necessary to complete all aspects of the FY 2014 Equipment/Process Improvement Project; and

**WHEREAS,** the concrete and pavement repair projects (CIP #466) are complete, which makes the balance of the funds available for the necessary replacement of the fire alarm system at the Hall Street WWTF; and

**WHEREAS,** the Director has identified the need to supplement the original project budget in order to complete construction of the improvements; and

**WHEREAS,** RSA 33:3-a II stipulates that a two-thirds vote of the City Council is required to repurpose unexpended bond proceeds;

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

- 1) The sum of .....\$95,000  
be and is hereby repurposed as follows:

Sewer Fund  
 General Services  
 Replacement of Hall Street WWTF fire alarm system (CIP #104) .....\$95,000

# CITY OF CONCORD

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

**RESOLUTION** REPURPOSING NINETY FIVE THOUSAND DOLLARS (\$95,000) FROM COMPLETED AND UNEXPENDED PROJECT BALANCES FOR BUILDING/STRUCTURAL AND EQUIPMENT/SITE IMPROVEMENTS AT THE PENACOOK WASTEWATER TREATMENT FACILITY (WWTF) (CIP #466) TO SUPPORT THE REMAINING FUNDS NEEDED FOR THE EQUIPMENT/PROCESS IMPROVEMENTS AT THE HALL STREET WWTF (CIP #104).

Page 2 of 2

2) Funding for the project is available as follows:

<u>Sewer Fund</u>	
General Services	
Repurpose unspent Building/Structural and Equipment/ Site Improvements (CIP #466) .....	\$95,000

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

4) This resolution shall take effect upon its passage.

17A



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Philip H. Bilodeau, P.E., Deputy Director General Services Department

**DATE:** March 13, 2014

**SUBJECT:** Resolution repurposing \$95,000 dollars from projects at the Penacook Wastewater Treatment Facility to fund fire alarm system replacement at the Hall Street Wastewater Treatment Facility as planned in the FY 2014 Capital Improvement Program

### Recommendation

The Department recommends acceptance of this report and approval of the attached resolution.

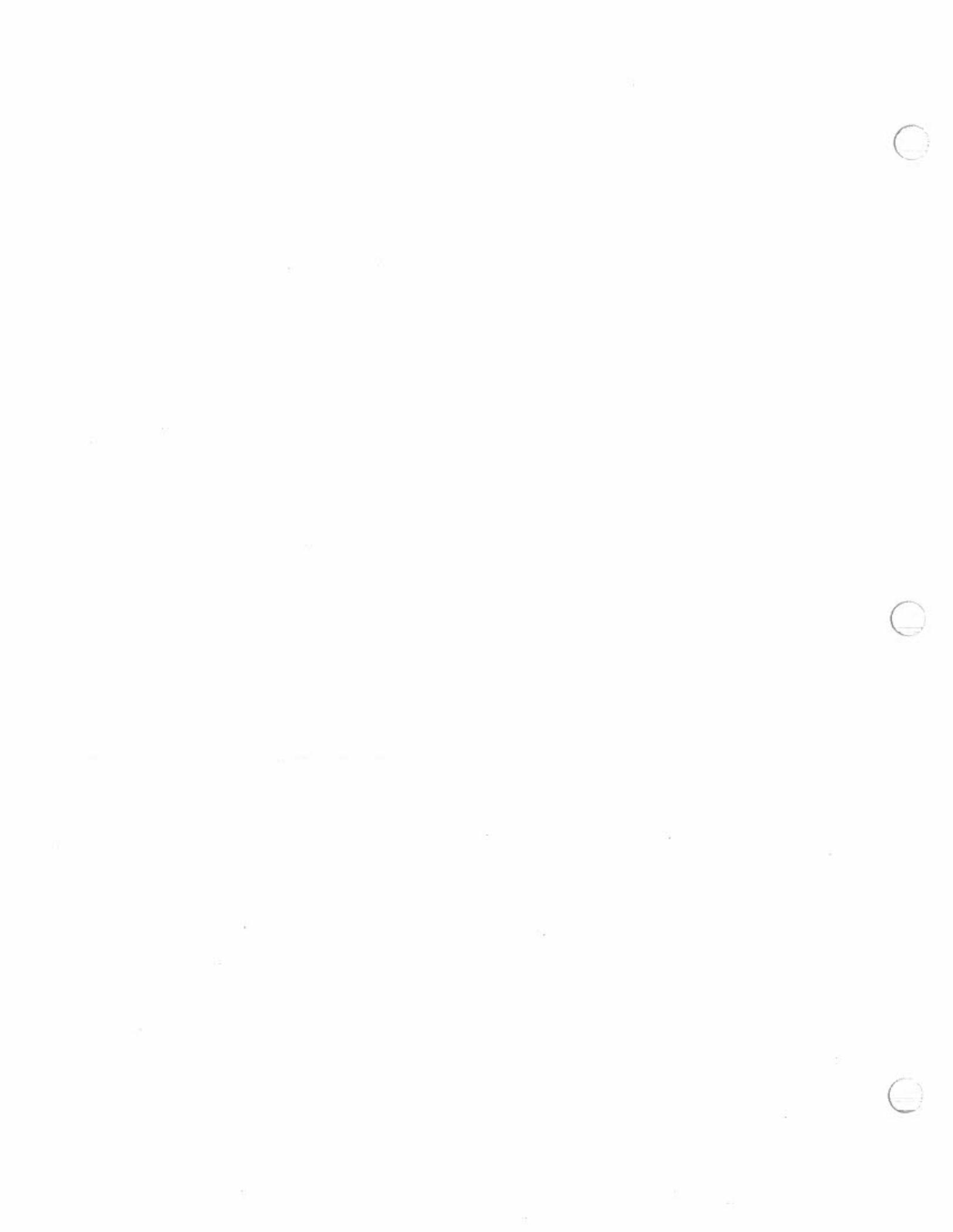
### Background

The existing fire alarm at the Hall Street Wastewater Treatment Facility (WWTF) is original equipment installed in 1980, does not comply with current code, and is not fully functional. Recognizing the need for replacement, funding was provided in the FY 2014 CIP for replacement of the existing system.

### Discussion

CMA Engineers has completed a preliminary design of the new system and provided an associated construction cost estimate. Based on the engineers' estimate, current project funding is not adequate for construction of the improvements.

Recent concrete and pavement repair projects have been completed at the Penacook WWTF and have unexpended project balances. The remaining project balances are adequate to supplement the necessary funds for the construction of the replacement of the Hall Street WWTF fire alarm system.



Sent to city clerk

3/18/14

4-31 JAA

March 18, 2014

Mayor James Bouley and City Council  
City Clerk's Office  
41 Green Street  
Concord, NH 03301

**RECEIVED**

MAR 18 2014

CODE ADMINISTRATION

RE: Street Closure Request

Mayor Bouley and Honorable City Councilors:

The New Hampshire Law Enforcement Officers' Memorial Committee will be holding the 22<sup>nd</sup> Annual Memorial Ceremony on Monday May 19, 2014 beginning at 10:00am. The Ceremony will be held on the southeast corner of the Legislative Office Building on the corner of Capitol and North State Streets.

The location of the Memorial on the corner of Capitol and North Main Streets makes it impossible to conduct the Annual Memorial Ceremony without closing some City of Concord streets. On behalf of the Memorial Committee, we would respectfully request permission from the City of Concord, City Council, and Police Department for the following street closures:

- Capitol Street from Green Street to North State Street
- North State Street from School Street to Centre Street
- Placement of a detour sign at North State and School Streets advising access to the Department of Justice and to block the Capitol Street access from the Department of Justice parking lot
- Placement of a barricade on Park Street at the intersection with Main Street

The Memorial Ceremony is scheduled to begin at 10:00am. If the requested street closures are granted the Committee recommends the time of the closure should be from 6:00am – 1:00pm. This will provide sufficient time to close the streets to prevent parking in the designated area, set up of the event, the event, and subsequent clean up. This event has been well received and successful and I am not aware of any problems or complaints from the residents or visitors to the City of Concord. Permit applications have been submitted to the State of New Hampshire, Bureau of General Services and to Code Administration at the City of Concord.

Please contact either myself or Major Kevin Jordan of the New Hampshire Fish and Game who is the President of the Memorial Committee. I can be reached at 603-396-7611 or Major Jordan at 271-3128.

Thank you,



David Florence  
Member, NHLEOM Committee

cc: Chief Bradley Osgood  
City of Concord Police

Mr. Eugene Blake  
City of Concord Code Enforcement





March 18, 2014

To Whom it may concern,

My name is Dean Whiteway, I am the Headmaster of Concord Christian Academy, a non-profit Christian school in Concord, NH. We would like to host a 5K-color race on Saturday, May 31, 2014, starting at 8 am and ending approximately by noon. Our rain date will be Sunday, June 1, from 1:00 to 5:00 pm. In order to conduct the race, we are asking to have the following streets closed: part of Pembroke Road and part of Canterbury Road – leaving our facility at 37 Regional Drive (we also have an entrance on Pembroke Rd.), left (west) on Pembroke Rd. to stop sign, left (south) on Canterbury Road to the end. We would use this road to turn around on and then follow route back to school. We will have designated volunteers to oversee the street closures.

Thank you for considering this request.

Regards,

Dean Whiteway, Headmaster  
Concord Christian Academy

*An Educational Corporation*  
Building Integrity & Modeling Service



37 Regional Drive, Concord, NH 03301 • (603) 228-8888







Received  
3/31/14  
4-33  
AA  
SENT TO city clerk  
for APRIL CITY COUNCIL  
Meeting

Office of the City Clerk

41 Green Street

Concord, NH 03301

**TO:** Mayor Bouley and City Council:

**RE:** Request for use of City Plaza and for closure of Capitol Street for Concord 250 and Concord Historical Society's Time Capsule Unearthing Ceremony and Kick-Off Celebration

**Date and Time:** Friday, June 6, 2014, 12pm through 10pm (event hours 5pm-9pm)

Please consider this request, on behalf of Concord 250 and Concord Historical Society, for the use of City Plaza and Capitol Street in support of the Time Capsule Unearthing Ceremony and Concord 250 Kick-Off Celebration. The event will begin with a ceremony and removal of the Time Capsule, which is buried beneath City Plaza (we are currently working with City Engineer, Ed Roberge on the logistics of the unearthing) followed by a procession to Merrimack County Savings Bank with a police escort and a "Dancin' in the Streets" themed event on Capitol Street to include music, activities and vendors.

While the city's 250<sup>th</sup> Anniversary does not take place until 2105, the Time Capsule affords the opportunity to engage Concord's youth. We are building a program that will explore the history of the city, discuss the 200<sup>th</sup> anniversary and planning for the contents of the next time capsule to be buried in 2015.

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

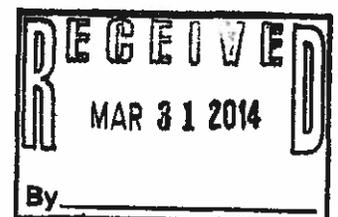
Thank you for your kind consideration,

Jessica Fogg

Marketing and Events Chair, Concord 250

603.568.5740

[Jessica@jfoggsocialinspirations.com](mailto:Jessica@jfoggsocialinspirations.com)



PERMIT NO. 13-14

Return to: Code Administration  
Health & Licensing  
37 Green Street  
Concord NH 03301

-Police Department Use Only
No. of Officers Required _____
Restrictions: <u>not to obstruct pedestrian traffic.</u>
APPROVED <u>Kentum [Signature]</u> Concord Police Dent.

LICENSE FEE: \$ N/C 6/6/60

**This application must be submitted thirty (30) days prior to proposed event to allow for the processing of the application. Please make check payable to: CITY OF CONCORD**

**APPLICATION FOR ENTERTAINMENT/EVENT PERMIT**

Organization/Individual Name Concord Historical Society Phone 224-2508

Address PO Box 1027 Concord NH 03301

Person in charge of event James Milliken Phone 224-2508

Address Rebecca Largee

Sponsor of Event \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Type of and Description of Event Breathing Time Capsule

Location of Event City Plaza, North Main St

Proposed Dates: From June 6, 2014 <sup>Electric</sup> and June 6, 2014

Proposed Hours: From 10AM To 8:00 PM

Indicate the number of persons expected to participate ~~500~~ 20

Indicate the approximate number of spectators 500

Will the event include food vendors? Yes: \_\_\_ No:  if yes please list name(s) below

**ADDITIONAL INFORMATION** - use of a D.J, live band, guest speakers, food vendors, tents larger than 200sq ft. Note, Tents Larger than 200sq ft. need a permit from Fire Dept.

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

If "Yes", please indicate times needed for electricity: 10AM am/pm 2PM am/pm

Certificate of Insurance Enclosed: Yes:  No:

Request for Street Closure: Yes:  No:  (If yes, See Below)

Yes \_\_\_ No \_\_\_ Letter for closure attached

**PERMISSION FOR STREET CLOSURE MUST BE RECEIVED FROM CITY COUNCIL BEFORE PERMIT CAN BE ISSUED. Letter must be submitted to City Clerk, and Health & Licensing.**

Signed Valu Blake Date 2.5.14

APPROVED \_\_\_\_\_ Date \_\_\_\_\_

Health & Licensing Officer

rev 7/9/13

*Shirley Horal  
2-14-14*

*2014*

*Shirley Horal + Book  
2-14-14*

*Note  
Change - Now  
requesting  
street  
closure*



**NEW ENGLAND REGION**

4-34

**Connecticut Office**  
35 Cold Spring Rd, Suite 411  
Rocky Hill, CT 06067  
860-563-1177  
800-541-8350  
Fax 860-563-6018

**Massachusetts Office**  
29 Crafts St, Suite 450  
Newton, MA 02458  
617-244-1800  
800-766-9449  
Fax 617-558-7686

**New Hampshire Office**  
6 Chenell Dr, Suite 260  
Concord, NH 03301  
603-224-9322  
800-639-2113  
Fax 603-224-3778

**Rhode Island Office**  
2348 Post Rd, Suite 104  
Warwick, RI 02886  
401-739-3773  
Fax 401-739-8990

AA

Concord City Council  
City Hall  
41 Green St  
Concord, NH 03801

March 6, 2014

Dear Council Members:



I am writing to you to support the Arthritis Foundation New England Region 2014 Concord Jingle Bell Run by granting the requisite event permits and street closure(s) to host a road race in the city of Concord.

The Arthritis Foundation hosts Jingle Bell Run events nationwide in the Foundation's attempt to reach a world free of arthritis pain as the proceeds fund research, advocacy and public policy initiatives. That is, the event seeks to generate funds and help those 265,000 adults and 1,200 children who are impacted by arthritis in New Hampshire.

The Concord Jingle Bell Run is to be taking place on Sunday, December 30<sup>th</sup> at the Rundlett Middle School on 144 South Street (registration begins at 9:00 am; race begins at 10:00 am). This year the road race is expected to attract 580 runners; an estimation consistent to the industry trend growth rate compared to the 2013 results.

Please advise the enclosed document containing a depiction of the 5k route [and the corresponding streets] we intend to use.

Thank you for your consideration.

Sincerely,

*Matthew A. Raffio*

Matthew Raffio  
Regional Development Director  
Office: 603-224-0177  
Email: [mraffio@arthritis.org](mailto:mraffio@arthritis.org)

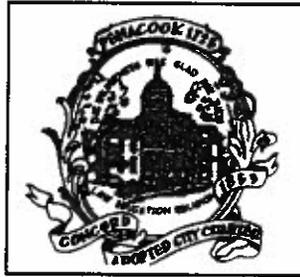
[www.arthritis.org](http://www.arthritis.org)



Please remember the Arthritis Foundation in your will.



Code Administration  
Health Services Division  
37 Green Street  
Concord NH 03301



PERMIT NO. _____
<b>POLICE DEPARTMENT USE ONLY</b>
# Officers Required: _____
Restrictions: _____
_____
Approved: _____
Concord Police Dept.

LICENSE FEE: \$ \_\_\_\_\_

**This application must be submitted thirty (30) days prior to proposed event to allow for the processing of the application. Please make check payable to: CITY OF CONCORD**

**APPLICATION FOR PERMIT  
ROAD RACE/BIKE RACE/BIKE-A-THON/WALK-A-THON**

Organization Name Arthritis Foundation, New England Region Phone (603) 224-9322

Address 6 Chenell Drive, Suite 260, Concord NH 03301

Person in charge of event Matthew Raffio Phone (603) 224-0177

Indicate number of persons expected to participate: 700

ROAD RACE  BIKE RACE  TRIATHLON  BIKE-A-THON  WALK-A-THON

Location/Route\*: Map included  
(\*A MAP DETAILING THE EXACT ROUTE MUST ACCOMPANY THIS APPLICATION.)

Proposed dates of event: Sunday, November 30th 2014 Rain Dates(s): n/a

Proposed hours of event: From: 10:00 AM To: 12:00 PM

Rain date: n/a

Will the event include food vendors, peddlers, live bands, guest speakers, musicians etc?  Yes  No

Will part of the event be on the City Plaza – front of "Arch"?  Yes  No

Will electricity be needed at the City Plaza – front of "Arch"?  Yes  No

If "Yes, please indicate times needed for electricity: \_\_\_\_\_ am/pm \_\_\_\_\_ am/pm

Certificate of Insurance enclosed:  Yes  No

Are you requesting street closure for this event?  Yes  No

Letter for street closure attached:  Yes  No

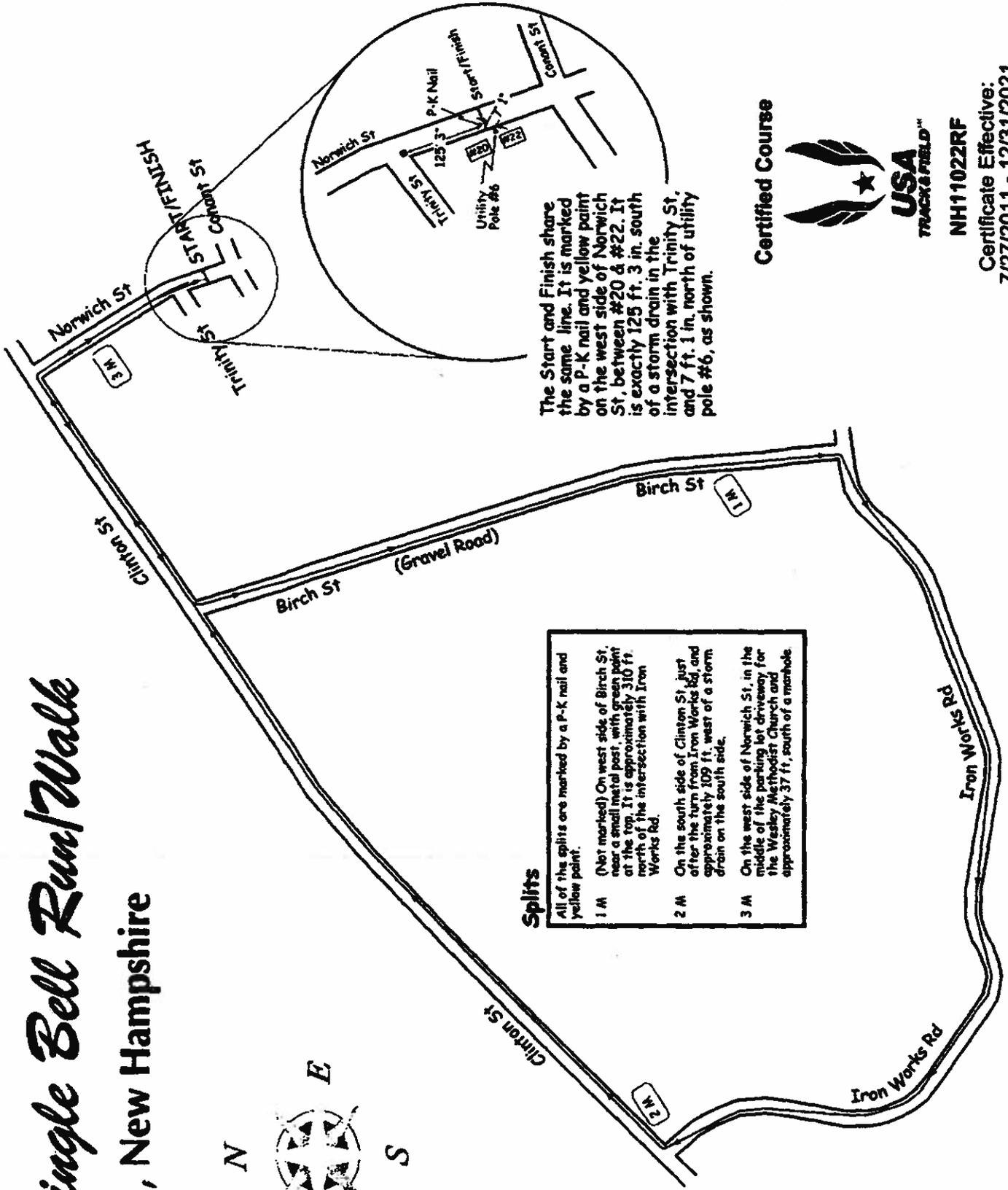
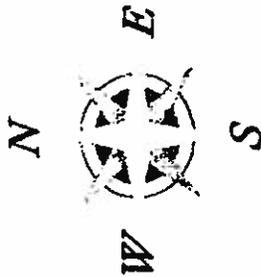
Signature of Applicant:  Date 3/19/2014

APPROVED \_\_\_\_\_ Date \_\_\_\_\_  
Licensing Officer

PERMISSION MUST BE RECEIVED FROM THE CITY COUNCIL FOR CLOSING OF STREETS BEFORE PERMIT IS ISSUED.

# 5K Jungle Bell Run/Walk

Concord, New Hampshire



### Splits

- All of the splits are marked by a P-K nail and yellow paint.
- 1 M (Not marked) On west side of Birch St, near a small metal post with green point at the top. It is approximately 310 ft north of the intersection with Iron Works Rd.
  - 2 M On the south side of Clinton St, just after the turn from Iron Works Rd, and approximately 109 ft west of a storm drain on the south side.
  - 3 M On the west side of Norwich St, in the middle of the parking lot driveway for the Wesley Methodist Church and approximately 37 ft south of a manhole.

The Start and Finish share the same line. It is marked by a P-K nail and yellow paint on the west side of Norwich St, between #20 & #22. It is exactly 125 ft. 3 in. south of a storm drain in the intersection with Trinity St, and 7 ft. 1 in. north of utility pole #6, as shown.

Certified Course



USA  
TRACK & FIELD™

NH11022RF

Certificate Effective:  
7/27/2011 - 12/31/2021



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
02/28/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> 1-678-393-5200 Arthur J. Gallagher Risk Management Services, Inc.  1040 Crown Pointe Parkway Suite 700 Atlanta, GA 30338 Joseph Caruso/James Linn	<b>CONTACT NAME:</b> Richard Meyer <b>PHONE (A/C, No, Ext):</b> 678-393-5289 <b>FAX (A/C, No):</b> 678-393-5276 <b>E-MAIL ADDRESS:</b> Richard_Meyer@ajg.com																					
<b>INSURED</b> Arthritis Foundation New England Region, Inc.  35 Cold Spring Road, Suite 411 Rocky Hill, CT 06067	<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC#</th> </tr> <tr> <td>INSURER A:</td> <td>MASSACHUSETTS BAY INS CO</td> <td>22306</td> </tr> <tr> <td>INSURER B:</td> <td>ALLMERICA FIN BENEFIT INS CO</td> <td>41840</td> </tr> <tr> <td>INSURER C:</td> <td>HANOVER INS CO</td> <td>22292</td> </tr> <tr> <td>INSURER D:</td> <td></td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC#	INSURER A:	MASSACHUSETTS BAY INS CO	22306	INSURER B:	ALLMERICA FIN BENEFIT INS CO	41840	INSURER C:	HANOVER INS CO	22292	INSURER D:			INSURER E:			INSURER F:		
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INSURER D:																						
INSURER E:																						
INSURER F:																						

**COVERAGES**                      **CERTIFICATE NUMBER:** 38617406                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			ZDA 9115350-03	06/01/13	06/01/14	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			AWA 9157701-03	06/01/13	06/01/14	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$			UEA 9115355-03	06/01/13	06/01/14	EACH OCCURRENCE \$ 20,000,000 AGGREGATE \$ 20,000,000 \$
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> Y/N <input type="checkbox"/> N/A <b>A</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <b>C</b> If yes, describe under DESCRIPTION OF OPERATIONS below			WEA 9115352-03 WDA 9144426-03 WMA 9344304-03	06/01/13 06/01/13 06/01/13	06/01/14 06/01/14 06/01/14	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Certificate Holder is shown as Additional Insured solely with respect to General Liability coverage as evidenced herein as required by written contract.  
 Event/Date/Location:

Concord Jingle Bell Run/11-30-14/144 South St, Concord, NH 03301  
 with Concord School District as additional insured

<b>CERTIFICATE HOLDER</b>  Concord School District  Matt Cashman 70 Warren Street  Concord, NH 03301  USA	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  
--------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## COMMERCIAL GENERAL LIABILITY SPECIAL BROADENING ENDORSEMENT

This endorsement modifies insurance provided under the following:

### COMMERCIAL GENERAL LIABILITY COVERAGE PART

#### SUMMARY OF COVERAGES

1. Additional Insured by Contract, Agreement or Permit	Included
2. Additional Insured - Broad Form Vendors	Included
3. Aggregate Limit per Location	Included
4. Alienated Premises	Included
5. Bodily Injury Redefined	Included
6. Broad Form Property Damage - Borrowed Equipment, Customers Goods & Use of Elevators	Included
7. Extended Property Damage	Included
8. Incidental Malpractice (Employed nurses, EMT's & paramedics)	Included
9. Knowledge of Occurrence	included
10. Liberalization Clause	Included
11. Medical Payments - Increased Limit	\$ 10,000
12. Mobile Equipment Redefined	Included
13. Newly Acquired or Formed Organizations - Covered until end of policy period	Included
14. Non-owned Watercraft	51 ft.
15. Personal Injury - Broad Form	Included
16. Product Recall Expense	
- Each Occurrence Limit	\$ 25,000
- Aggregate Limit	\$ 50,000
17. Property Damage Legal Liability (Fire, Lighting, Explosion, Smoke or Leakage Damage)	\$500,000
18. Supplementary Payments Increased Limits	
- Bail Bonds	\$ 2,500
- Loss of Earnings	\$ 300
19. Unintentional Failure to Disclose Hazards	Included
20. Unintentional Failure to Notify	Included

This endorsement amends coverages provided under the Commercial General Liability Coverage Form through new coverages, higher limits and broader coverage grants.

**1. Additional Insured by Contract, Agreement or Permit**

Under **Section II - Who is An Insured, Paragraph 5.** is added as follows:

5. a. Any person or organization with whom you agreed, because of a written contract, written agreement or permit to provide insurance, is an insured, but only with respect to:

- (1) "Your work" for the additional insured(s) at the location designated in the contract, agreement or permit; or

**(2) Premises you own, rent, lease or occupy.**

This insurance applies on a primary basis if that is required by the written contract, written agreement or permit.

b. This provision does not apply:

- (1) Unless the written contract or written agreement has been executed or permit has been issued prior to the "bodily injury", "property damage", "personal and advertising injury".

- (2) To any person or organization included as an insured by an endorsement issued by us and made part of this Coverage Part.
- (3) To any person or organization included as an insured under item 2 of this endorsement.
- (4) To any lessor of equipment:
  - (a) After the equipment lease expires; or
  - (b) If the "bodily injury", "property damage", "personal and advertising injury" arises out of sole negligence of the lessor.
- (5) To any:
  - (a) Owners or other interests from whom land has been leased which takes place after the lease for the land expires; or
  - (b) Managers or lessors of premises if:
    - (i) The occurrence takes place after you cease to be a tenant in that premises; or
    - (ii) The "bodily injury", "property damage", "personal and advertising injury" arises out of structural alterations, new construction or demolition operations performed by or on behalf of the manager or lessor.

- (4) Repackaging, unless unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instruction from the manufacturer, and then repackaged in the original container;
  - (5) Any failure to make such inspection, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business in connection with the sale of the product;
  - (6) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;
  - (7) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any thing or substance by or for the vendor.
- c. This insurance does not apply to any insured person or organization, from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products.

**2. Additional Insured - Broad Form Vendors**

Under Section II - Who is An Insured, Paragraph 6. is added as follows:

- 6. a. Any person or organization with whom you agreed, because of a written contract or written agreement to provide insurance, but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business, subject to the following additional exclusions:
- b. The insurance afforded the vendor does not apply to:
  - (1) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reasons of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the insured would have in the absence of the contract or agreement;
  - (2) Any express warranty unauthorized by you;
  - (3) Any physical or chemical change in the product made intentionally by the vendor;

**3. Aggregate Limit Per Location**

- (1) Under Section III - Limits of Insurance the General Aggregate Limit applies separately to each of your "locations" owned by or rented to you.
- (2) Under Section V - Definitions, definition 23. is added as follows:

22. "Location" means premises involving the same or connecting lots, or premises whose connection is interrupted only by a street, roadway, waterway or right-of-way of a railroad.

**4. Alienated Premises**

Under Section I - Coverage A, paragraph 2. Exclusions, j. (2) is replaced in its entirety with the following:

- (2) Premises you sell, give away or abandon, if the "property damage" arises out of any part of those premises and occurred from hazards that were known by you, or should have reasonably been known by you, at the time the property was transferred or abandoned.

**5. Bodily Injury Redefined**

Under Section V - Definitions, definition 3. "bodily injury" is replaced in its entirety with the following:

3. "Bodily injury" means bodily injury, sickness or disease sustained by a person. This includes mental anguish, mental injury, shock, fright or death resulting from "bodily injury", sickness or disease.
6. **Broad Form Property Damage - Borrowed Equipment, Customers Goods, Use of Elevators**  
 (1) Under Section I - Coverage A, paragraph 2. Exclusion j. is amended as follows:  
 Paragraph (4) does not apply to "property damage" to borrowed equipment while at a jobsite and not being used to perform operations.  
 Paragraphs (3), (4) and (6) do not apply to "property damage" to "customers goods" while on your premises nor do they apply to the use of elevators at premises you own, rent, lease or occupy.  
 (2) Under Section V - Definitions, definition 24. is added as follows:  
 23. "Customers goods" means property of your customer on your premises for the purpose of being:  
 a. worked on; or  
 b. used in your manufacturing process.  
 (3) The insurance afforded under this provision is excess over any other valid and collectible property insurance (including deductible) available to the insured whether primary, excess, contingent or on any other basis.
7. **Extended Property Damage**  
 Under Section I - Coverage A, paragraph 2. Exclusions, Exclusion a. is replaced in its entirety with the following:  
 a. "Bodily injury" or "property damage" expected or intended from the standpoint of the insured. This exclusion does not apply to "bodily injury" or "property damage" resulting from the use of reasonable force to protect persons or property.
8. **Incidental Malpractice - Employed Nurses, EMT's and Paramedics**  
 Under Section II - Who is An Insured, paragraph 2.a.(1)(d) does not apply to a nurse, emergency medical technician or paramedic employed by you if you are not engaged in the business or occupation of providing medical, paramedical, surgical, dental, x-ray or nursing services.
9. **Knowledge of Occurrence**  
 Under Section IV - Commercial General Liability Conditions, Condition 2 - Duties in the Event of Occurrence, Offense, Claim or Suit, paragraph e. is added as follows:  
 e. Notice of an "occurrence", offense, claim or "suit" will be considered knowledge of the insured if reported to an individual named insured, partner, executive officer or an "employee" designated by you to give us such a notice.
10. **Liberalization Clause**  
 Under Section IV - Commercial General Liability Conditions, condition 10. is added as follows:  
 10. **Liberalization Clause**  
 If we adopt any revision that would broaden the coverage under this Coverage Form without additional premium, within 45 days prior to or during the policy period, the broadened coverage will immediately apply to this Coverage Part.
11. **Medical Payments - Increased Limits**  
 (1) Under Section I - Coverage C, paragraph a. (2) is replaced in its entirety by the following:  
 (2) The expenses are incurred and reported to us within three years of the date of the accident; and  
 (2) Under Section III - Limits of Insurance, paragraph 7. is replaced in its entirety by the following:  
 7. Subject to 5. above, the higher of:  
 a. \$10,000; or  
 b. The amount shown in the Declarations for Medical Expense Limit is the most we will pay under Coverage C for all medical expenses because of "bodily injury" sustained by one person.  
 (3) This coverage does not apply if Coverage C - Medical Payments is excluded either by the provisions of the Coverage Part or by endorsement.
12. **Mobile Equipment Redefined**  
 Under Section V - Definitions, definition 12, Mobile Equipment, paragraph f.(1)(a)(b)(c) does not apply to self-propelled vehicles of less than 1,000 pounds gross vehicle weight.
13. **Newly Acquired Or Formed Organizations**  
 Under Section II - Who is An Insured, paragraph 4.a. is replaced in its entirety by the following:

- a. Coverage under this provision is afforded only until the end of the policy period.

#### 14. Non-Owned Watercraft

Under Section I - Coverage A, paragraph 2 Exclusions, g.(2) is replaced in its entirety by the following:

- (2) A watercraft you do not own that is:
- (a) Less than 51 feet long; and
  - (b) Not being used to carry persons or property for a charge;

This provision applies to any person, who with your consent, either uses or is responsible for the use of a watercraft.

#### 15. Personal Injury - Broad Form

- (1) Under Section I - Coverage B, paragraph 2.e. is deleted in its entirety.

- (2) Under Section V - Definitions, definition 14, paragraph b. is replaced in its entirety by the following:

b. Malicious prosecution or abuse of process.

- (3) Under Section V - Definitions, definition 14, paragraph h. is added as follows:

h. Discrimination or humiliation (unless insurance thereof is prohibited by law) that results in injury to the feelings or reputation of a natural person, but only if such discrimination or humiliation is:

- (1) Not done intentionally by or at the direction of:

- (a) The insured;
- (b) Any officer of the corporation, director, stockholder, partner or member of the insured; and

- (2) Not directly or indirectly related to an "employee", not to the employment, prospective employment or termination of any person or persons by an insured.

- (4) This coverage does not apply if Coverage B - Personal and Advertising Injury Liability is excluded either by the provisions of the Coverage Part of by endorsement.

#### 16. Product Recall Expense

- (1) Under Section I - Coverage A, paragraph 2 Exclusions, n. is replaced in its entirety by the following:

n. **Recall of Products, Work or Impaired Property**

Damages claimed for any loss, cost or expense incurred by you or others for the loss of use, withdrawal, recall, inspection,

repair, replacement, adjustment, removal or disposal of:

- (1) "Your product";
- (2) "Your work"; or
- (3) "Impaired property";

if such product, work, or property is withdrawn or recalled from the market or from use by any person or organization because of a known or suspected defect, deficiency, inadequacy or dangerous condition in it, but this exclusion does not apply to "product recall expenses" that you incur for the "covered recall" of "your product". The exception to the exclusion does not apply to "Product recall expenses" resulting from:

- (1) Failure of any products to accomplish their intended purpose;
- (2) Breach of warranties of fitness, quality, durability or performance;
- (3) Loss of customer approval, or any cost incurred to regain customer approval;
- (4) Redistribution or replacement of "your product" which has been recalled by like products or substitutes;
- (5) Caprice or whim of the insured;
- (6) A condition likely to cause loss of which any insured knew or had reason to know at the inception of this insurance;
- (7) Asbestos, including loss, damage or clean up resulting from asbestos or asbestos containing materials;
- (8) Recall of "your products" that have no known or suspected defect solely because a known or suspected defect in another of "your products" has been found.

- (2) Under Section II - Who is An Insured, paragraph 4.d. is added as follows:

d. Coverage A does not apply to "product recall expense" arising out of any withdrawal or recall that occurred before you acquired or formed the organization.

- (3) Under Section III - Limits of Insurance, paragraph 8. is added as follows:

8. The Limits of Insurance and rules stated below fix the most we will pay under this coverage part.

- (1) The Aggregate Limit is the most we will reimburse you for the sum of all "product recall expenses" incurred for all "product recall expenses" initiated during the policy period.

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(2) The Each Occurrence Limit shown in the Summary of Coverages Declaration is the most we will pay in connection with any one defect or deficiency.

(a) All "product recall expenses" in connection with substantially the same general harmful condition will be deemed to arise out of the same defect or deficiency and considered one occurrence.

(b) Any amount reimbursed for "product recall expenses" in connection with any one occurrence will reduce the amount of the Aggregate Limit available for reimbursement of "product recall expenses" in connection with any other defect or deficiency.

(c) If the Aggregate Limit has been reduced by reimbursement of "product recall expenses" to an amount that is less than the Each Occurrence Limit, the remaining Aggregate Limit is the most that will be available for reimbursement of "product recall expenses" in connection with any other defect or deficiency.

The Limits of Insurance of Product Recall Expense apply separately to each consecutive annual period and to any remaining period of less than 12 months, starting with the beginning of the policy period shown in the Declarations, unless the policy period is extended after issuance for an additional period of less than 12 months. In that case, the additional period will be deemed part of the last preceding period for the purposes of determining the Limits of Insurance.

(3) A Deductible of \$500 applies for Each Occurrence.

(4) Under Section IV - Commercial General Liability Conditions, Condition 2 - Duties in the Event of Occurrence, Offense, Claim or Suit, paragraph f. is added as follows:

f. You must see to it that the following are done in the event of an actual or anticipated "covered recall" that may result in "product recall expense":

(1) Give us prompt notice of any discovery or notification that "your product" must be withdrawn or recalled. Include a description of "your product" and the reason for the withdrawal or recall;

(2) Cease any further release, shipment, consignment or any other method of distribution of like or similar products until it has been determined that all

such products are free from defects that could be a cause of loss under this insurance.

(5) Under Section V - Definitions, the following definitions are added:

25. "Covered recall," means a recall made necessary because you or a government body has determined that a known or suspected defect, deficiency, inadequacy, or dangerous condition in "your product" has resulted or will result in "bodily injury" or "property damage".

26. "Product recall expense" means:

a. Necessary and reasonable expenses for:

(1) Communications, including radio or television announcements or printed advertisements including stationery, envelopes and postage;

(2) Shipping the recalled products from any purchaser, distributor or user to the place or places designated by you;

(3) Remuneration paid to your regular "employees" for necessary over-time;

(4) Hiring additional persons, other than your regular "employees";

(5) Expenses incurred by "employees" including transportation and accommodations;

(6) Expenses to rent additional warehouse or storage space;

(7) Disposal of "your product", but only to the extent that specific methods of destruction other than those employed for trash discarding or disposal are required to avoid "bodily injury" or "property damage" as a result of such disposal;

You incur exclusively for the purpose of recalling "your product"; and

b. Your lost profit resulting from such "covered recall".

17. **Property Damage Legal Liability (Fire, Lightning, Explosion, Smoke or Leakage from Fire Protective Systems Damage)**

(1) The word fire is changed to fire, lightning, explosion, smoke and leakage from fire protective systems where it appears in the Limits of Insurance section of the Declarations for the Commercial General Liability Coverage Part.

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- (2) Under **Section I - Coverage A**, the last paragraph (after the exclusions) is replaced in its entirety by the following:

Exclusions c. through n. do not apply to damage by fire, lightning, explosion, smoke or leakage from fire protective systems to premises while rented to you or temporarily occupied by you with the permission of the owner. A separate limit of insurance applies to this coverage as described in **LIMITS OF INSURANCE (SECTION III)**. This limit will apply to all damage proximately caused by the same event, whether such damage results from fire, lightning, explosion, smoke or leakage from fire protective systems or any combination of the five.

- (3) Under **Section III - Limits Of Insurance**, paragraph 6. is replaced in its entirety by the following:

6. Subject to 5. above, the higher of:

- a. \$500,000; or
- b. The Fire, Lightning, Explosion, Smoke or Leakage from Fire Protective Systems Damage Limit shown in the Declarations is the most we will pay under Coverage A for damages because of "property damage" from fire, lightning, explosion, smoke and leakage from fire protective systems to premises, while rented to you or temporarily occupied by you with permission of the owner.

- (4) Under **Section IV - Commercial General Liability Conditions**, Condition 4. **Other Insurance**, paragraph b.(2) is replaced by the following:

b.(2) That is fire, lightning, explosion, smoke or leakage from fire protective systems insurance for premises rented to you or temporarily occupied by you with permission of the owner; or

- (5) Under **Section V - Definitions**, definition 9. **"insured contract"**, a. is replaced in its entirety by the following:

a. A contract for a lease of premises. However, that portion of the contract for a lease of premises that indemnifies any person or organization for damage by fire, lightning, explosion, smoke or leakage from fire protective systems to premises while rented to you or temporarily occupied by you with permission of the owner is not an "insured contract".

- (6) This coverage does not apply if Fire Damage Legal Liability of **Coverage A** is excluded either by the provisions of the Coverage Part or by endorsement.

**18. Supplementary Payments Increased Limits**

Under **Section I - Supplementary Payments, Coverages A and B**, paragraphs 1.b. and 1.d. are replaced in their entirety as follows:

1.b. Up to \$2,500 for cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which the Bodily Injury Liability Coverage applies. We do not have to furnish these bonds.

1.d. All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to \$300 a day because of time off from work.

**19. Unintentional Failure to Disclose Hazards**

Under **Section IV - Commercial General Liability Conditions**, Condition 6. - **Representations**, paragraph d. is added as follows:

d. We will not disclaim coverage under this Coverage Part if you fail to disclose all hazards existing as of the inception date of the policy provided such failure is not intentional.

**20. Unintentional Failure to Notify**

Under **Section IV - Commercial General Liability Conditions**, Condition 2. - **Duties in the Event of Occurrence, Offense, Claim or Suit**, paragraph g. is added as follows:

g. Your rights afforded under this policy shall not be prejudiced if you fail to give us notice of an "occurrence", offense, claim or "suit", solely due to your reasonable and documented belief that the "bodily injury" or "property damage" is not covered under this policy.



**Mulholland, Michelle**

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4-35

**From:** Karen Wimpey <[kwimpey@concordymca.org](mailto:kwimpey@concordymca.org)>  
**Sent:** Friday, April 04, 2014 11:16 AM  
**To:** \* City Clerk  
**Subject:** Requesting Road Closure

TJA

To Whom It May Concern,

I am emailing you today on behalf of the Concord Family YMCA. We are respectfully requesting to close down Warren Street between North State Street and Green Street on Friday, May 16, 2014 from 3:00pm to 9:00pm. We are hoping to do another block party/barbecue for our members and the community. We will have food, music, bounce houses and carnival style games.

Thank you for your consideration.

*Karen Wimpey*  
*Membership Supervisor*  
*Concord Family YMCA*  
[kwimpey@concordymca.org](mailto:kwimpey@concordymca.org)





# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Thomas J. Aspell, Jr., City Manager  
**DATE:** February 21, 2014  
**SUBJECT:** Reappointments to the Library Board of Trustees

TJA

### Recommendation:

It is being recommended that the following appointments be reviewed at the March City Council meeting for approval in April.

### Background:

I would like to propose the re-appointment of the following individuals to the Library Board of Trustees. The new terms will expire on May 1, 2017.

- **Paula Miner** would be appointed for an additional three-year term. Ms. Miner was appointed to the Library Board of Trustees in 1995. She is a resident of Penacook and a strong supporter of the Penacook Branch Library.
- **Mary Beth Robinson** would be appointed for an additional three-year term. Ms. Robinson was appointed to the Library Board of Trustees in 2004. She is a long-term Library user and a strong advocate for library services in the community.

### Discussion:

In accordance with Section 15 of the City Council Rules, these proposed appointments are being distributed for your information in advance of final action in April.

cc: Sandi Lee, Interim Library Co-Director  
Pam Stauffacher, Interim Library Co-Director





# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Thomas J. Aspell, Jr., City Manager TJA  
**DATE:** February 26, 2014  
**SUBJECT:** Proposed Appointment to the Library Board of Trustees

### Recommendation

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

### Background

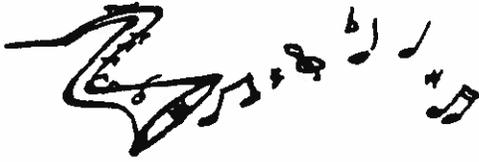
I hereby propose the appointment of Michael Alberici to fill an existing vacancy on the Library Board of Trustees for a term to expire May 1, 2016.

Mr. Alberici has been a school music teacher since 1988. He is an active member of the Concord community and realizes the importance of the Library to the community. Mr. Alberici's resume is attached for your information.

### Discussion

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

cc: Sandi Lee, Co-Interim Library Director  
Pam Stauffacher, Co-Interim Library Director



**Michael G. Alberici**  
12 Morton Street  
Concord, NH 03301  
MGASAX@MYFAIRPOINT.NET  
(603) 731-7613 (603) 226-0087

## Teaching Experience

- ◆ **Hopkinton School District** Hopkinton, NH  
  
1997-2005, 2006-2014 Maple Street School Music Director  
4-6th grade Classroom Music Teacher, African Drum Ensemble, 4-6th Grade Instrumental Music Teacher,  
4-6th Band Director, Chorus Director  
  
Sept. 2011-2013 Hopkinton Middle School  
7<sup>th</sup> grade General Music-guitar class  
  
Sept. 2005-2006 Hopkinton Middle/High School  
MS/HS School Instrumental Music Director  
  
1993-1996 Harold Martin School/Maple Street School  
K-6th Classroom Music Teacher
- ◆ **Bay Cove Elementary School** Boston, MA March-August, 1993  
Experiential Educator, School Wide Music Educator
- ◆ **Gateway Regional High School** Huntington, MA January-June, 1992  
Student Teacher
- ◆ **Westfield Community Music School** Westfield, MA 1988-1992  
Instrumental Music Teacher

## Education

- ◆ **Boston University** Boston, MA 2006-Present (Currently on leave)  
Candidate for Doctoral of Musical Arts Degree in Music Education,  
Current GPA 3.96, 28 credits completed
- ◆ **New England Conservatory of Music** Boston, MA 1996-1999  
Master of Music Degree in Jazz Studies granted "With Honors" in May, 1999.  
Final G.P.A. 3.953, Dean's List
- ◆ **Plymouth State College** Spring, 2006  
Graduate course with Dr. Ric Pfenninger: *MIDI and Finale in the Classroom*
- ◆ **University of New Hampshire** Durham, NH July, 1996 and Spring, 1996  
Graduate courses - *Elementary Music Methods* and *Form and Analysis*
- ◆ **Westfield State University** Westfield, MA 1987-1992  
Bachelor of Arts degree granted August, 1992 Dean's List

## Teaching Highlights

- ◆ **A Evening With Delfeayo Marsalis 2008**  
Organized and produced two workshops at two Hopkinton schools. Produced and performed in a free public concert in Hopkinton in March of 2008. Served as local liaison with New Orleans tour office, raised funds, distributed tickets, and acted as publicity manager.
- ◆ **"The President's Own" United States Marine Band 2007**  
Organized and produced a free public concert in Hopkinton in October of 2007. Served as local liaison with Washington national tour office, raised funds, distributed tickets, and acted as publicity manager.
- ◆ **Maple Street School Summer Band Camp 1997-2011**  
Developed and taught an annual summer band program for 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> grade instrumental music students. In the thirteen years of MSS Band Camp hundreds of Hopkinton children have participated. Over \$10,000 of camp proceeds has been donated to the Maple Street School Music Department and to endow a scholarship for graduating music students at Hopkinton High School
- ◆ **"The Alberici Code" 2005**  
Designed and created an interactive multimedia scavenger hunt based upon the bestselling book "The Da Vinci Code". The game was designed to encourage students to appreciate the art and artists of New Hampshire. Students participating were led to local museums and galleries, state buildings, and state parks in search of hidden clues.
- ◆ **Collaboration with children's author Doreen Rappaport 2003**  
During a residency at Maple Street School, Caldecott Award winner Doreen Rappaport collaborated with my students in collecting data for her new biography about John Lennon. Students read her rough draft, edited copy, and communicated ideas with her, helping compile her final draft. Many student ideas made it into the final published edition. *John's Secret Dreams*, was published in 2004, with an authors thank you to Maple Street students.
- ◆ **Guinness World's Record - World's Longest Drum Roll 2002**  
Led a team of 5<sup>th</sup> and 6<sup>th</sup> grade percussion students on a quest to create the "World's Longest Sustained Drum Roll by a Team". In March eleven students performed a 9-hour, 11-minute, and 1 second (9:11:01) drum roll in honor of those who died on September 11<sup>th</sup>. Our record was officially recognized by Guinness World Records LTD, and the Maple Street School held the record for approximately 6 months.

## Music Performance

- ◆ **New England Wind Symphony 2008-Present**  
Tenor and Alto Saxophone
- ◆ **Capitol Jazz Orchestra 2008-Present**  
Flute, Clarinet, Alto, Tenor and Baritone Saxophone, Bass Clarinet: *performed with Byron Stripling, Delfeayo Marsalis, Ken Peplowski, Butch Miles, and The Four Freshmen*
- ◆ **WonderfulWeddings.biz 2006-Present**  
Founder and owner of Wonderful Weddings, a music booking service that provides professional music for wedding ceremonies and receptions throughout New England.

- ◆ **Carnival Cruise Lines** Miami, FLA May -December, 1992  
Alto, tenor, and baritone saxophones, flute, and clarinet.

### **Instrumental /Technological Proficiency**

I am proficient on the following musical instruments: all saxophones, flute, Bb clarinet, bass clarinet, oboe, trumpet, trombone, baritone horn, French horn, guitar, electric bass, and piano, steelpan.

I also have teaching experience and professional skills with many music software programs including: Finale, Protools, Garageband, ProLogic, iTunes, and iMovie

### **Professional Writing**

Concord Monitor, Board of Contributing Writers- 2009-2012, Freelance journalist 2012-present

*-Have written and published over 50 articles for the newspaper covering a range of subjects including arts, music, opera, politics, local social issues, and opinion.*

### **Awards, Achievements, Organizations**

Capitol Center for the Arts: Educational Advisory Board

Educational Outreach Director, Capitol Center Jazz Orchestra, 2012-present

New Hampshire Teaching License, Endorsement Area- Music 1200

Hopkinton Friends of the Performing Arts, Director

Recipient of the Susan Graham Pisinski Award for Excellence in Teaching. Hopkinton, NH 2006

Highest Final GPA in Jazz Studies Department (3.953), New England Conservatory of Music, 1999

Recipient of the Winifred Allen Scholarship in the Performing Arts. New England Conservatory, 1998

Guinness World Record holder for the World's Longest Drum Roll.

Co-composer of the theme song for MTV's game show "Singled Out" ("Performa").

1997 Boston Music Awards-Winner of Best Funk Band

1997 WBCN Royal Rumble Semi-Finalists

1995 Boston Music Awards-nominated for Best Funk Band, Best Independent Album

1995 Boston Phoenix Music Awards-nominated for Best Funk Band, Best Producer, Best New Artist, Best Album, Best Song ("Performa")

Recipient of the Giacomo Alberici Music Scholarship

Hopkinton School Facility Committee- Hopkinton, NH

New England Band Director's Institute

Music Educator's National Conference

New Hampshire Music Educators Association

Appalachian Mountain Club

BMI



JIM BOULEY  
MAYOR

# City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

4-37

TEA

TO: Members of City Council  
FROM: Mayor Bouley  
DATE: March 21, 2014  
RE: Planning Board Appointment

I propose the appointment of the following individual to the Planning Board for a three year term to expire on May 31, 2017. This appointment would fill the regular member vacancy that currently exists on the board.

- Richard S. Woodfin, 11 Harvard Street, Concord. A copy of Mr. Woodfin's letter of interest and resume are attached.

In accordance with Section 15 of the City Council Rules, this proposed appointment is being distributed to City Council as information in advance of formal action at the April 14, 2014 City Council meeting.



March 18, 2014

The Honorable James Bouley  
Mayor, City of Concord  
City Hall  
Concord, NH 03301

Re: Planning Board Position

Dear Mayor Bouley,

I'm writing to express my interest in joining the Planning Board for the City of Concord. I was born in Concord and have lived here most of my life. I have a deep understanding of what makes Concord a special place to live, work, play and raise a family.

My only exposure to a City related committee was as a member of the Concord Complete Streets Committee. I enjoyed the experience and since it ended, have been eagerly looking for something to get involved with. The planning position seems like an ideal fit. I have a reverence for history, but recognize the need to change (for the better) with the times.

I want to help shape Concord for future generations and believe I possess the necessary skills to become a valuable member of the Concord Planning Board.

Thank you for considering me for this position. Should you have any questions, please don't hesitate to contact me.

Yours very truly,

Richard S. Woodfin  
11 Harvard Street  
Concord, NH 03301  
603-856-4325

**Rich Woodfin, Vice President – Marketing & Media Director.**

Rich Woodfin is Vice President of Marketing & Media Director at Charter Trust Company. He joined the firm in 2012 and is based in our Concord NH office.

Founded in 1984, Charter Trust Company is a wealth management firm headquartered in Concord NH. Working confidentially with individuals, families and institutions to: increase wealth through asset allocation, investment management, and charitable giving; and preserve, protect, and transfer wealth through estate planning and business succession strategies, education and philanthropy. The company manages over \$1.5 billion in client assets and acts as fiduciaries for clients in 43 states and 3 countries.

In his position Mr. Woodfin directs all marketing and media efforts for the firm. Prior to joining Charter Trust as an employee, Mr. Woodfin worked with the firm for four years as a freelance designer and Marketing consultant. Mr. Woodfin spent six years working for MicroDAQ Inc, a world-wide electronics reseller as Vice President of Sales & Marketing.

Prior to that he spent ten years with PC Connection, a Fortune 1000 Company based in Merrimack, New Hampshire. While at PC Connection, Mr. Woodfin held a variety of roles, including Product Line Director and Director of Product Management where he oversaw much of the company's merchandising and marketing efforts. During his tenure company sales grew from \$450 million to \$1.6 billion. In addition, he was part of the management team that helped take the company public in 1998.

A self-taught Web designer, Graphic artist and Photographer, Mr. Woodfin owns NH Sports Photography, an award winning, full service action sports photography company.

Mr. Woodfin is currently on the board of directors of *In-Town Concord* and is a founding director of the *NH Conference on Aging*. He is a tireless local volunteer and has been involved in many community organizations including; the Concord Complete Streets Downtown Redevelopment Committee, Bishop Brady High School where he volunteers in a variety of roles; Little League Baseball as a coach and board member; Cal-Ripken League Softball as a coach, board member and League President and Concord Youth Hockey as a coach and board member.



# CITY OF CONCORD

## REPORT TO MAYOR AND CITY COUNCIL

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

**DATE:** March 11, 2014

**SUBJECT:** Planning Board Appointment

TJA

### Recommendation

Approve the following recommended appointment.

### Background

Pursuant to RSA 673:2, the City Manager may, with the approval of the City Council, designate a permanent replacement to serve in his stead as an ex officio member on the Planning Board. In that regard, I am seeking Council's approval to designate Teresa R. Rosenberger as my permanent replacement on the Planning Board. Ms. Rosenberger lives in Concord and is an attorney with Devine Millimet Attorneys at Law. Ms. Rosenberger's biography is attached for your convenience.

### Discussion

In accordance with Section 15 of the City Council Rules, this proposed appointment is being distributed to City Council as information in advance of formal action in April. I respectfully request that formal action be taken at the April 14, 2014 City Council meeting.

/sms



# DEVINE MILLIMET

ATTORNEYS AT LAW



## TERESA R. ROSENBERGER President of Devine Strategies

### Biography

Teresa, the former President of FairPoint Communications in New Hampshire, works extensively helping clients develop strategies for success and growth. Teresa has significant experience in regulatory matters, government affairs, public relations, grassroots organizing and economic development. Teresa interacts regularly with the governor, state legislature, state agencies, New Hampshire's federal delegation, the federal government, local organizations, NH cities and towns and other public officials on areas of concern to the firm's clients. Throughout her career, Teresa has expertise in the areas of telecommunications, public utilities, energy, healthcare, taxation, licensing, environmental issues, human resources, and all general business issues.

Teresa's approach to problem solving is to work within the client service team, providing potential political, legislative, grassroots, and collaborative solutions. Understanding the dynamics of both the political and legislative process at the federal, state and local levels as well as the business environment of New Hampshire allows Teresa to be a valuable contributor to a client service team.

Throughout her 30- year career Teresa has been involved at both the national, state and local level. She began her career at *U.S. News and World Report* magazine. She has been a member of the speech writing and research staff at the White House under the presidencies of Richard Nixon, Gerald Ford and Ronald Reagan. Teresa was a political and communications consultant for The American Association of Retired Persons, helping develop federal and state advocacy positions as well as advising the CEO and board on communications strategies. She began her consulting career at Harbridge House conducting management audits of utilities. She has also consulted for the Healthcare Leadership Committee in Washington, D.C., specifically working with their management to develop integrated state strategies to implement healthcare reform legislation. Teresa has worked on issues in the State of New Hampshire for the last decade and a half. Most recently, Teresa was the President of FairPoint Communications in New Hampshire. While at FairPoint, Teresa was able to successfully bring the company out of bankruptcy and positively change its image. Under Teresa's leadership, FairPoint was voted the best telecommunications company in New Hampshire.

### Education

University of North Carolina, Bachelor of Arts, Journalism, 1971

### Professional Affiliations

Hoffman- Haas Fellowship Program cohort mentor, 2014

### Speaking Engagements

The Women's Leadership Institute Annual Conference, 2011 & 2012  
Women in Politics," Rockefeller Center at Dartmouth College

NH Women Inspiring Women Conference 2010

**Community involvement**

New England Council, Board of Directors

Business and Industry Association(BIA), Board of Directors

Named one of New Hampshire's most Influential Women in Business

Member of the Economic Development Advisory Board (appointed by the Governor)

Greater Concord Chamber of Commerce, Past Chair and Board Member

Josiah Bartlett Center for Public Policy, Former Board of Directors

Concord Regional Visiting Nurse Association, Past Chair and Board Member

New Hampshire Historical Society, Past Chair and Board Member

New Hampshire Preservation Alliance, Former Board of Trustees

Capitol Region Healthcare Board, Former Board of Directors

Concord YMCA, Board of Directors, Past Chair

Past Member NH Telecommunications Advisory Board (appointed by the Governor)

Past Member State/ Capital/ Regional Zoning Commission

**Publications**

Named in New Hampshire's *Leadership Advantage* publication as one of the "Leaders in Our Community."

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Concord's Plan to End Homelessness

Concord Steering Committee to End Homelessness  
March 2014

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## **I. INTRODUCTION**

On April 9, 2012, the Concord City Council unanimously adopted a resolution supporting and endorsing the creation of a "Ten Year Plan" to end homelessness in the City of Concord, NH. (A copy of the Resolution is attached as Appendix A.)

Mayor Jim Bouley created the Concord Steering Committee to End Homelessness in January of 2013 and charged it with developing a recommended plan for submission to the City Council that would guide the community in its efforts to address and, if possible, eliminate homelessness in Concord.

In appointing the Concord Steering Committee to End Homelessness, the Mayor attempted to include representation from across a broad range of interests and communities, all of whom are impacted by homelessness in Concord. Thus, in addition to representation from the homeless service providers, the Steering Committee included representation from Concord's public safety system (police and fire); the public and private housing development sectors; the business, banking and legal communities; mental health service providers; funders of the non-profit sector; and the state agency for homeless services. The City Council was provided a list of the Steering Committee members in January 2013.

The members of the Concord Steering Committee to End Homelessness were:

Jim Bouley, Mayor, City of Concord  
Patrick Tufts, President & CEO, Granite United Way, Co-Chair  
David Frydman, Esq, HealthTrust Inc, Co-Chair  
Dan Andrus, Fire Chief, City of Concord  
Bill Davis, Truncellito & Davis Insurance & Financial Services, LLC  
John Duval, Police Chief, City of Concord  
Peter J. Evers, President/Chief Executive Officer, Riverbend Community  
Mental Health Inc  
John Hoyt, Executive Director, Concord Housing Authority  
Jerry Kingwill, President, Cobb Hill Construction  
Cathy Kuhn, Director of Research and Training, Families in Transition/NH  
Coalition to End Homelessness  
Ralph Littlefield, Executive Director, Belknap Merrimack County CAP  
Jerry Madden, Executive Director, Friends Program  
Paul Rizzi, President & CEO, Merrimack County Savings Bank  
Maureen Ryan, Administrator, DHHS-Bureau of Homeless and Housing  
Services  
Nicole Schuitz-Price, Attorney, Suloway & Hollis  
Tim Sink, President, Concord Chamber of Commerce

Major Jerry Stinson, Salvation Army

Shannon Swett Bresaw, Director of Public Health Services & Prevention,  
Granite United Way

Jackie Whatmough, Human Services Director, City of Concord

**Committee Staff:**

Maggie Fogarty, Associate Director of the NH Program, American Friends  
Service Committee

Vai Guy, Community Impact/Community Building, Granite United Way

Susan Howland, Director of Homeless Services, Granite United Way

**Consultants:**

Amy Lockwood, Principal, Full Circle Consulting

NH Listens, The Carsey Institute, University of NH

Ray Peterson, North Chelmsford, MA

Funding to support the work of the Concord Steering Committee to End Homelessness was generously provided by the Granite United Way, the New Hampshire Charitable Foundation, the Rotary Club of Concord and the American Friends Service Committee.

The Steering Committee to End Homelessness met between March 2013 and January 2014. It gathered data regarding the scope and impact of homelessness in Concord. It also studied approaches implemented in other cities to respond to homelessness. All meetings were posted on the City website and open to the public.

In order to obtain input from across Concord, the Committee conducted numerous listening sessions with people representing many organizations from the private, public and non-profit sectors. Such sessions were held with members of the Chamber of Commerce, InTown Concord, the Concord Coalition to End Homelessness' Homeless Service Providers Network, the Greater Concord Interfaith Council, and individuals who are homeless and recently homeless. The Committee also conducted a survey to gain additional community input. (A summary of the survey is located in Appendix D).

After issuing a draft plan, the Committee conducted a public hearing on December 10, 2013 in the City Council Chambers. The Committee also accepted written public comments through December 31, 2013.

## 2. THEMES

Several themes emerged from the planning process.

1. The impact of homelessness in Concord has increased dramatically over the last decade. The negative consequences of homelessness in Concord have affected both individuals who are homeless and those who are not. Most Concord citizens have personally felt the effects of homelessness in the city as the systems designed to address homelessness in Concord have not kept pace with the need over the years. As a result, the impact of homelessness ripples through almost every facet of the Concord community, including as follows:
  - a. Increases in homeless camps dispersed across the entire city;
  - b. Increased deaths of homeless individuals;
  - c. Reports by shopkeepers of negative impacts to their business due to the loitering and behavior attributed to homeless individuals;
  - d. Reports by individuals of feeling unsafe in public places, individuals who are homeless themselves and those who are not;
  - e. Significant costs to the emergency service system (police/fire/emergency medical) to respond to incidents involving homeless individuals, including homeless people as victims of violence;
  - f. Increased costs to the health care system, particularly Concord Hospital, as a result of the use of emergency room care by homeless people instead of preventative care;
  - g. Increase in the number of homeless children in Concord and increases in the number of homeless children in the Concord school system;
  - h. Significant increase in Concord of panhandling which negatively impacts the sense of well-being for many Concord residents and is often attributed to homeless individuals;
  - i. Concord Library becoming a de-facto day center for homeless individuals;
  - j. Increased burden on certain churches that a decade ago created short-term emergency winter shelters, coupled with the desire of many other local religious communities wanting to find effective ways to respond to homelessness across the city.
2. Concord needs to expand its Homeless Resource Center where homeless individuals can gather during the day and at which they can access all the various supports and services available to assist them. The expanded center needs to be managed as a collaboration of the homeless service providers and designed to provide those who are homeless and the homeless service providers alike the following opportunities:
  - a. A central location to gather and access all homeless services available in the city;

- b. A safe place during cold weather with resources of internet, trainings, public restrooms, mailboxes, showers, laundry facilities, case management, one stop shopping for services and supports;
  - c. A place for the faith communities in Concord to distribute needed goods to homeless people and offer volunteer opportunities;
  - d. A place where those who are recently homeless can access rapid rehousing assistance, where those at risk of homelessness can access prevention services, and where longer term and chronically homeless people can access longer term services and learn about shelter/housing first opportunities.
3. The need to create additional permanent and affordable housing, Housing First units, and/or shelter opportunities for individuals who are homeless. Housing and shelter options need to be available to those who are free of substance abuse as well as to chronically homeless people who may be struggling with substance abuse as well as mental illness.
4. A continuum of services needs to be in place to combat homelessness, from temporary crisis relief/rapid rehousing to long term solutions, and include programs that prevent homelessness in the first place. Appropriate case management should exist to help make the response system work effectively. These services need to be integrated, efficient and easily accessible. Greater collaboration among local service providers is needed for more effective service delivery to homeless people in Concord. The use of an integrated resource center to provide services, as well as the governance of that center by a coalition of the service providers will lead to more integrated approach to utilizing available resources and services.
5. There is a need to obtain and disseminate more information about homelessness in Concord, including the services available to assist people in need, costs to the community, and future needs of those who are homeless and those in jeopardy of becoming homeless. This information should be made known to the public.
6. There is a need to increase the number of housing units in Concord that are affordable for very low income individuals and families as well as for those who are chronically homeless. In order to maintain the current balance of ownership versus rental housing stock in Concord, the City may want to consider linking the growth of these two distinct types of housing which serve different markets.
7. There is a need to address the situation impacting Downtown Concord brought about by the interaction of some disorderly individuals (perceived to be homeless) with people engaged in the everyday life and commerce. Public Safety Officers should assist homeless individuals to access the expanded Resource Center and its services rather than loitering downtown or in the library.

8. A high-level visible committee must be in place to lead the community in efforts to effectively respond to the growing impacts of homelessness on Concord.
9. The continued commitment from the City and other partners, with increased efforts to secure additional federal and private funding, is needed to effectively address homelessness. Potential sources for such additional funding include Community Development Block Grant (CDBG), the US Department of Housing and Urban Development (HUD), the Community Development Finance Authority (CDFA), NH Housing Finance Authority (NHHFA), Granite United Way and private charitable foundations. Concord serves as the regional hub for services and assistance to those in need. Individuals and families facing homelessness from the surrounding communities migrate to Concord to obtain needed services. Thus, it will be important to engage the surrounding communities, both through individual and municipal contributions and involvement, to contribute to the success of the Plan to End Homelessness.

Being homeless is confusing, exhausting and frightening. Homelessness is a complex problem with no single solution. Persons who are in this predicament often have multiple challenges which contribute to their homelessness. The Committee identified several subgroups of homeless people requiring particular attention: unsheltered persons, chronically homeless people, homeless families, and groups of individuals causing disruptions. The committee was also urged to address unmet needs of runaway youth and homeless veterans.

The U.S. Department of Housing and Urban Development (HUD) defines a person to be "homeless" if they are 1) staying in an emergency shelter or transitional housing, or 2) living in a place not meant for human habitation such as on the street, in a camp, in a car, or in an abandoned building. HUD defines someone who is "chronically homeless" as either, (1) an unaccompanied homeless individual with a disabling condition who has been continuously homeless for a year or more, or (2) an unaccompanied individual with a disabling condition who has had at least four episodes of homelessness in the past three years. The U.S. Department of Education's definition includes children and youths "who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason."

According to the New Hampshire's Bureau of Homeless and Housing Services' 2013 data, chronically homeless people comprise 18% of all homeless persons in the state, but consume 50% of available homeless resources (*The Governor's Interagency Council on Ending Homelessness*).

There is good news that throughout the preparation of this plan, people have expressed a willingness to help address homelessness. How the people of the city plan, coordinate, allocate resources, communicate, and advocate will be vital for an effective response.

### **3. CONCORD'S STRATEGY**

The Steering Committee to End Homelessness has met with many stakeholders concerned about homelessness. Many ideas and concerns have been expressed, and numerous suggestions have been made. Service delivery models have been put forward for consideration. What remains now is to select how best to move forward, focusing on addressing the risk factors and types of issues faced by homeless people.

A continuum of services should be in place to deal with both short-term and long-term needs, and to intervene to prevent homelessness from occurring. Prevention (such as food pantries and rental assistance), rapid rehousing, short term services (such as emergency shelter and case management), and long term solutions (such as permanent affordable housing with supportive services) are important for a systematic response.

It is necessary to collect and analyze data in order to track the local situation and measure progress in ending homelessness. Proper case management and targeted outreach must exist to connect with homeless individuals and families with local health and human service agencies, wherever homeless people are located-- downtown, on highway ramps, by the river and at make-shift camps.

More advocacy will be needed to end homelessness in Concord. A broad array of groups and stakeholders will need to continue to be fully engaged to accomplish the goals expressed in the plan. It is important to continue to increase membership in the Concord Coalition to End Homelessness to represent this broad spectrum of groups.

It is imperative that Concord respond to the growing challenges of homelessness with both immediate and longer term strategies to address the issue.

### **4. WHY ARE PEOPLE HOMELESS IN CONCORD?**

There are many reasons why people become homeless. Risk factors include:

- Lack of housing affordable to low-wage earning households;
- Being unemployed with limited job prospects;
- Not completing high school;
- Having spent time in correctional facilities (Concord is in a special position among New Hampshire towns because it has a county jail, state prison, and soon, a women's prison);
- Having healthcare, addiction and mental health issues, and lack of access to appropriate medical care and treatment;
- Having undergone a home foreclosure;
- Not receiving public benefits (such as unemployment assistance, childcare, and food stamps) for which they are eligible;

Insufficient funding for state and federal poverty relief programs such that low-income households cannot achieve or maintain economic security in a high cost state.

For homeless people and for those threatened by homelessness, wages earned are not keeping pace with the cost of housing. Data from the New Hampshire Housing Finance Authority found that the median rent for apartments in Concord during 2013 was \$873 for a one bedroom apartment, \$1,068 for a two bedroom apartment, and \$1,257 for a three bedroom apartment. NH Housing Finance Authority also surveyed 2013 vacancy rates in the city and determined that 2.9% for all housing units were vacant and only 1.4% of two bedroom apartments were vacant.

The National Low Income Housing Coalition has calculated that to live in a two bedroom apartment with utilities in Merrimack County, and without paying more than 30% of income on housing, a person would have to make \$19.69 per hour. At the area's mean wage rate of \$10.91 an hour, it would take 1.8 people working full-time to make such an apartment affordable. At the minimum wage in New Hampshire of \$7.25 per hour, it would require 2.7 persons working full-time to make a two bedroom apartment affordable. Over the last ten years rental prices have increased more than 24% statewide and utility costs have jumped 57% (NH Bureau of Homeless and Housing Services).

## **5. PORTRAIT OF HOMELESSNESS IN CONCORD**

At the present time there is limited data about those who are homeless in the Concord area. What is needed is a definitive full count of homeless people, routinely taken, across all providers of shelter and related services, and which avoids a duplicated tally. A one day Point-In-Time count (PIT) is conducted annually to attempt to identify persons in homeless situations. The 2013 PIT was conducted on January 23<sup>rd</sup> and at that time 263 individuals were documented to be homeless in Merrimack County. The approximately 30 people who inhabited the make-shift camps during 2013 are factored into the homeless count. It is very difficult to locate other homeless people because they may not be connected with a local agency or not be known by public safety officials.

In addition, statistics are maintained on the number of individuals and families who are served by local service providers. Based on services reimbursed by the NH Bureau of Homelessness and Housing Services, 508 homeless individuals were sheltered in Concord facilities during fiscal year 2012-2013, comprising 11% of those sheltered statewide.

During fiscal year 2012-2013, 468 individuals were housed in the city's three emergency shelters. The shelters include the Concord Cold Weather Shelters at First and South Congregational Churches (149 persons sheltered), the Friends Emergency Housing Program (122) and the Salvation Army-Concord's McKenna House (197). Taken together this comprised 22,413 nights of shelter for the year (NH Bureau of Homeless and Housing Services).

Existing beds for homeless people in Concord consist of 52 year-round emergency shelter beds, 62 winter season emergency beds, 24 transitional housing beds, and 66 permanent supportive housing beds.

In the discussions with the providers of homeless services they report:

- Longer shelter stays (6-9 months) with shelters frequently at capacity;
- Some homeless people coming to Concord for services;
- Increase in need, but resources are few. There has been a reduction of federal benefits and considerable strain on the local welfare department.
- The numbers coming to the Friendly Kitchen have been steadily increasing;
- Decreased public use of library due to usage as an informal hang out place for homeless people;
- Greater use of emergency services to meet health care needs;
- More substance abuse and mental illness;
- More violence, particularly between those who are homeless;
- Encampments became more crowded, with more tension, stress, fighting, and more police interventions;
- More "first time" homeless;
- More young adult homelessness;
- Unmet needs of runaway youth;
- Unmet needs of homeless veterans;
- People being discharged from hospitals and prisons/jail into homelessness.

**Concord's Point-In-Time Counts 2011-2013**

Year	Sheltered Individuals	Sheltered Individuals in Families	Unsheltered Individuals	Unsheltered Individuals in Families	Doubled up Individuals in the Community	Doubled up Individuals in Families	Total Homeless Individuals: Sheltered & Unsheltered
2013	86	84 (26 families)	61	18 (6 families)	2	12 (4 families)	263
2012	117	107 (35 families)	48	9 (2 families)	16	3 (1 family)	300
2011	94	53 (17 families)	61	2 (1 family)	18	17 (4 families)	245

Source: NH Bureau of Homeless and Housing Services. 2013 one-day counts taken on January 23, 2013; January 25, 2012; January 26, 2011

**Homeless Individuals Sheltered in Concord  
State Funded Programs, Fiscal Years 2011-2013**

Year	Sheltered Individuals	Sheltered Individuals in Families	Transitional Housing (Individuals )	Total Concord Individuals in Shelters & Transitional Housing	Statewide Total Individuals
2013	346	122	40	508	4,732
2012	360	103	43	506	4,825
2011	283	126	42	451	4,942

Reporting Programs: Concord Cold Weather Shelters, the Salvation Army's McKenna House, and Friends Emergency Housing. Source: NH Bureau of Homeless and Housing Services

## 6. COSTS TO THE COMMUNITY

In examining costs to emergency services in a community it is important to know that the figures represent largely fixed costs and would not substantially diminish even if homelessness were eradicated. They do, however, represent a use of resources that could be redirected to meet other community needs. These costs are ultimately at the expense of the person who has to wait longer for a more distant ambulance, the crime victim who has a longer wait for a police response, and the person who cannot get in to see a very busy caseworker.

### Costs of Homelessness for Selected Community Agencies

Agency	Basis of Measurement	Total Cost Estimate
Concord Fire Department	<p>96 calls for service for homeless persons = 1.34% of total call volume of 7,182 requests for service. With an annual Fire Department budget of \$12,456,624, the cost of services for homeless persons is \$166,504.</p> <p>Additionally, the City loses revenue from ambulance transport costs that are written off. Write offs for homeless patients amounted to \$63,122 for 2012.</p>	\$229,626
Concord Hospital	Concord Hospital provides care to approximately 40 patients identified as being homeless annually. Hospital staff estimate that there is probably twice that number of homeless patients, but they are not identified as such.	\$200,000
Concord Human Services	<p>Homeless clients represent 26% of the office's caseload. With an annual budget of \$748,689, this is equivalent to \$194,659.</p> <p>Direct grants for services to homeless persons total \$110,720.</p>	\$305,379
Concord Police Department	1,043 calls for service for homeless persons are equal to 1.70% of 61,389 calls for service annually. With an annual Police Department budget of \$10,809,924, the cost of services for homeless persons is \$183,661	\$183,661

The committee acknowledges that in addition to what can be documented, there are additional costs externalized to individuals and systems which are more difficult to quantify. These costs include:

Those borne by the larger criminal justice system for prosecution and incarceration of homeless individuals.

The cost of catastrophic health events in the future resulting from failures to provide adequate preventive health services now.

The exponential cost to the mental health care system and future impacts to law enforcement and criminal justice from children who are raised in homelessness.

The full cost of the many community agencies, including imputed costs for volunteer labor that are working to alleviate the effects of homelessness.

## **7. DESIGNING CONCORD'S APPROACH TO ENDING HOMELESSNESS**

Current resources are insufficient to solve the problem of homelessness. Some of the issues experienced in Concord will require changes to state and federal government policies. However, local actions are critical to impacting the problem. Solutions must be sought that are not merely band-aids, but comprehensive and enduring. It is necessary to engage the state's congressional delegation in next steps because additional federal funding is essential for the housing component of the Plan.

The Committee identified the need for additional data collection, including:

- 1) More specific data regarding who is currently served through the Concord Homeless Resource Center;
- 2) Number of people from Concord and not from Concord who are homeless and/or use homeless resources in the Concord community;
- 3) Number of people at risk of homelessness released from Merrimack County jail each year;
- 4) Number of homeless people released from the local hospital annually;
- 5) Who is using which community services and to what degree;
- 6) Criminal and disruptive activity that is and is not perpetrated by homeless individuals;
- 7) Cataloging policies and regulations that affect homelessness and related issues in order to provide clarity on what the legislative issues are and where to prioritize efforts.

Several program models were reviewed by or recommended to the Steering Committee during the planning process. More detailed information on these programs is located in Appendix E.

Rapid Rehousing  
Expansion of the Concord Homeless Resource Center  
Keene's Second Chance of Success

Preble Street's Logan Place, Portland, Maine (permanent supportive housing and Housing First)  
Family Justice Center in Strafford County  
Surrounding/sending towns contribute to fund services to assist homeless persons coming from their particular community, similar to school districts paying for out-of-district services for their students with special needs  
SHARE- Milford, NH  
St. Vincent de Paul Society, Exeter, NH

## **8. GOALS**

The Concord Steering Committee to End Homelessness has developed five goals to help the community begin the implementation process to eliminate homelessness:

### **I. Increase access to healthy, safe environments for all homeless and precariously housed members of the Concord community.**

#### **A. Create an expanded Homeless Resource Center in Concord - where homeless individuals can gather during the day and where they and those at risk of homelessness can have easy access to all homeless and homeless related services.**

The goal of this Center is to increase the likelihood of achieving rapid rehousing for recently homeless and permanent housing for chronically homeless people.

Services should include increased case management, housing resources, job training, mental health services, addiction counseling, benefits eligibility assistance and other targeted services.

Additional support services should include opportunities for laundry, mail, internet, restrooms, showers and storage of belongings. Center should be in a central location.

Center should offer the faith communities in Concord an opportunity to distribute needed goods and provide volunteer service.

#### **B. Target outreach activities to connect homeless individuals throughout Concord (including downtown, at highway exit/entry ramps, near the river, at homeless camps) to available resources in Concord.**

#### **C. Create additional Housing First units and/or shelter opportunities for individuals who are homeless.**

These housing and shelter options need to be available to those who are free of substance abuse as well as to chronically homeless

people who may be struggling with substance addictions, mental illness and other situations that make the current homeless shelter options unavailable to them.

**II. Increase the number of quality, permanent, affordable rental units for very low income individuals and families.**

Research innovative models for housing homeless and very low-income people;  
Work with non-profit and for-profit developers and funders of affordable housing (NH Housing Finance Authority, Community Development Finance Authority, NH Community Loan Fund, Federal Home Loan Bank and local banks) to encourage the development of innovative and affordable permanent housing for homeless as well as very low-income families and individuals;  
Advocate for state and federal funding agencies to prioritize the need for affordable housing for very low-income people;  
Work with landlords to increase access to privately owned and unsubsidized affordable rental stock;  
Develop supportive relationships to help clients gain/remain in housing;  
Retain balance in the housing stock in the city through possible linkage programs whereby increased units are created to serve all socioeconomic levels within the city.

**III. Increase knowledge about homelessness in Concord, costs to the community, services available and future needs.**

Develop communications plan;  
Identify a clear set of homelessness-related data to be measured and shared annually, as well as establish baselines;  
Conduct training for referral agencies (police, fire, schools, downtown merchants, human services offices, etc.);  
Align targeted service providers working with homeless people to ensure collection of accurate data.

**IV. Increase public and private funding available for plan strategies.**

Increase and leverage existing state and federal funding for homeless services, and to construct and operate the expanded Homeless Resource Center and expand affordable housing/shelter opportunities;

Develop comprehensive assessment of existing funding resources for reducing homelessness in Concord, including shelter, supportive services, permanent housing, job training and related services; Cultivate new funding opportunities to include public and private sources;  
Develop and implement comprehensive funding plan for strategies identified in Concord's Plan to End Homeless.

**V. Ensure broad representation and engagement of stakeholders in the implementation of the Plan to End Homelessness.**

**A. Expand Concord Coalition to End Homelessness.**

Expand active membership in the Concord Coalition to End Homelessness so it can:

Serve as a multi-sector coordinating entity to maximize efficient services and identify evolving needs;  
Oversee the expanded Homeless Resource Center;  
Engage members in the implementation of the Plan.

**B. Establish Executive Level Steering Committee to Advise Plan Implementation.**

Create committee to include representation from government, business, services, health and public safety sectors;  
Continuously monitor Plan goals and successes;  
Assist in advocacy with state and federal representatives.

Homelessness is a complex problem, but many people have said they are interested in working toward the solution. In a survey conducted by the Steering Committee, nearly half of those surveyed indicated that they would be willing to help implement a Plan to End Homelessness in Concord. Of those who said they would help, many reported that they would be willing to volunteer, donate items, and donate money. Respondents included people from business; the staffs from homeless service agencies, mental health programs and substance abuse services; and those who were homeless at the time of the survey.

As a follow-up to the creation of this plan, an implementation process will be established. Options and strategies will be further developed; key stakeholders to implement strategies will be identified and their commitments confirmed; and a timetable will be created to operationalize the goals of this plan.

The Steering Committee to End Homelessness wishes to thank all those who have participated in developing this plan.



**Notes**

The National Low Income Coalition, Out of Reach, 2013

NH Bureau of Homeless and Housing Services "Homeless in New Hampshire: A Report," July 1, 2011 –June 30, 2013, released October, 2012

The Governor's Interagency Council on Homelessness, "A Home for Everyone, New Hampshire's Ten-Year Plan to End Homelessness," October 2006

NH Bureau of Homeless and Housing Services, "Homeless in New Hampshire", 2012

NH Listens Summary Report for the Concord Steering Committee to End Homelessness, October 2013

## Appendix B

### Housing for Homeless People in Concord

#### Emergency Shelter

Organization	Program	Number of Beds	Type *
First and South Congregational Churches	Concord Cold Weather Shelter	62	SMF
The Friends Program	Friends EHP	26	HC
The Salvation Army	McKenna House	26	SMF
<b>Total</b>		<b>114</b>	

#### Transitional Housing

Organization	Program	Number of Beds	Type
Families in Transition	FIT - Concord THP	18	
Child & Family Services	TH Concord	6	SMF
<b>Total</b>		<b>24</b>	

#### Permanent Supportive Housing

Organization	Program	Number of Beds	Type
Families in Transition	Concord Community Leasing Program	11	SMFC
Families in Transition	Concord Community Permanent Housing Program	11	SMFC
Families in Transition	Concord Permanent Housing Program	9	SFC
Families in Transition	FIT - Concord Community Leasing Program II	12	SMFC
VAMC - Manchester	VASH - Merrimack County	23	SMFC
<b>Total</b>		<b>66</b>	

S=single individuals, M=males, F=females, C=households with children.

\*There are additional bed for other populations such as domestic violence victims and persons with AIDS.

Source: NH Bureau of Homelessness and Housing Services, 2013

**Appendix C  
CONCORD'S HOMELESS SERVICES**

<b>SERVICE CATEGORY</b>	<b>AGENCIES</b>	<b>AGENCIES</b>
Emergency Shelter	McKenna House	Concord Cold Weather Shelter (at First and South Congregational Churches)
	Friends Emergency Housing Program	
Daytime Services	Concord Homeless Resource Center	
Mental Health	Riverbend Community Mental Health	
Mental Health-Teen	Child and Family Services	Riverbend Community Mental Health
	Cornerbridge/New Concord Peer Support	
Domestic Violence	Crisis Center of Central NH	NH Coalition Against Domestic & Sexual violence
Homeless Children in School	Public School Contacts (McKinney-Vento Liaisons)	Fellowship Housing Opportunities
Transitional Housing	New Hampshire Hospital	Belknap/Merrimack County Community Action Program
	Families in Transition Inc.	
Transitional Shelters	New Start Program	
Homeless Outreach	Belknap/Merrimack County Community Action Program	Riverbend Community Mental Health Services-PATH
	NH PATH Program Homeless & Housing Services	
Veterans	Veterans Affairs Medical Center	Harbor Homes SSVF
Permanent Housing	Familles in Transition Inc.	Community Services Council of NH
	Fellowship Housing Opportunities	
<b>PREVENTION</b>		
Utility Assistance	Belknap/Merrimack County Community Action Program	
Emergency Cash	Assistance & TANF	
Welfare Offices	City & Town Welfare Offices	

Employment	NH Employment Security	NH Vocational Rehabilitation
Other Prevention Services	Merrimack Valley Assistance Program	Belknap/Merrimack County Community Action Program
	New Start Program	Community Services Council of NH
	NH Legal Assistance	NH Pro Bono Referral Program
<b>SOUP KITCHENS, PANTRIES &amp; CLOTHING</b>		
Soup Kitchens	Friendly Kitchen	FOFC Soup Kitchen
	Seventh Day Adventist Food Pantry/Soup Kitchen	
Food Pantries	Numerous	
Clothing Etc.	Open Hands Resource Center	Rise Again Outreach
<b>HOUSING AUTHORITIES &amp; OTHER HOUSING</b>		
	Concord Housing Authority	CATCH-Concord Area Trust For Community Housing
	NH Housing Finance Authority	

**2-1-1 NH Telephone Information and Referral** - 2-1-1 is a telephone number that connects callers, at no cost, to information about critical health and human services available in their community. 2-1-1 NH is an initiative led by United Ways of New Hampshire, in partnership with Public Service of New Hampshire (PSNH), and the State of New Hampshire. Residents in New Hampshire can contact 2-1-1 NH toll-free by dialing **2-1-1** in state or **1-866-444-4211** from out of state.

## Appendix E

### *Models/Organizations/Strategies Reviewed by Concord Steering Committee to End Homelessness*

#### **Rapid Rehousing**

Housing and Urban Development Model/program-helps eligible homeless families and individuals to secure housing with short-term financial assistance and case management .

Rapid re-housing has become a major emphasis in communities' strategies to end homelessness. Rapid re-housing is also an emphasis in the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act. The priority for rapidly ending homelessness, when it occurs, is now a national one.

Rapid re-housing is a strategy that has been successfully used by many communities to reduce homelessness. Today, most households become homeless as a result of a financial crisis that prevents them from paying the rent, or a domestic conflict that results in one member being ejected or leaving with no resources or plan for housing. Most households who become homeless today have already lived in independent permanent housing, and they can generally return and remain stably housed with limited assistance. And homelessness itself is associated with a host of negative outcomes that can be minimized by limiting the period of time people experience it. By helping homeless households return to permanent housing as soon as possible, communities have been able to reduce the length of time people remain in homeless shelters. This opens beds for others who need them, and reduces the public and personal costs of homelessness.

[www.endhomelessness.org](http://www.endhomelessness.org)

#### **Expansion of the Concord Homeless Resource Center**

Extensive conversations took place during the planning process on the need to expand hours and services of the existing Concord Homeless Resource Center. Initial ideas are to acquire a larger space, and work with local service providers and volunteers to offer a wider variety of targeted services that will help homeless people in Concord to move forward in their lives.

#### **Keene's Second Chance of Success**

"Second Chance for Success" is run by Keene-based Southwestern Community Services in an effort to stabilize offenders' lives being released from Cheshire County Corrections and steer them in a new direction so they don't end up behind bars again. The ultimate goal is to stop recidivism by helping offenders overcome obstacles like recovery from drug and alcohol addictions, homelessness, unstable living environments, unemployment and financial instability by providing them with resources and support.

Participants in the program live in one of the 12 beds of the six-unit house that also has an office for a full-time case manager who will oversee their progress. The

house, which cost more than \$1 million to build, is located on 6 acres of the Cheshire County-owned land adjacent to the county jail on Route 101 in Keene.

Southwestern Community Services funded the project with an approximately \$600,000 grant from the N.H. Housing Finance Authority and a \$465,000 Community Development Block Grant sponsored by Cheshire County. Keene Sentinel, [www.scschelps.org](http://www.scschelps.org)

#### **Preble Street's Logan Place, Portland, Maine**

Logan Place provides efficiency apartments and 24 hour on-site support for 30 adults who had been persistently homeless. Logan Place is a model for a real solution to the problem of homelessness in our communities.

The goal of Logan Place is to provide people who have lived in shelters and on the streets for much of their lives with a chance for a permanent and safe living situation that will support their stability and independence and offer them a chance for a productive and fulfilling future.

[http://www.preblestreet.org/logan\\_place.php](http://www.preblestreet.org/logan_place.php)

#### **Family Justice Center in Strafford County**

This program is where victims of domestic violence, sexual violence and stalking can go to talk to a confidential advocate, plan for their safety, meet with a police officer, meet with a representative from NH Legal Assistance, speak with a prosecutor, receive information on shelter, and get help with additional available resources in one location.

Services available at the Center: A Safe Place, Sexual Assault Support Services (SASS), NH Legal Assistance, Law Enforcement. Off-site partnerships with several agencies currently exist and we are working to add more. If you require assistance from any of these agencies or others we will work to get you connected with them. [www.scfjc.com](http://www.scfjc.com)

**Surrounding/sending towns contribute** to fund services to assist homeless persons coming from their particular community, similar to school districts paying for out-of-district services for their students with special needs.

#### **SHARE, Milford, NH**

The mission of the SHARE Program is to provide food, clothing, and emergency financial assistance to area families in need who do not qualify for government assistance or for whom that assistance is insufficient or delayed in coming. SHARE also collaborates with other organizations to provide access to services and information, with a goal to promote self-reliance while maintaining the dignity of clients.

[www.sharenh.org](http://www.sharenh.org)

#### **St. Vincent de Paul Society, Exeter, NH**

The St. Vincent de Paul Society, Exeter NH Conference serves the needs of the poor in Exeter, Stratham, Newfields, E. Kingston, Kensington and Brentwood NH. The

Conference operates an area-wide Community Assistance Center and food pantry that serves those communities as its primary focus. Among other services, the Society provides an "Advocacy Program" which renders budget coaching, referral guidance and emergency financial help for those individuals and families who need assistance.

[www.svdpxeter.com](http://www.svdpxeter.com)

# CITY OF CONCORD

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

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

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

**SECTION I:** Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties, Schedule I, by updating Section 5-5-10, Interment Fees, as follows:

*Chapter 5 – Public Works*

Section 5-5-10, Interment Fees

Columbarium niche.....\$2,700.00

**SECTION II:** Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties, Schedule I, by renaming Section 5-7-5 as “Nonresidential Collection and Disposal of Solid Waste,” and updating the fees:

*Chapter 5 – Public Works*

Section 5-7-5, Nonresidential Collection and Disposal of Solid Waste

Refuse collection & disposal (first 95-gallon cart).....\$60.00

Refuse collection & disposal (each additional 95-gallon cart).....\$50.00

**SECTION III:** Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties, Schedule I, by updating Section 9-1-7, Availability Charge – Private Fire Suppression Devices, as follows:

*Chapter 9 - Water*

Section 9-1-7, Availability Charge – Private Fire Suppression Devices

Automatic Sprinkler Systems Or Hose Connected To Pipe:

4-inch or less fire service, per year .....\$60.00

6-inch fire service, per year .....\$140.00

8-inch fire service, per year .....\$245.00

10 inch fire service, per year.....\$380.00

# CITY OF CONCORD

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

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

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

Private hydrants, per year .....\$47.00

**SECTION IV:** Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties, Schedule I, by updating Section 9-1-13, Charge for Testing Private Fire Hydrants, as follows:

*Chapter 9 – Water*

Section – 9-1-13, Charge for Testing Private Fire Hydrants..... \$66.50

**SECTION V:** Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties, Schedule I, by renaming Section 9-6-34 as “Industrial Pretreatments Regulations,” and updating the following fees:

*Chapter 9 - Water*

Section 9-6-34, Industrial Pretreatment Regulations

IPP significant industrial user inspection.....	\$160.00
IPP minor industrial user inspection.....	\$160.00
IPP industrial user discharge permit renewal.....	\$160.00
IPP new significant industrial user discharge permit application.....	\$805.00
IPP new industrial user discharge permit application.....	\$230.00
IPP temporary discharge permit application.....	\$285.00
IPP discharge permit modification (minor) .....	\$160.00

**SECTION VI:** Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties, Schedule I, by updating Section 15-5-4, Application for Taxicab Licenses, as follows:

*Chapter 15 – Licensing and Regulation of Business, Trades and Occupations*

# CITY OF CONCORD

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

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

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

Section 15-5-4, Application for Taxicab Licenses; License Fees

Full calendar year license.....\$100.00

Note: Licenses granted between July 1 and October 1 shall be half rate.

**SECTION VII:** Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties, Schedule I, by updating Section 15-5-7, Taxicab Operator License, as follows:

### *Chapter 15 – Licensing and Regulation of Business, Trades and Occupations*

Section 15-5-7, Taxicab Operator Licenses

Fee for each license to operate licensed taxicabs, per year.....\$75.00

**SECTION VIII:** Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties, Schedule I, by renaming the reference to Chapter 26 from “Building Code” to “Building Regulations.”

**SECTION IX:** Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties, Schedule I, by updating and adding to Section 26-17-3, Mechanical Permit Fee Schedule, as follows:

### *Chapter 26 – Building Regulations*

Section 26-17-3, Mechanical Permit Fee Schedule

#### Heating Equipment:

Including attached ductwork or piping and vent system: up to 10,000,000 BTU

Per 1,000 BTU or part thereof .....\$ .90

Minimum fee.....\$46.40

Including attached ductwork or piping and vent system: over 10,000,000 BTU

Per 1,000 BTU or part thereof.....\$ .25

#### Cooling Equipment:

Including attached ductwork or piping and vent system: up to 10,000,000 BTU

# 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 I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines, and Penalties.

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

Per BTU or part thereof.....	\$ .90
Minimum fee.....	\$46.40
Including attached ductwork or piping and vent system: over 10,000,000 BTU	
Per BTU or part thereof.....	\$ .25

**SECTION X:** This ordinance shall take effect July 1, 2014.

# ORDINANCE BASED FEES, FINES & PENALTIES

1	2	3	4	5	6	9	10	11	12	13	14	15	16	17	18
DEPT	DEPT/DY. ENFORCING THE CODE	CODE ARTICLE/SECTION	CHAPTER, SECTION & SUB-SECTIONS	FEE DESCRIPTION	FEE NAME	QTY PER MEASURE	UNIT OF MEASURE	LOGOS GL. ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NOT	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
Parks & Rec	Cemetery	1-5-1	05-05-10-00-00	Section 5-5-10, Internment Fees											
Parks & Rec	Cemetery	1-5-1	05-05-10-01-01	Columbarium niche		1	each	11 62 33	2,620.00	YES	2,700.00	80.00	3.05%	4/1/2011	The proposed fee increase will help offset the engraving costs.
General Services	Solid Waste	1-5-1	05-07-05-00-00	Non-Residential Solid Waste and Recycling Fees											
General Services	Solid Waste	1-5-1	05-07-05-00-01	Refuse collection & disposal - First 95 gal Cart		1	cart	7700 40 31 105 34046.000	56.00	YES	60.00	4.00	7.14%	4/9/2012	Proposed fee increase reflects market rate
General Services	Solid Waste	1-5-1	05-07-05-00-02	Refuse collection & disposal - Each add'l 95 gal cart		1	cart	7700 40 31 105 34046.000	46.50	YES	50.00	3.50	7.53%	4/9/2012	Proposed fee increase reflects market rate
General Services	Admin	1-5-1	09-01-07-00-00	Section 9-1-7, Availability Charge—Private Fire Suppression Devices											
General Services	Admin	1-5-1	09-01-07-01-00	Automatic sprinkler systems or hose connected to pipe											
General Services	Admin	1-5-1	09-01-07-01-01	4-inch or less fire service, per year		1	mo	7800 40 31 110 34022.000	58.50	YES	60.00	1.50	2.56%	4/9/2012	Proposed fee increase reflects market rate
General Services	Admin	1-5-1	09-01-07-01-02	6-inch fire service, per year		1	mo	7800 40 31 110 34022.000	135.00	YES	140.00	5.00	3.70%	4/9/2012	Proposed fee increase reflects market rate

# ORDINANCE BASED FEES, FINES & PENALTIES

1	2	3	4	5	6	9	10	11	12	13	14	15	16	17	18
DEPT	DEPT/ DIV ENFORCING THE CODE	CODE ARTICLE/SECTION	CHAPTER, SECTION & SUB-SECTIONS	FEE DESCRIPTION	FEE NAME	CITY PER MEASURE	UNIT OF MEASURE	LOGOS OL ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NO?	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
General Services	Admin	1-5-1	09-01-07-01-03	8-inch fire service, per year		1	mo	7800 40 31 110 34022.000	240.00	YES	245.00	5.00	2.08%	4/9/2012	Proposed fee increase reflects market rate
General Services	Admin	1-5-1	09-01-07-01-04	10-inch fire service, per year		1	mo	7800 40 31 110 34022.000	374.00	YES	380.00	6.00	1.60%	4/9/2012	Proposed fee increase reflects market rate
General Services	Admin	1-5-1	09-01-07-02-01	Private hydrants, per year		1	mo	7800 40 31 110 34022.000	45.00	YES	47.00	2.00	4.44%	4/9/2012	Proposed fee increase reflects market rate
General Services	Admin	1-5-1	09-01-13-00-01	Section 9-1-13, Charge for Testing Private Fire Hydrants		1	mo	7800 40 31 110 34021.000	64.50	YES	66.50	2.00	3.10%	4/9/2012	Proposed fee increase reflects market rate
General Services	WWTP	1-5-1	09-06-34-00-00	Section 9-6-34, Industrial Pretreatment Regulation Fees:											
General Services	WWTP	1-5-1	09-06-34-00-00	Section 9-6-34, Industrial Pretreatment Regulation Fees:											
General Services	WWTP	1-5-1	09-06-34-00-01	IPP Significant Industrial User Inspection	IPP Fees	1	each	7900 40 37 241 34019.000	155.00	YES	160.00	5.00	3.23%	4/12/2010	Proposed fee increase was based on calculated cost of service update
General Services	WWTP	1-5-1	09-06-34-00-02	IPP Minor Industrial User Inspection	IPP Fees	1	each	7900 40 37 241 34019.000	155.00	YES	160.00	5.00	3.23%	4/11/2011	Proposed fee increase was based on calculated cost of service update

# ORDINANCE BASED FEES, FINES & PENALTIES

1	2	3	4	5	6	9	10	11	12	13	14	15	16	17	18
DEPT	DEFINITION ENFORCING THE CODE	CODE ARTICLE/SECTION	CHAPTER, SECTION & SUB-SECTIONS	FEE DESCRIPTION	FEE NAME	QTY PER MEASURE	UNIT OF MEASURE	LOGOS GL. ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NO?	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
General Services	WWTP	1-5-1	09-06-34-00-03	IPP Industrial User Discharge Permit Renewal	IPP Fees	1	each	7900 40 37 241 32308.000	155.00	YES	160.00	5.00	3.23%	4/11/2011	Proposed fee increase was based on calculated cost of service update
General Services	WWTP	1-5-1	09-06-34-00-06	IPP New SIU Industrial User Discharge Permit Application	IPP Fees	1	each	7900 40 37 241 32308.000	800.00	YES	805.00	5.00	0.00%	4/12/2010	Proposed fee increase was based on calculated cost of service update
General Services	WWTP	1-5-1	09-06-34-00-07	IPP New Industrial User Discharge Permit Application	IPP Fees	1	each	7900 40 37 241 32308.000	225.00	YES	230.00	5.00	2.22%	4/11/2011	Proposed fee increase was based on calculated cost of service update
General Services	WWTP	1-5-1	09-06-34-00-08	IPP Temporary Discharge Permit Application \$ 50	IPP Fees	1	each	7900 40 37 241 32308.000	275.00	YES	285.00	10.00	3.64%	4/11/2011	Proposed fee increase was based on calculated cost of service update
General Services	WWTP	1-5-1	09-06-34-00-10	IPP Discharge Permit Modification (Minor)	IPP Fees	1	each	7900 40 37 241 32308.000	155.00	YES	160.00	5.00	3.23%	4/11/2011	Proposed fee increase was based on calculated cost of service update
Comm Dev.	Bldg. & Code Services	1-5-1	15-05-04-00-00	Section 15-5-4, Application for Taxicab Licenses; License Fee											
Comm Dev.	Bldg. & Code Services	1-5-1	15-05-04-00-01	Full-calendar year license : Licenses granted between July 1 and October 1, shall be half rate		1	each	11 50 44 316 32405.000	61.50	YES	100.00	38.50	62.60%	6/11/2012	To bring this fee more in line with other municipalities
Comm Dev.	Bldg. & Code Services	1-5-1	15-05-07-00-00	Section 15-5-7, Taxicab Operator Licenses											

# ORDINANCE BASED FEES, FINES & PENALTIES

1	2	3	4	5	6	9	10	11	12	13	14	15	16	17	18
DEPT	DEFINITION, ENFORCING THE CODE	CODE ARTICLE/SECTION	CHAPTER, SECTION & SUB-SECTIONS	FEE DESCRIPTION	FEE NAME	QTY PER MEASURE	UNIT OF MEASURE	LOGOS GL ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NOT	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
Comm Dev.	Bldg. & Code Services	1-5-1	15-05-07-00-01	Fee for each license to operate licensed taxicabs per year		1	each	11 50 44 316 32413.000	54.30	YES	75.00	20.70	38.12%	6/11/2012	To bring this fee more in line with other municipalities
Comm Dev.	Bldg. & Code Services	1-5-1	26-17-03-03-00	Mechanical Permit Fee Schedule - Heating Equipment											
Comm Dev.	Bldg. & Code Services	1-5-1	26-17-03-03-01	Heating Equipment - including attached ductwork or piping and vent system: Per 1,000 BTU or part thereof up to 10,000,000 B.T.U.	Building Code-Mechanical	1000	b.t.u.	11 50 44 315 32303.000	0.90	NO		0.00	0.00%	6/11/2012	Research by CD-Code has shown that fees are at the high end already. CHANGED WORDING on description as we are adding a new line under beneath this fee.
Comm Dev.	Bldg. & Code Services	1-5-1	26-17-03-03-02	Heating Equipment - including attached ductwork or piping and vent system: Over 10,000,000 BTU or part thereof	Building Code-Mechanical	1000	b.t.u.	11 50 44 315 32303.000	NEW FEE	NEW FEE	0.25	0.00	0.00%	NEW FEE	NEW LINE ITEM related to 26-17-03-03-01 above
Comm Dev.	Bldg. & Code Services	1-5-1	26-17-03-04-00	Mechanical Permit Fee Schedule - Cooling Equipment											
Comm Dev.	Bldg. & Code Services	1-5-1	26-17-03-04-01	Cooling Equipment - including attached ductwork or piping and vent system: Per 1,000 BTU or part thereof up to 10,000,000 BTU	Building Code-Mechanical	1000	b.t.u.	11 50 44 315 32303.000	0.90	NO		0.00	0.00%	6/11/2012	Research by CD-Code has shown that fees are at the high end already. CHANGED WORDING on description as we are adding a new line under beneath this fee.

# ORDINANCE BASED FEES, FINES & PENALTIES

1	2	3	4	5	6	9	10	11	12	13	14	15	16	17	18
DEPT	DEPTDY. ENFORCING THE CODE	CODE ARTICLE/SECTION	CHAPTER, SECTION & SUB-SECTIONS	FEE DESCRIPTION	FEE NAME	QTY PER MEASURE	UNIT OF MEASURE	LOGOS GL. ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NOT	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
Comm Dev.	Bldg. & Code Services	1-5-1	26-17-03-04-02	Cooling Equipment - including attached ductwork or piping and vent system; Over 10,000,000 BTU or part thereof	Building Code-Mechanical	1000	b.t.u.	11 50 44 315 32303.000	NEW FEE	NEW FEE	0.25	0.00	0.00%	NEW FEE	NEW LINE ITEM related to 26-17-03-04-01 above





# CITY OF CONCORD

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## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Brian G. LeBrun, Deputy City Manager – Finance *Brian*  
**DATE:** March 10, 2014  
**SUBJECT:** Revision to Ordinance and Non-Ordinance Based Penalties, Fees and Charges

### Recommendation

Set for public hearing at the April City Council meeting the attached ordinance and non-ordinance based fees revising certain penalties, fees and charges. Most proposed penalty, fee and charge increases will be effective on July 1, 2014.

### Summary Fee and Charge Discussion by Department

Please refer to the attachments for various summary and detail changes to the Penalty, Fee and Charge schedules. These fee schedules are available on the City web site preceding the public hearing and afterwards for general information.

### Background

Updating fees has become an annual process with fee increases predominately based upon inflation and increased budgets. While non-ordinance based fees do not require a public hearing in the interest of full disclosure, they are included within this process and report.

Understanding that many of the Fees, Fines and Penalties have reached a tipping point again, for FY2015, departments were advised to take a more strategic approach to raising rates for fees and penalties, for both ordinance and non-ordinance based items by only recommending increases for items that should be increased due to market conditions or other factors. All other items that are at market rate or not in need of an increase will remain at current levels.

### Conclusion

The critical aspect of the process is to maintain responsible fees and charges that are adequate to support delivery of city services.

Thank you to all departments who contributed to this effort.



# ORDINANCE BASED FEES, FINES & PENALTIES

1	2	3	4	5	6	9	10	11	12	13	14	15	16	17	18
DEPT	DEPT. ENFORCING THE CODE	CODE ARTICLE/SECTION	CHAPTER, SECTION & SUB-SECTIONS	FEE DESCRIPTION	FEE NAME	QTY PER MEASURE	UNIT OF MEASURE	LOGOS GL ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NO?	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
Parks & Rec	Cemetery	1-5-1	05-05-10-00	Section 5-5-10, Interment Fees											
Parks & Rec	Cemetery	1-5-1	05-05-10-01-01	Columbarium niche		1	each	11 62 33	2,620.00	YES	2,700.00	80.00	3.05%	4/11/2011	The proposed fee increase will help offset the engraving costs.
General Services	Solid Waste	1-5-1	05-07-05-00-00	Non-Residential Solid Waste and Recycling Fees											
General Services	Solid Waste	1-5-1	05-07-05-00-01	Refuse collection & disposal - First 95 gal Cart		1	cart	7700 40 31 105 34046.000	56.00	YES	60.00	4.00	7.14%	4/9/2012	Proposed fee increase reflects market rate
General Services	Solid Waste	1-5-1	05-07-05-00-02	Refuse collection & disposal - Each add'l 95 gal cart		1	cart	7700 40 31 105 34046.000	46.50	YES	50.00	3.50	7.53%	4/9/2012	Proposed fee increase reflects market rate
General Services	Admin	1-5-1	09-01-07-00-00	Section 9-1-7, Availability Charge—Private Fire Suppression Devices											
General Services	Admin	1-5-1	09-01-07-01-00	Automatic sprinkler systems or hose connected to pipe											
General Services	Admin	1-5-1	09-01-07-01-01	4-inch or less fire service, per year		1	mo	7800 40 31 110 34022.000	58.50	YES	60.00	1.50	2.56%	4/9/2012	Proposed fee increase reflects market rate
General Services	Admin	1-5-1	09-01-07-01-02	6-inch fire service, per year		1	mo	7800 40 31 110 34022.000	135.00	YES	140.00	5.00	3.70%	4/9/2012	Proposed fee increase reflects market rate

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# ORDINANCE BASED FEES, FINES & PENALTIES

1	2	3	4	5	6	9	10	11	12	13	14	15	16	17	18
DEPT	DEPT/ENFORCING THE CODE	CODE ARTICLE/SECTION	CHAPTER, SECTION & SUB-SECTIONS	FEE DESCRIPTION	FEE NAME	QTY PER MEASURE	UNIT OF MEASURE	LOGOS GL ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NOT	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
General Services	Admin	1-5-1	09-01-07-01-03	8-inch fire service, per year		1	mo	7800 40 31 110 34022.000	240.00	YES	245.00	5.00	2.08%	4/9/2012	Proposed fee increase reflects market rate
General Services	Admin	1-5-1	09-01-07-01-04	10-inch fire service, per year		1	mo	7800 40 31 110 34022.000	374.00	YES	380.00	6.00	1.60%	4/9/2012	Proposed fee increase reflects market rate
General Services	Admin	1-5-1	09-01-07-02-01	Private hydrants, per year		1	mo	7800 40 31 110 34022.000	45.00	YES	47.00	2.00	4.44%	4/9/2012	Proposed fee increase reflects market rate
General Services	Admin	1-5-1	09-01-13-00-01	Section 9-1-13, Charge for Testing Private Fire Hydrants		1	mo	7800 40 31 110 34021.000	64.50	YES	66.50	2.00	3.10%	4/9/2012	Proposed fee increase reflects market rate
General Services	WWTP	1-5-1	09-06-34-00-00	Section 9-6-34, Industrial Pretreatment Regulation Fees:											
General Services	WWTP	1-5-1	09-06-34-00-00	Section 9-6-34, Industrial Pretreatment Regulation Fees:											
General Services	WWTP	1-5-1	09-06-34-00-01	IPP Significant Industrial User Inspection	IPP Fees	1	each	7900 40 37 241 34019.000	155.00	YES	160.00	5.00	3.23%	4/12/2010	Proposed fee increase was based on calculated cost of service update
General Services	WWTP	1-5-1	09-06-34-00-02	IPP Minor Industrial User Inspection	IPP Fees	1	each	7900 40 37 241 34019.000	155.00	YES	160.00	5.00	3.23%	4/11/2011	Proposed fee increase was based on calculated cost of service update

# ORDINANCE BASED FEES, FINES & PENALTIES

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DEPT	DEPT/DIV. ENFORCING THE CODE	CODE ARTICLE/SECTION	CHAPTER, SECTION & SUB-SECTIONS	FEE DESCRIPTION	FEE NAME	QTY PER MEASURE	UNIT OF MEASURE	LOGOS OL ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NO?	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
General Services	WWTP	1-5-1	09-06-34-00-03	IPP Industrial User Discharge Permit Renewal	IPP Fees	1	each	7900 40 37 241 32308.000	155.00	YES	160.00	5.00	3.23%	4/11/2011	Proposed fee increase was based on calculated cost of service update
General Services	WWTP	1-5-1	09-06-34-00-06	IPP New SIU Industrial User Discharge Permit Application	IPP Fees	1	each	7900 40 37 241 32308.000	800.00	YES	805.00	5.00	0.00%	4/12/2010	Proposed fee increase was based on calculated cost of service update
General Services	WWTP	1-5-1	09-06-34-00-07	IPP New Industrial User Discharge Permit Application	IPP Fees	1	each	7900 40 37 241 32308.000	225.00	YES	230.00	5.00	2.22%	4/11/2011	Proposed fee increase was based on calculated cost of service update
General Services	WWTP	1-5-1	09-06-34-00-08	IPP Temporary Discharge Permit Application \$ 50	IPP Fees	1	each	7900 40 37 241 32308.000	275.00	YES	285.00	10.00	3.64%	4/11/2011	Proposed fee increase was based on calculated cost of service update
General Services	WWTP	1-5-1	09-06-34-00-10	IPP Discharge Permit Modification (Minor)	IPP Fees	1	each	7900 40 37 241 32308.000	155.00	YES	160.00	5.00	3.23%	4/11/2011	Proposed fee increase was based on calculated cost of service update
Comm Dev.	Bldg. & Code Services	1-5-1	15-05-04-00-00	Section 15-5-4, Application for Taxicab Licenses; License Fee											
Comm Dev.	Bldg. & Code Services	1-5-1	15-05-04-00-01	Full-calendar year license. : Licenses granted between July 1 and October 1, shall be half rate		1	each	11 50 44 316 32405.000	61.50	YES	100.00	38.50	62.60%	6/11/2012	To bring this fee more in line with other municipalities
Comm Dev.	Bldg. & Code Services	1-5-1	15-05-07-00-00	Section 15-5-7, Taxicab Operator Licenses											

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DEPT	DEPT/DIV. ENFORCING THE CODE	CODE ARTICLE/SECTION	CHAPTER, SECTION & SUB-SECTIONS	FEE DESCRIPTION	FEE NAME	QTY PER MEASURE	UNIT OF MEASURE	LOGOS GL ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NOT?	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
Comm Dev.	Bldg. & Code Services	1-5-1	15-05-07-00-01	Fee for each license to operate licensed taxicabs per year		1	each	11 50 44 316 32413.000	54.30	YES	75.00	20.70	38.12%	8/11/2012	To bring this fee more in line with other municipalities
Comm Dev.	Bldg. & Code Services	1-5-1	26-17-03-03-00	Mechanical Permit Fee Schedule - Heating Equipment											
Comm Dev.	Bldg. & Code Services	1-5-1	26-17-03-03-01	Heating Equipment - Including attached ductwork or piping and vent system: Per 1,000 BTU or part thereof up to 10,000,000 B.T.U.	Building Code-Mechanical	1000	b.t.u.	11 50 44 315 32303.000	0.90	NO		0.00	0.00%	6/11/2012	Research by CD-Code has shown that fees are at the high end already. CHANGED WORDING on description as we are adding a new line under beneath this fee.
Comm Dev.	Bldg. & Code Services	1-5-1	26-17-03-03-02	Heating Equipment - Including attached ductwork or piping and vent system: Over 10,000,000 BTU or part thereof	Building Code-Mechanical	1000	b.t.u.	11 50 44 315 32303.000	NEW FEE	NEW FEE	0.25	0.00	0.00%	NEW FEE	NEW LINE ITEM related to 26-17-03-03-01 above
Comm Dev.	Bldg. & Code Services	1-5-1	26-17-03-04-00	Mechanical Permit Fee Schedule - Cooling Equipment											
Comm Dev.	Bldg. & Code Services	1-5-1	26-17-03-04-01	Cooling Equipment - Including attached ductwork or piping and vent system: Per 1,000 BTU or part thereof up to 10,000,000 BTU	Building Code-Mechanical	1000	b.t.u.	11 50 44 315 32303.000	0.90	NO		0.00	0.00%	6/11/2012	Research by CD-Code has shown that fees are at the high end already. CHANGED WORDING on description as we are adding a new line under beneath this fee.

# ORDINANCE BASED FEES, FINES & PENALTIES

1	2	3	4	5	6	9	10	11	12	13	14	15	16	17	18
DEPT	DEPT/DIV. ENFORCING THE CODE	CODE ARTICLE/SECTION	CHAPTER, SECTION & SUB-SECTIONS	FEE DESCRIPTION	FEE NAME	QTY PER MEASURE	UNIT OF MEASURE	LOGOS GL. ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NO?	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
Comm Dev.	Bldg. & Code Services	1-5-1	28-17-03-04-02	Cooling Equipment - Including attached ductwork or piping and vent system; Over 10,000,000 BTU or part thereof	Building Code-Mechanical	1000	b.l.u.	11 50 44 315 32303.000	NEW FEE	NEW FEE	0.25	0.00	0.00%	NEW FEE	NEW LINE ITEM related to 28-17-03-04-01 above



# NON-ORDINANCE BASED FEES, FINES & PENALTIES

DEPT	DEPT/ORG ENFORCING THE CODE	FEE DESCRIPTION	FEE NAME	QUANTITY PER MEASURE	UNIT OF MEASURE	LOGOS QL ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NO?	IF YES IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
City Clerk's Office	City Clerk's Office	Includes certificate of records, birth and death, dredge and fill permits, resident certificates, research, marriage ceremonies, photocopies. Fee schedule: Vital Records: First Copy \$15.00 (\$8.00 State/\$7.00 City)	SUNDRY FEES	1st	copy	11 19 16 1	4.00	YES	7.00	3.00	75.00%	State of NH	State of NH fees set by RSA's. Increase - fees that were once collected by the State of NH for their general fund is now collected and maintained by the cities/towns.
City Clerk's Office	City Clerk's Office	Includes certificate of records, birth and death, dredge and fill permits, resident certificates, research, marriage ceremonies, photocopies. Fee schedule: Vital Records: Additional Copy \$10.00 (\$5.00 State/\$5.00 City)	SUNDRY FEES	Add'l	copy	11 19 16 1	3.00	YES	5.00	2.00	66.67%	State of NH	State of NH fees set by RSA's. Increase - fees that were once collected by the State of NH for their general fund is now collected and maintained by the cities/towns.
City Clerk's Office	City Clerk's Office	City ward maps	Ward Maps.	1	each	11 19 17 1	33.00	YES	35.00	2.00	6.06%	4/14/2008	The Engineering Dept. charges \$35.00 for their ward maps. We are increasing the amount of the maps in order to charge the same as Engineering because they produce the same maps for us.

# NON-ORDINANCE BASED FEES, FINES & PENALTIES

DEPT	DEPT/NO. ENFORCING THE CODE	FEE DESCRIPTION	FEE NAME	QUANTITY PER MEASURE	UNIT OF MEASURE	LOGOS GL ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NO?	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
Comm Dev.	ENG	LICENSE FEES - PRIVATE MAIL Fees collected for the licensure of private mail/delivery stations located within the City's right-of-way. Pro-rated monthly lease fee/station	LICENSE REN	1	year	11 50 46 323 32312.000	\$235.00	YES	240.00	5.00	2.13%	4/9/2012	Proposed fee change to be consistent with other right-of-way occupation license fees.
General Services	Highway & Utilities	Off-duty hours Reconnect Fee	Off-duty hours Reconnect Fee	1	occurrence	7800 40 31 110 34023.000	200.00	YES	210.00	10.00	5.00%	04/08/13	Fee increase recommendation was based on wage increases.
General Services	Highway & Utilities	Painting Private Hydrant		1	each	7800 40 31 256 34019.000	65.00	YES	68.00	3.00	4.62%	04/08/13	Fee increase recommendation was based on wage increases.
General Services	Highway & Utilities	Fire flow test upon request		1	each	7800 40 31 256 34019.000	144.00	YES	151.00	7.00	4.86%	04/08/13	Fee increase recommendation was based on wage increases.
General Services	Highway & Utilities	FOREMAN CALL-IN (minimum)		1	occassion	7800 40 31 110 34023.000	200.00	YES	210.00	10.00	5.00%	4/8/2013	Fee increase recommendation was based on wage increases.
General Services	Highway & Utilities	Coring hole in CB or MH large (10" - 15")	Coring hole in CB or MH large (10" - 15")	1	coring	7800 40 31 110 34023.000	538.00	YES	565.00	27.00	5.02%	4/8/2013	Fee increase recommendation was based on wage increases.
General Services	Admin	Pool Meter includes setup and delivery charge plus cost of water used (\$200 for deposit for equipment)	set-up and delivery charge	1	each	7800 40 31 110 34023.000	86.00	YES	90.00	4.00	4.65%	4/8/2013	Recommended fee increase was based on labor related service.

# NON-ORDINANCE BASED FEES, FINES & PENALTIES

DEPT	DEPT/NO. ENFORCING THE CODE	FEE DESCRIPTION	FEE NAME	QUANTITY PER MEASURE	UNIT OF MEASURE	LOGOS GL ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NO?	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
General Services	Admin	Hydrant Valve and Meter -SET-UP plus cost of water used	Temp Meter	1	multi component	7800 40 31 110 34023.000	86.00	YES	90.00	4.00	4.65%	4/8/2013	Recommended fee increase was based on labor related service.
General Services	Admin	Temporary Meter Deposit (retained if meter not returned) - MINIMUM CHARGE	Temp Meter Deposit	1	each	7800 40 31 110 34023.000	250.00	YES	350.00	100.00	40.00%	4/9/2012	Fee increase accounted for the required replacement purchase of lead free meter and backflow.
General Services	Admin	Temporary Meter Deposit (retained if meter not returned) - MAXIMUM CHARGE	Temp Meter Deposit	1	each	7800 40 31 110 34023.000	1,285.00	YES	1,600.00	315.00	24.51%	4/9/2012	Fee increase accounted for the required replacement purchase of lead free meter and backflow.
General Services	Admin	Meter Test - Smaller than 3"	Meter Test Small Meter	1	each	7800 40 31 256 34019.000	80.25	YES	82.50	2.25	2.80%	4/8/2013	Recommended fee increase was based on labor related service.
General Services	Admin	Meter Test - 3" and larger	Meter Test Large meter	1	each	7800 40 31 256 34019.000	187.50	YES	190.00	2.50	1.33%	4/8/2013	Recommended fee increase was based on labor related service.
General Services	Admin	Damaged meter or meter reading equipment (5/8" meter)	Equipment Damaged Service Charge	1	each	7800 40 31 110 35098.000	167.00	YES	170.00	3.00	1.80%	4/9/2012	Recommended fee increase was based on labor related service.
General Services	Admin	Backflow Prevention Devices Test	Backflow prevention test	1	each	7800 40 31 130 34025.000	58.75	YES	60.00	1.25	2.13%	4/8/2013	Fee increase recommendation was based on wage increases.
General Services	Admin	Turning water on after non-payment	Reinstate Service After Termination	1	each	7800 40 31 130 34025.000	58.75	YES	60.00	1.25	2.13%	4/8/2013	Fee increase recommendation was based on wage increases.
General Services	Admin	Seasonal meter installation	Seasonal Meter Re-Set	1	each	7800 40 31 130 34025.000	70.00	YES	75.00	5.00	7.14%	4/8/2013	Fee increase recommendation was based on wage increases.

# NON-ORDINANCE BASED FEES, FINES & PENALTIES

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General Services	Highway & Utilities	Main line TV of sewer and drain lines		1	hour	7800 40 31 110 34031.000	165.00	YES	173.25	8.25	5.00%	4/8/2013	Fee Increase recommendation was based on wage increases.
General Services	Highway & Utilities	Lateral TV of sewer and drain lines		1	hour	7800 40 31 110 34031.000	110.00	YES	115.50	5.50	5.00%	4/8/2013	Fee Increase recommendation was based on wage increases.
General Services	Water	Out of Cycle Bill - A fee should apply to a Out of Cycle Read & Bill. When a water service transfer occurs other than on Thursday (free).	Out of Cycle Bill	1	each	7800 40 31 256 34019.000	37.00	YES	40.00	3.00	8.11%	4/9/2012	Fee Increase recommendation was based on wage increases.
General Services	Water	Disconnect Door Tag - A fee for the production & delivery of the disconnect door tag	Disconnect Door Tag	1	each	7800 40 31 256 34019.000	5.50	YES	6.00	0.50	9.09%	4/9/2012	Fee Increase recommendation was based on wage increases.
General Services	Arena	Ice Rentals - Hourly Non-Prime Time Ice	Ice Rentals	1	hr.	7400 40 34 235 35031.003	182.00	YES	185.00	3.00	1.65%	4/8/2013	Recommendation was based on local market study conducted by General Services.
General Services	Arena	Facility Rentals - Non Ice Daily Rental	Other Facility Rentals	1	each	7400 40 34 235 35031.004	1,875.00	YES	1,895.00	20.00	1.07%	4/8/2013	Recommendation was based on local market study conducted by General Services.
General Services	Arena	Parking Lot	Other Facility Rentals	6	months	7400 40 34 235 35031.004	975.00	YES	995.00	20.00	2.05%	4/8/2013	Recommended annual increase.
General Services	Arena	Parking Lot	Other Facility Rentals	12	months	7400 40 34 235 35031.004	1,900.00	YES	1,925.00	25.00	1.32%	4/8/2013	Recommended annual increase.

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General Services	Arena	Stick & Puck	Daytime Stick & Puck	1	each	7400 40 34 235 35031.003	9.00	YES	10.00	1.00	11.11%	4/8/2013	Recommendation was based on local market study conducted by General Services.
General Services	Arena	Stick & Puck	Youth	1	each	7400 40 34 235 35031.003	5.00	YES	7.00	2.00	40.00%	2003	Recommendation was based on local market study conducted by General Services. Has not increased since 2003.
General Services	WWTP	Septage Hauler Discharge Permit Application		1	each	7900 40 31 110 34035.000	150.00	YES	160.00	10.00	6.67%	4/11/2011	Proposed fee increase was based on estimated cost of service update.
General Services	WWTP	Septage Treatment for Concord, Bow & Boscawen only - for the first 500 gallons or increment thereof		500	gallons	7900 40 31 110 34035.000	35.00	YES	37.50	2.50	7.14%	4/11/2011	Proposed fee increase was based on estimated cost of service update and local market rate survey conducted by General Services.
General Services	WWTP	Septage Treatment for Concord, Bow & Boscawen only - for the additional 100 gallons or increment thereof		<500	gallons	7900 40 31 110 34035.000	7.00	YES	7.50	0.50	7.14%	4/11/2011	Proposed fee increase was based on estimated cost of service update and local market rate survey conducted by General Services.
Legal	Solicitor's Office	Fees charged for prosecution services to the town of LOUDON	Fees for Prosecution Services	1	year	11 12 6 33799.000	31,542	YES	31,857.42	315.42	1.00%	4/9/2012	Proposed fee increase was based on increase in cost of services.
Legal	Solicitor's Office	Fees charged for prosecution services to the town of BOW - ADULT	Fees for Prosecution Services	1	year	11 12 6 33799.000	20,362	YES	20,565.62	203.62	1.00%	4/9/2012	Proposed fee increase was based on increase in cost of services.

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Legal	Solicitor's Office	Fees charged for prosecution services to the town of BOW - JUVENILE	Fees for Prosecution Services	1	year	11 12 6	33799.000	YES	5,143.93	50.93	1.00%	4/9/2012	Proposed fee increase was based on increase in cost of services.
Legal	Solicitor's Office	Fees charged for prosecution services to the town of DUNBARTON.	Fees for Prosecution Services	1	year	11 12 6	33799.000	YES	6,426.63	63.63	1.00%	4/9/2012	Proposed fee increase was based on increase in cost of services.
Library	Library	Fee for Shakespeare Room usage by a non-profit organization.	Shakespeare Room meeting fee	1	for 3 hours	11 61 1	1 35031.002	NEW FEE	25.00	25.00	100.00%	NEW FEE	Recommend charging for non-profit groups to use this meeting room.
Library	Library	Fee for Auditorium usage by a non-profit organization.	Library Auditorium meeting room fee	1	for 3 hours	11 61 1	1 35031.002	NEW FEE	50.00	50.00	100.00%	NEW FEE	Recommend charging for non-profit groups to use the auditorium.
Library	Library	Fine for late return of in-house use laptop.	Laptop late fee	1	per hour	11 61 1	1 35045.000	NEW FEE	10.00	10.00	100.00%	NEW FEE	Recommend charging a late for in-house use laptops that are not returned on time.
Library	Library	Maximum fine for late return of in-house use laptop.	Maximum laptop late fee	1	each	11 61 1	1 34045.000	NEW FEE	100.00	100.00	100.00%	NEW FEE	Recommend charging a maximum late fee for in-house use laptops not returned on time.
Library	Library	Replacement fee for in-house use laptop.	Replacement fee for laptop	1	each	11 61 1	1 44100.000	NEW FEE	500.00	500.00	100.00%	NEW FEE	Recommend charging a replacement fee for in-house use laptops not returned or damaged.
Library	Library	Fine for late return of an e-reader.	E-reader late fee	1	per day	11 61 1	1 34045.000	NEW FEE	25.00	25.00	100.00%	NEW FEE	Recommend charging a late for e-readers that are not returned on time.
Library	Library	Maximum fine for late return of an e-reader.	Maximum e-reader late fee	1	each	11 61 1	1 34045.000	NEW FEE	100.00	100.00	100.00%	NEW FEE	Recommend charging a maximum late fee for e-readers not returned on time.

# NON-ORDINANCE BASED FEES, FINES & PENALTIES

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Library	Library	Replacement fee for e-reader.	Replacement fee for e-reader	1	each	11 61 1	NEW FEE	NEW FEE	250.00	250.00	100.00%	NEW FEE	Recommend charging a replacement fee for e-readers not returned or damaged.
Library	Library	Late fee for book bag kit.	Late fee for book bag kits	1	per day	11 61 1	NEW FEE	NEW FEE	1.00	1.00	100.00%	NEW FEE	Recommending charging a late fee for a book bag kit.
Library	Library	Maximum fine for late return of book bag kit.	Maximum fine for late return of book bag kits	1	per book bag kit	11 61 1	NEW FEE	NEW FEE	20.00	20.00	100.00%	NEW FEE	Recommend charging a maximum late fee for book bag kit.
Library	Library	Replacement fee for book bag kit.	Replacement fee for canvas bag for book bag kits	1	each	11 61 1	NEW FEE	NEW FEE	40.00	40.00	100.00%	NEW FEE	Recommend charging a replacement fee for lost or damaged canvas bag.
Library	Library	Replacement fee for entire book bag kit.	Replacement fee for entire book bag kit	1	per book bag kit	11 61 1	NEW FEE	NEW FEE	190.00	190.00	100.00%	NEW FEE	Recommend charging a replacement fee for the entire book bag kit.
Police	Police	Use of Concord Police officers for off-duty work. Police Department bills customer per hour to cover wages, retirement, worker's Comp and overhead.	SPEC DUTY ADMIN CHARGE - Extra Duty Fee	PER OFFICER PER HOUR		11 31 22	64.00	YES	65.00	1.00	1.56%	4/8/2013	Increase related to contractual COLA increased in FY2014.

# NON-ORDINANCE BASED FEES, FINES & PENALTIES

DEPT	DEPT/ENFORCING THE CODE	FEE DESCRIPTION	FEE NAME	QUANTITY PER MEASURE	UNIT OF MEASURE	LOGOS GL ACCT NO.	CURRENT FEE AMOUNT	INCREASE YES OR NO?	IF YES, IDENTIFY NEW RATE OR PROPOSED RATE	AMOUNT OF INCREASE	% OF INCREASE	DATE OF LAST COUNCIL APPROVED FEE REVISION	REASON FOR INCREASE OR NO INCREASE
Police	Police	Use of Concord Police officers for off-duty work. Police Department bills customer per hour to cover wages, retirement, worker's Comp and overhead. PER SUPERVISOR OFFICER PER HOUR	SPEC DUTY ADMIN CHARGE - Extra Duty Fee	PER SUPERVISOR PER HOUR		11 31 22 34 34024.000	68.00	YES	70.00	1.00	1.45%	4/8/2013	Increase related to contractual COLA increased in FY2014.
Parks & Rec	Cemetery	shrub plantings		1	each	11 62 1 1 34034.000	120.00	YES	140.00	20.00	16.67%	4/1/2011	The proposed fee increase will help offset the costs of planting the shrub.
Parks & Rec	Cemetery	Flower Trust		1	each	11 62 1 1 34034.000	600.00	YES	760.00	150.00	25.00%	4/1/2011	The proposed fee increase will help offset the future costs of flowers in perpetuity.
Parks & Rec	Cemetery	Shrub Trust		1	each	11 62 1 1 34034.000	600.00	YES	1,000.00	400.00	66.67%	4/1/2011	The proposed fee increase will better offset the costs of maintenance. Current income does not cover the cost of yearly maintenance.

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# CITY OF CONCORD

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

## RESOLUTION APPROPRIATING THE SUM OF \$10,000 FROM THE EPISCOPAL CHURCH, DIOCESE OF NEW HAMPSHIRE

*The City of Concord resolves as follows:*

**WHEREAS,** the City received the sum of \$10,000 in February of 2014 from the Trustees of the Protestant Episcopal Church of New Hampshire, which, at their request, was to be used for a purpose the City would otherwise have to forego; and

**WHEREAS,** the recommendation is to appropriate \$10,000 divided amongst fourteen different entities located within the City of Concord;

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

- 1) The sum of .....\$10,000  
be and is hereby appropriated as follows:

General Fund

Salvation Army .....	\$714.28
First Congregational Church .....	714.28
Center Point .....	714.28
St. John's Church .....	714.28
St. Paul's Church .....	714.28
St. Peter's Church .....	714.28
Immaculate Conception Church .....	714.28
Immaculate Heart of Mary Church .....	714.28
West Congregational Church .....	714.28
Friends of Forgotten Children .....	714.28
Community Action Program .....	714.28
United Church of Penacook .....	714.28
Friendly Kitchen .....	714.28
Gospel Light Church of Concord .....	<u>714.36</u>

Total: \$10,000

- 2) Said sum is made available as follows:

General Fund

Donations .....

.....	\$10,000
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- 3) This resolution shall take effect upon its passage.



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

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

**DATE:** February 14, 2014

**SUBJECT:** Allocation of funds from the Trustees of the Protestant Episcopal Church in New Hampshire

### Recommendation

Set the attached resolution recommending the allocation of \$10,000 in funds from the Trustees of the Protestant Episcopal Church in New Hampshire for an April 14, 2014 public hearing.

### Discussion

The Trustees of the Protestant Episcopal Church of New Hampshire sent the City of Concord a check in the amount of \$10,000 in February 2014. It is recommended that the City Council approve the attached resolution allocating the funds by dividing them among the following food pantries within the City:

- Salvation Army
- First Congregational Church
- Center Point
- St. John's Church
- St. Paul's Church
- St. Peter's Church
- Immaculate Conception Church
- Immaculate Heart of Mary Church
- West Congregational Church
- Friends of Forgotten Children
- Community Action Program
- United Church of Penacook
- Friendly Kitchen
- Gospel Light Church of God

CITY OF CONCORD

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2/20/14

4-39(E)  
4-46

In the year of our Lord two thousand fourteen

**RESOLUTION:** AUTHORIZING THE CITY MANAGER TO CONTINUE IMPLEMENTATION OF THE COMMUNITY DEVELOPMENT REVOLVING LOAN FUND PROGRAM AND APPROPRIATING THE SUM OF FIVE HUNDRED THIRTY FIVE THOUSAND SEVEN HUNDRED SIXTY ONE DOLLARS (\$535,761).

*The City of Concord resolves as follows:*

**WHEREAS,** the City's Revolving Loan Fund Program was created in 1984 and initially capitalized with Community Development Block Grant funds; and,

**WHEREAS,** the Revolving Loan Fund Program generates income through repayment of principal and interest from loans within the City's portfolio, as well as interest earnings on available fund balance; and

**WHEREAS** the funding source for this appropriation shall be the unused fund balance of the Revolving Loan Fund; and

**WHEREAS,** said income is retained by the City for eligible community development activities in accordance with the City's Housing and Community Development Plan, as well as the Revolving Loan Fund Program Income Reuse Plan; and

**WHEREAS,** the City of Concord desires to continue its Revolving Loan Fund Program for the continuation of community development efforts; 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 the City of Concord that:***

1) The sum of.....\$535,761  
be, and is hereby, appropriated as follows:

Housing Revolving Loan Fund.....\$535,761

2) The sum of.....\$535,761  
be and is hereby made available as follows:

Housing Revolving Loan Fund  
City Administration  
Fund Balance..... \$535,761

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

4) This resolution shall take effect upon its passage.



# CITY OF CONCORD

130

## REPORT TO MAYOR AND THE CITY COUNCIL

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

*M/W*

**DATE:** February 27, 2014

**SUBJECT:** Revolving Loan Fund Appropriation (Fund #2701)

### Recommendation

- Accept this report; and,
- Set the attached resolution appropriating the sum of \$535,761 to re-capitalize the City's Revolving Loan Fund Program for public hearing on April 14, 2014.

### Background

In 1984 the City of Concord created its Revolving Loan Fund Program. The Program was initially capitalized with a Community Development Block Grant ("CDBG") from the State of New Hampshire and US Department of Housing and Urban Development. The purpose of the program is to provide loans to support housing, social service agency, daycare, and economic development projects that benefit low and moderate income people. Individuals or families which earn 80% or less of the area median income qualify as low / moderate income.

The Revolving Loan Fund Program is overseen by the City's Community Development Advisory Committee ("CDAC"). CDAC reviews and approves all loan and emergency grant applications to insure they are consistent with the goals and objectives of the City's Housing and Community Development Plan as well as the Revolving Loan Fund's Program Income Reuse Plan ("PIRP").

Currently, the Program has 38 active loans totaling \$1,467,127 with a collective outstanding balance of \$902,456. Individual loan amounts range from approximately \$2,000 to \$200,000. Typical projects financed by the Program range from simple heating system and roof replacements at single family homes, to large scale water and sewer main replacements in manufactured housing parks, to economic development projects that create or retain employment opportunities for low and moderate income people.

### Discussion

Each year, the City Council appropriates revenues from interest and principle payments made by loan recipients to re-capitalize the Program. At the end of FY2013, the available fund balance for the Revolving Loan Fund (Fund #2701) was \$535,761. City Administration requests that these moneys be appropriated and re-deposited into the Revolving Loan Fund Program. This will allow the program to continue making loans and grants to support eligible projects.

# CITY OF CONCORD

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

**RESOLUTION** ACCEPTING AND APPROPRIATING THE SUM OF ONE MILLION EIGHT HUNDRED THIRTY THOUSAND EIGHT HUNDRED SIXTY ONE DOLLARS (\$1,830,861) FOR THE PURPOSE OF CONSTRUCTING PHASE II OF THE PARALLEL TAXIWAY TO RUNWAY 12/30, INCLUDING ONE MILLION SIX HUNDRED FORTY SEVEN THOUSAND SEVEN HUNDRED SEVENTY FIVE DOLLARS (\$1,647,775) IN GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA), NINETY ONE THOUSAND FIVE HUNDRED FORTY THREE DOLLARS (\$91,543) FROM THE STATE OF NEW HAMPSHIRE, AND NINETY ONE THOUSAND FIVE HUNDRED FORTY THREE DOLLARS (\$91,543) FROM THE CITY OF CONCORD; AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR CIP #73.

PAGE 1 OF 3

*The City of Concord resolves as follows:*

- WHEREAS,** the project was noted as CIP #73 in the FY 2015 Capital Budget; and
- WHEREAS,** the Airport Advisory Committee recommends that the City Council approve this appropriation; and
- WHEREAS,** the authorization to commence construction of Phase I was not received by NHDOT until late November 2013, at which time the weather was not favorable to begin work; and
- WHEREAS,** the two successful contractors for each phase of the project have agreed to work as a team and to begin work as soon as weather permits, which will realize a total project cost savings of up to \$100,000; and
- WHEREAS,** allowing both contractors to begin work in early spring will minimize disruptions to airport operations and runway closures for airport users; and
- WHEREAS,** the City's portion in the amount of \$91,543 will be appropriated from Airport General Obligation Bonds; 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;

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By  
3/3/14

4-39 (F)  
4-47

# CITY OF CONCORD

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

**RESOLUTION** ACCEPTING AND APPROPRIATING THE SUM OF ONE MILLION EIGHT HUNDRED THIRTY THOUSAND EIGHT HUNDRED SIXTY ONE DOLLARS (\$1,830,861) FOR THE PURPOSE OF CONSTRUCTING PHASE II OF THE PARALLEL TAXIWAY TO RUNWAY 12/30, INCLUDING ONE MILLION SIX HUNDRED FORTY SEVEN THOUSAND SEVEN HUNDRED SEVENTY FIVE DOLLARS (\$1,647,775) IN GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA), NINETY ONE THOUSAND FIVE HUNDRED FORTY THREE DOLLARS (\$91,543) FROM THE STATE OF NEW HAMPSHIRE, AND NINETY ONE THOUSAND FIVE HUNDRED FORTY THREE DOLLARS (\$91,543) FROM THE CITY OF CONCORD; AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR CIP #73.

PAGE 2 OF 3

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

- 1) The sum of .....\$1,830,861  
be and is hereby appropriated as follows:

General Capital Improvements Fund

Community Development Engineering Services Division

Construct Parallel Taxiway 12/30 CIP #73 .....\$1,830,861

- 2) Revenue is available as follows:

General Capital Improvements Fund

Federal Aviation Administration .....\$1,647,775

New Hampshire Department of Transportation, Bureau of Aeronautics \$ 91,543

City – General Obligation Bonds..... \$ 91,543

Total .....\$1,830,861

- 3) In order to meet said expenditure, the City Treasurer, with approval of the City Manager, is authorized to issue up to \$91,543 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.

# CITY OF CONCORD

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

**RESOLUTION** ACCEPTING AND APPROPRIATING THE SUM OF ONE MILLION EIGHT HUNDRED THIRTY THOUSAND EIGHT HUNDRED SIXTY ONE DOLLARS (\$1,830,861) FOR THE PURPOSE OF CONSTRUCTING PHASE II OF THE PARALLEL TAXIWAY TO RUNWAY 12/30, INCLUDING ONE MILLION SIX HUNDRED FORTY SEVEN THOUSAND SEVEN HUNDRED SEVENTY FIVE DOLLARS (\$1,647,775) IN GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA), NINETY ONE THOUSAND FIVE HUNDRED FORTY THREE DOLLARS (\$91,543) FROM THE STATE OF NEW HAMPSHIRE, AND NINETY ONE THOUSAND FIVE HUNDRED FORTY THREE DOLLARS (\$91,543) FROM THE CITY OF CONCORD; AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR CIP #73.

PAGE 3 OF 3

- 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 and upon grant award by the State of New Hampshire and the Federal Aviation Administration.





# CITY OF CONCORD

12

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Martha Drukker, Associate Engineer  
**DATE:** February 28, 2014  
**SUBJECT:** Municipal Airport Grant Application – CIP # 73 Construct Parallel Taxiway 12/30, Phase II

### Recommendation

Appropriate \$1,830,861 (\$1,647,775 Federal share, \$91,543 State share and \$91,543 City share) in grant funds for the purpose of constructing the westerly portion of the parallel taxiway for runway 12/30 as programmed in the FY2015 Capital Budget.

Authorize the City Manager to enter into a Grant Agreement for up to \$1,830,861 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics to construct Phase I of the Parallel Taxiway to Runway 12/30.

### Background

The grant for Phase I construction was received in late November 2013. The later than anticipated notice of award required to contractor to push back his start work date until spring of 2014.

The parallel taxiway eliminates the need to 'back' taxi on Runway 12/30 which is a safety concern. FAA design criteria notes that runways should have parallel taxiways to enhance operational safety and capacity (source: FAA Advisory Circular 150/5300-13, Airport Design). The parallel taxiway is included in the Conservation Management Agreement signed in 2001 and recommended in the 2006 Airport Master Plan.

The new taxiway will serve Runway 12/30 and will be approximately 3,600 feet long. The new taxiway pavement will be 35' wide and will have green in-pavement taxiway lighting on the centerline. The taxiway will be constructed with new pavement, base material and drainage. Grading adjacent to the taxiway will be required for drainage and to meet the FAA safety area criteria.

## Discussion

The new taxiway will have an impact on some of the wildlife habitat within the designated conservation zones. Staff and the City's consultant, Jacobs Engineering have coordinated with State and Federal agencies to approve a mitigation management plan to be implemented in phases over the next 5-10 years. This plan will be administered by the New Hampshire Department of Fish and Game. Once final mitigation costs are determined, the City will need to enter into an agreement with NHF&G to administer the Management Plan.

In the fall of 2013, the NHDOT received a grant from FAA for the total project cost (Phase I and Phase II) in the amount of \$3,031,847. If the City's FAA grant is approved, NHDOT will secure the funds and accelerate Phase II project construction pending appropriation of the local and State match.

Phase II work was bid in early January 2014 and the successful contractor is different than that of Phase I.

We have had discussions with both contractors and they are willing to work as a team on the construction of the entire taxiway. There are many benefits to this approach such as up to \$100,000 in project savings in a combination of construction and contract administration fees, eliminates a three month shut down of construction at the airport, allows for less frequent runway closures, reduces the disruption to day to day airport operations, and minimizes overall impact to the environmentally sensitive work area.

The grant application will be submitted to NHDOT by mid-March, pending City Council approval then following Phase II funding appropriation by the City Council construction would begin as soon as the weather allows. Construction would be completed early fall 2014.

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4-39(G)

# CITY OF CONCORD

*In the two thousand fourteenth year of our Lord*

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

*The City of Concord resolves as follows:*

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

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

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

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

- 1.) The annual appraisal of real estate at market value pursuant to the provisions of RSA 75:8-b is hereby authorized.
- 2.) This resolution takes effect April 1, 2014.





# CITY OF CONCORD

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## REPORT TO MAYOR AND THE CITY COUNCIL

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

**Date:** January 28, 2014

**Subject:** Authorization of Annual Appraisal at Market Value

### **Recommendation**

Accept this report and set for public hearings in March and April, with a May vote, the proposed resolution authorizing the Assessing Department to proceed with valuing all real estate at market value as of April 1, 2014.

### **Background**

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

### **Discussion**

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

Valuing properties at market value ensures equitable and fair assessments to all taxpayers so that all are paying only their fair share of the tax burden. Market values are constantly changing, and do not rise or fall at the same level for each city neighborhood (the Heights vs. Penacook vs. the South End), or type of property (residential vs. commercial vs. condominiums), the appropriate adjustments need to be made each year to the property assessments to maintain them at market value.

Upon completion of the assessments each year the Department of Revenue (DRA) obtains the assessments and information from the Assessing Department to review and in determine the level of assessment (ratio) and the equity of the assessment coefficient of dispersion (COD) which measures the consistency among property values. The acceptable ranges for assessment level for all property types is 90-110% and the COD is less than 20% for commercial properties, less than 15 for residential properties and less than 25 for vacant land. The assessment level and the overall COD for the past several years:

Year	Assessment Level	COD
2012	100.5%	6.87%
2011	100.1%	7.00%
2010	99.7%	6.70%
2009	100.9%	6.80%
2008	100.3%	6.20%

Should any of you want or need more detailed information relative to the assessing process, please call (603-225-8550) to set up time where I can provide you with what you request.

# CITY OF CONCORD

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4-40 2-45 (E)  
2-50

*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

## 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 to 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 programmed 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 are 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.

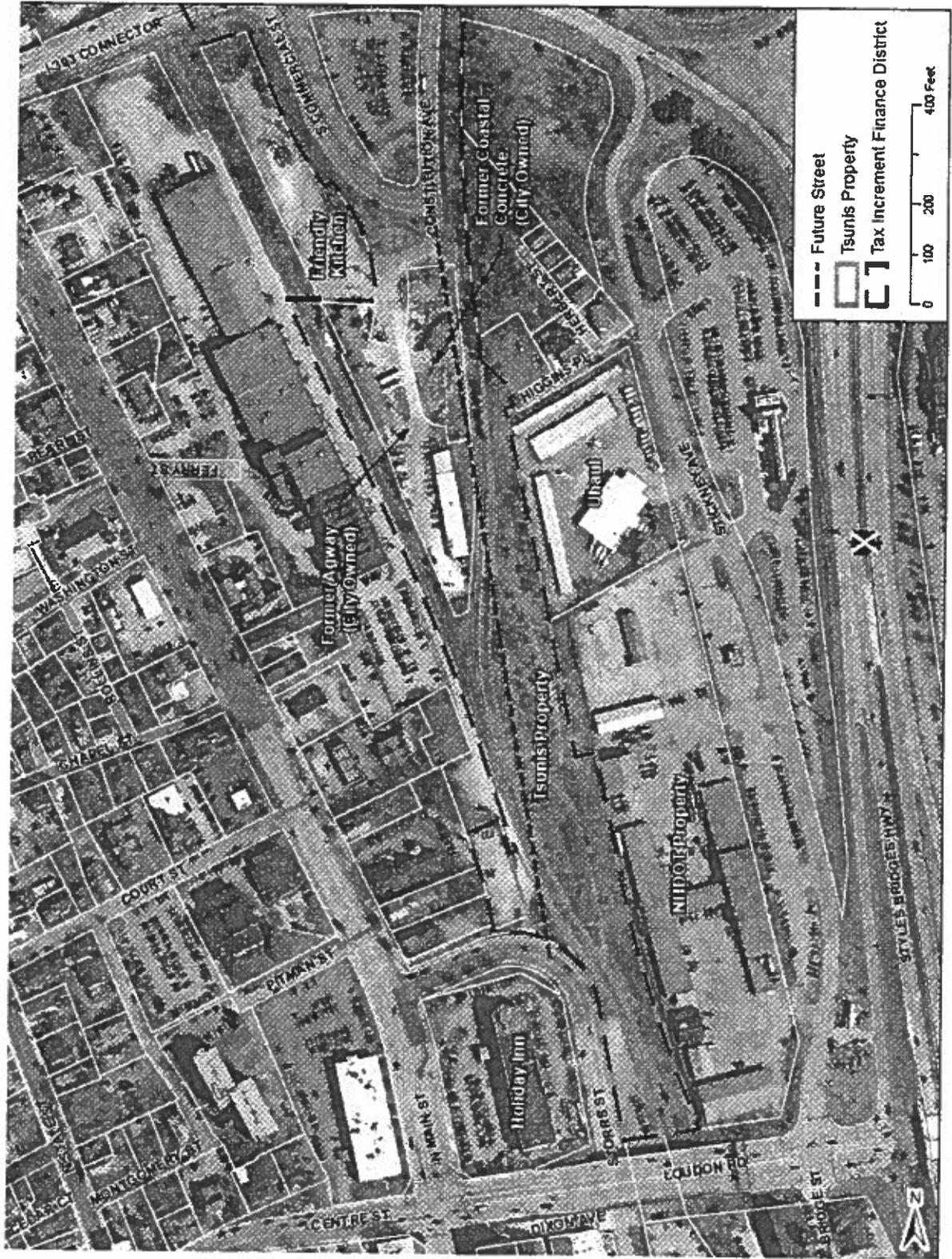
- 8) Residual Property: Staff recommends that the City Council make any residual property associated with the Tsunis property, as well as the former Agway and Coastal Concrete properties (already owned by the City), that is not required for the roadway extension be made available for redevelopment in 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**

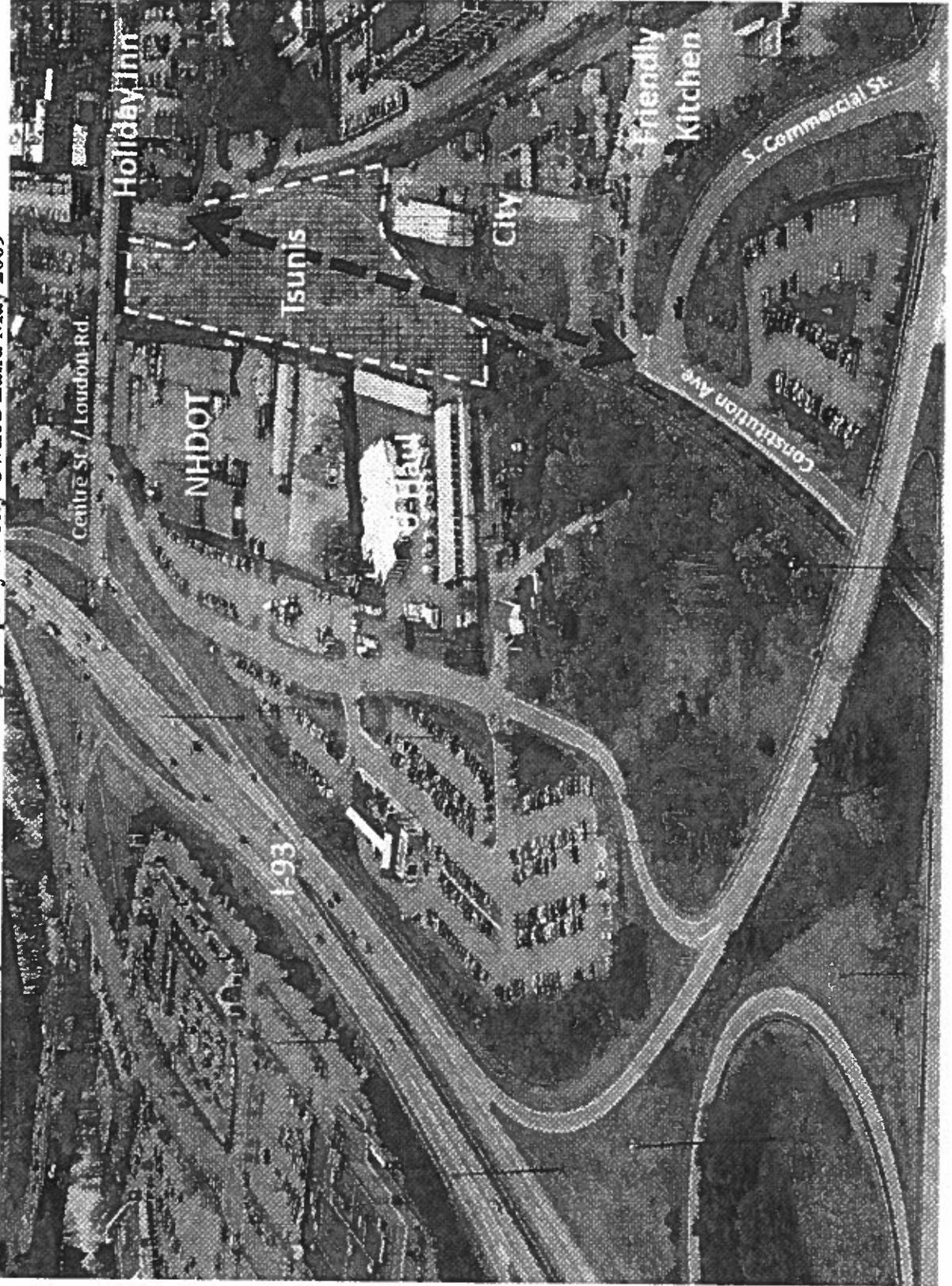
<b>CATEGORY</b>	<b>ESTIMATE</b>	<b>NOTES</b>
<b><i>Property Acquisition</i></b>		
Tunis Property Acquisition (4.04 Acres)	\$700,000	Per Friendly Kitchen Sale: \$250,000 for 1.43 Acres. Sold June 21, 2012. Price = \$4.01 / SF or \$174,675/Acre.
State of NH Escheated Rights	\$0	Tunis paid State \$24,430 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><i>Environmental Due Dillgence / Reporting / Compliance</i></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><i>Legal &amp; Appraisal Services</i></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><i>Taxes</i></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>	5% of Subtotal
<b>DEBT SERVICE ISSUANCE</b>	<b>\$12,962</b>	1.25% of Subtotal + Contingency
<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	<b>Round to \$600,000</b>

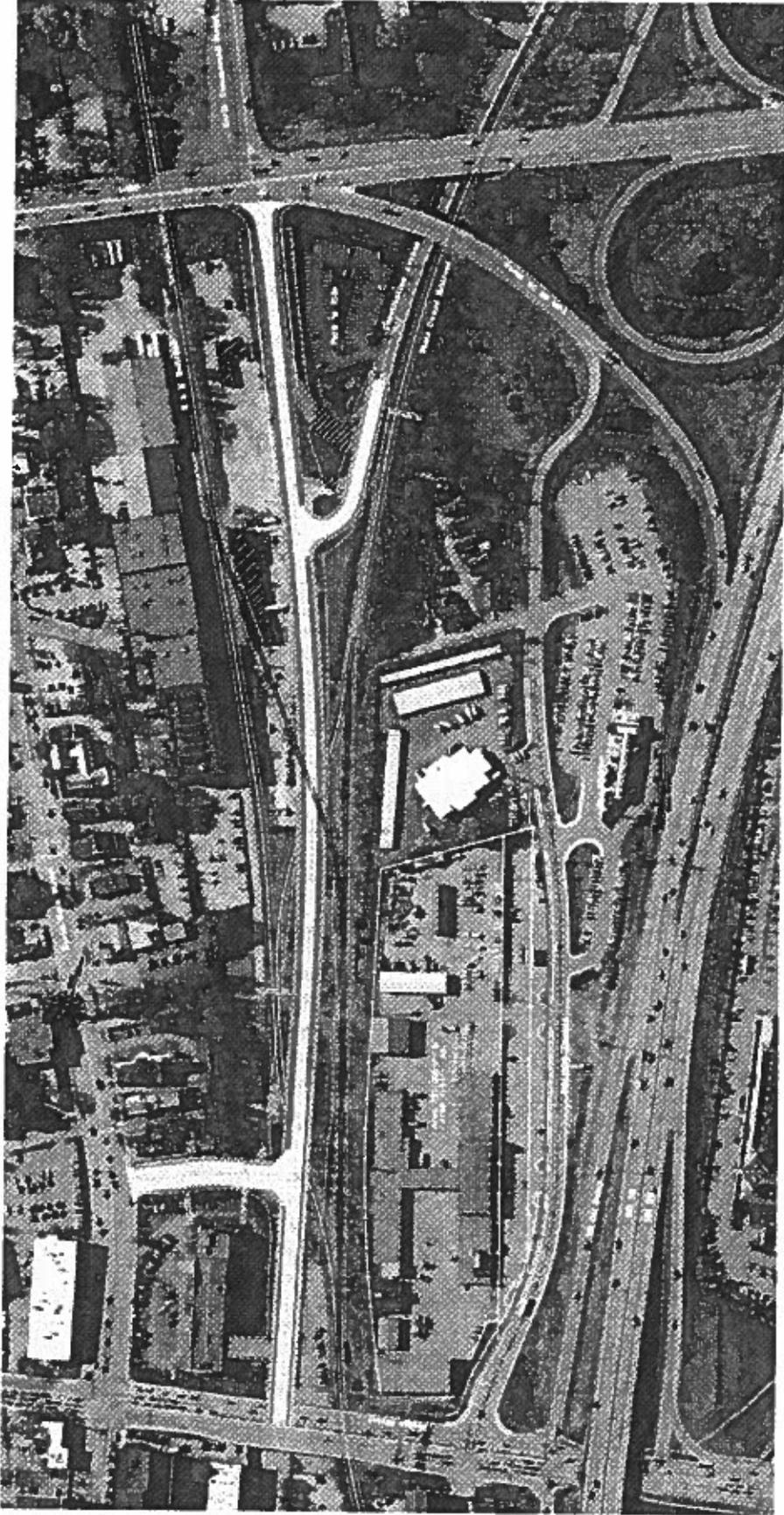
Map of Tsunis Holdings and Other City Owned Properties

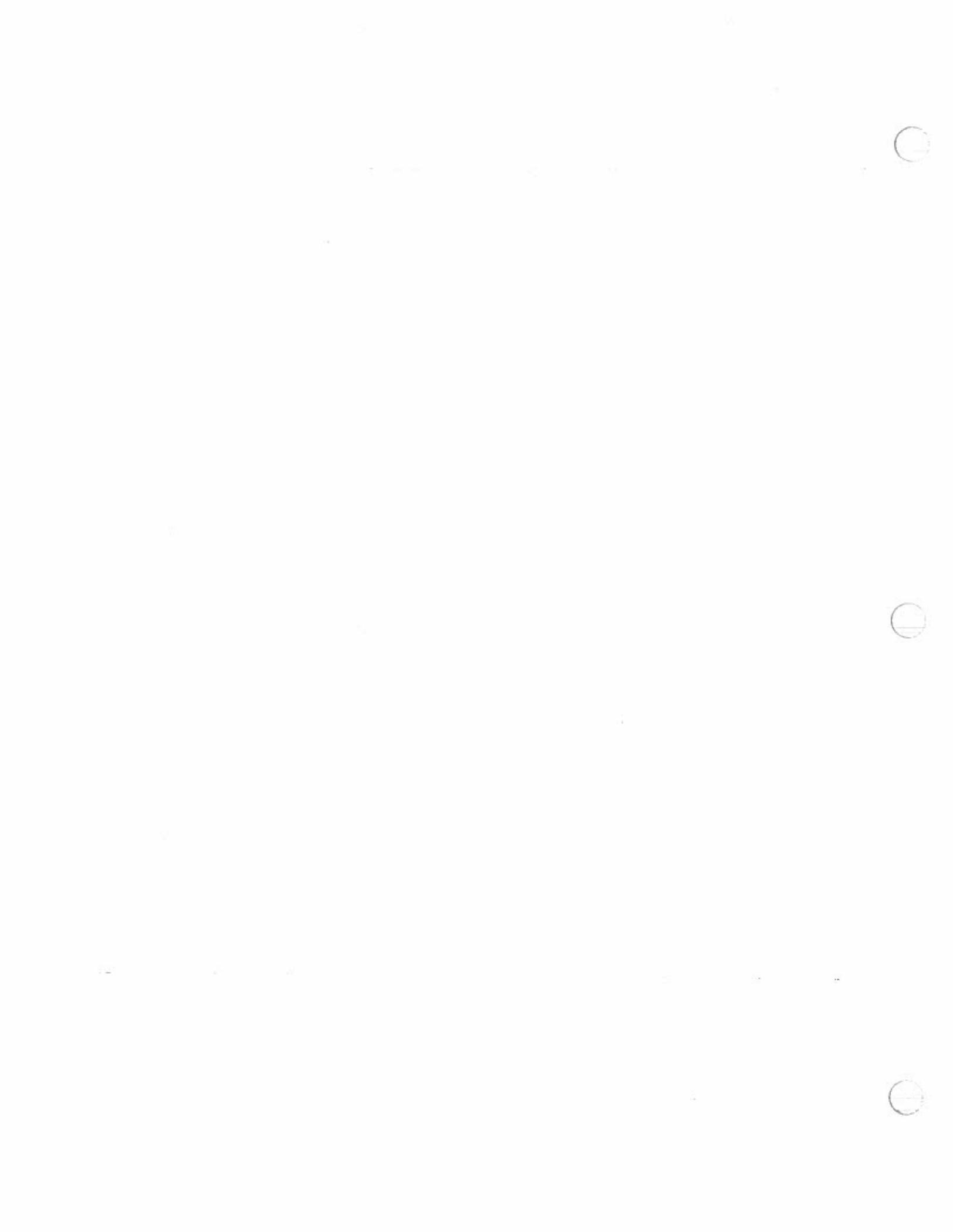


**Birdseye View of Tsunis Holdings Property & City Owned Land May 2009**



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





**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 southwesterly 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	1	2	3 & 4	5	6	7	Total
Resolution Number	6808, 6809	6807	6993 & 7037	7064 & 7065	8540 & 8541	TBD	
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
Tunis Holdings, Inc. Storrs 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		\$80,000	\$250,000				\$340,000
Bond Costs			\$10,000				\$10,000
Capitalized Interest		\$145,000					\$145,000
Total	\$599,500	\$2,785,000	\$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
Total Project Appropriation	\$7,410,200
<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
Total Estimated Annual Cost (FY2014)	\$632,820

- 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)

2-45 (E)  
2-50  
1/28



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Cindy Flanagan, Chair, North End Opportunity Corridor Tax Increment Finance District Advisory Board

**DATE:** January 29, 2014

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

**Recommendation:**

Accept this report.

**Background:**

The City established the NEOCTIF Advisory Board by passage of Resolution #6681 on February 18, 1997. In accordance with RSA 162-K:14, the Board's mission is to "advise the governing body and district administrator on planning, construction, and implementation of the development program and on maintenance and operation of the district."

Currently, the Board is comprised of Cindy Flanagan, Anne "Missy" Fields, Chris Brown, and Dr. Robert Thompson. The Board presently has two vacancies.

**Discussion:**

The Advisory Board met on January 28, 2014, to review the City Administration's proposal to acquire the Tsunis Holdings property located on Storrs Street east of the Holiday Inn. Upon review of this proposal, the Board offers the following recommendations to the City Council for its consideration:

1. Proceed with acquisition of the Tsunis Holdings Property. Upon acquisition, remove all shrubby vegetation and miscellaneous debris to make the property visually attractive, as well as to discourage illegal activity. The Board also recommends that turf be established at the property and mowed regularly by the City.
2. Pursue a partnership with the State of New Hampshire to design and construct the Storrs Street North Extension. However, if a partnership cannot be achieved in the near-term,

the City should proceed independently with construction of the new roadway prior to the expiration of the NEOCTIF District.

3. Lastly, the City Council should consider expanding the boundaries of the NEOCTIF District to include properties along Stickney Avenue, Higgins Place, and Hebert Street in order to support future redevelopment of the former NH Department of Transportation maintenance facility and other properties. The City Council should also consider expanding the District to include the Friendly Kitchen site and rail road right-of-way along the westerly side of the District in order to accommodate potential improvements that might be required as part of the future Storrs Street North Extension. Please see the attached map for more information.



**Exhibit 1**

*North End Opportunity Corridor – Tax Increment Finance District*

 Potential Expansion

Prepared by the City of Concord, N.H. (January 29, 2014)



4-41  
3-35(J) *Buy* 12/31/13  
2-45(F) 1-14  
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# 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 ACQUISTION 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*

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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, 1. 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 CONTINGENCIES:** 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







Resolution No.

11-40	5-58	3-39
12-37	6-53	1-16
1-42	7-40	2-33(I)
2-56	8-65	2-42
3-45	9-37	4-39
4-48	10-35	

**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.

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

Project/Owner	Parcel
State of New Hampshire Pan Am Railway	35A-1-2 B&M Railroad
Management Mutual Co., Inc.	26-1-6
Collins Properties of Concord, LLC	26-1-6
Automotive Supply Associates, Inc.	26-1-3
J & S Leasing General Partners	25B-1-9

11/18/12  
Concord Planning Division  
Concord, NH  
SLH

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# 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.

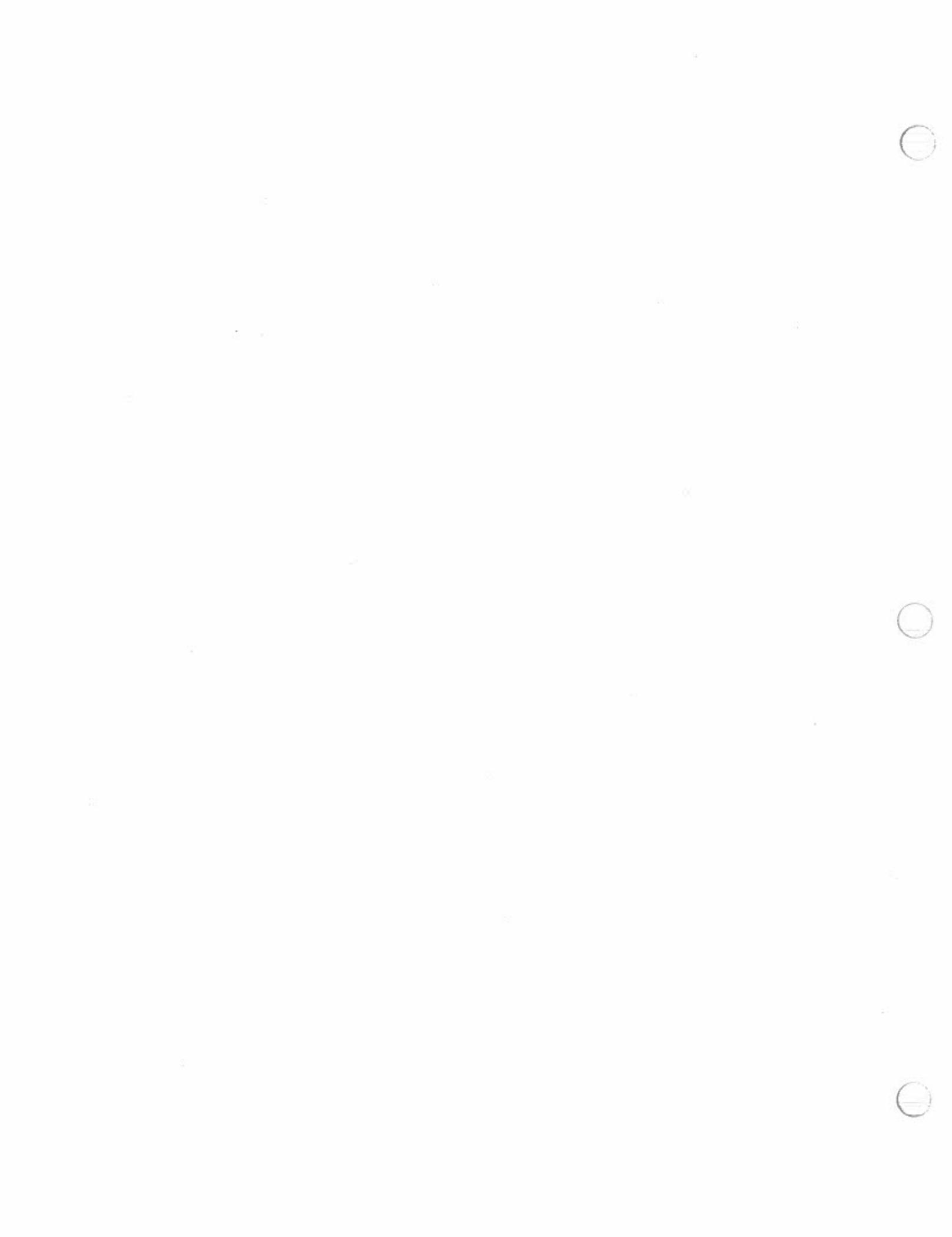
### **Background**

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.



1-9  
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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
Jul-00	120.9		180.1	-0.17%
Jul-02	128.7	6.45%	183.5	1.89%
Jul-04	143.7	11.66%	191.2	4.20%
Jul-05	151.6	5.50%	194.6	1.78%
Jul-06	162.0	6.86%	201.2	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	\$1.06	\$1.09	Square Foot of Floor Area
Manufacturing	\$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	6.10%
Jul-04	7126	7.89%
Jan-06	7660	7.50%
Dec-06	7888	3.24%
Nov-07	8092	2.59%
Dec-08	8551	5.67%
Dec-09	8641	1.05%
Dec-10	8952	3.60%
Dec-11	9172	2.46%
Nov-12	9398	2.46%
Dec-13	9668	2.87%



# CITY OF CONCORD

TAA

## 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.

1-10  
2-45 (B)  
2-24  
3-48  
4-51

# 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

TJA

## 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 underutilize 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.

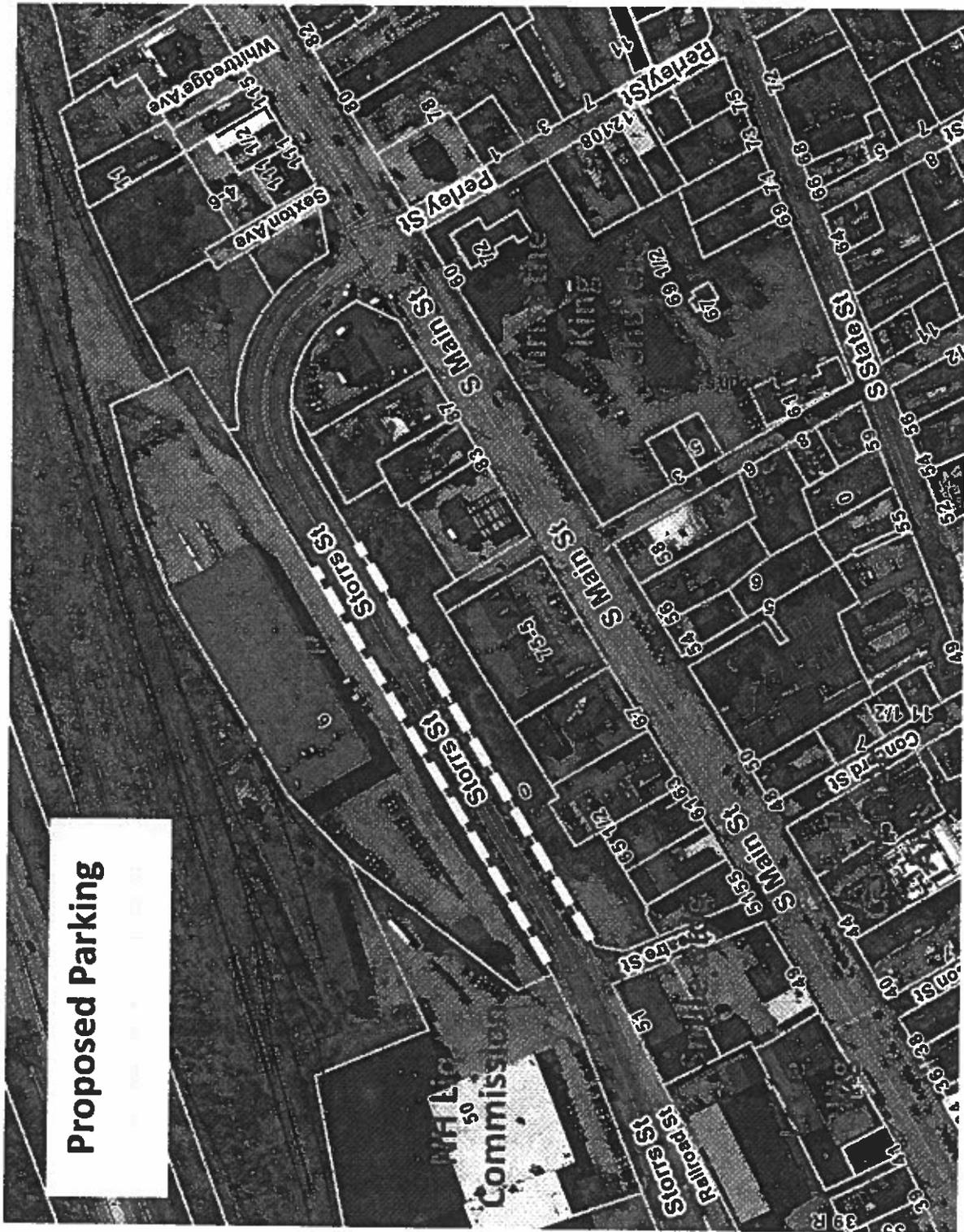
In order to implement this, the City will incur costs for new signage, pavement markings, and miscellaneous expenses. These costs shall be financed with savings from CIP 403 "Parking Vehicle Replacement". Specifically, in FY2014 the City budgeted \$30,000 in capital outlay funds to replace the Parking 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.

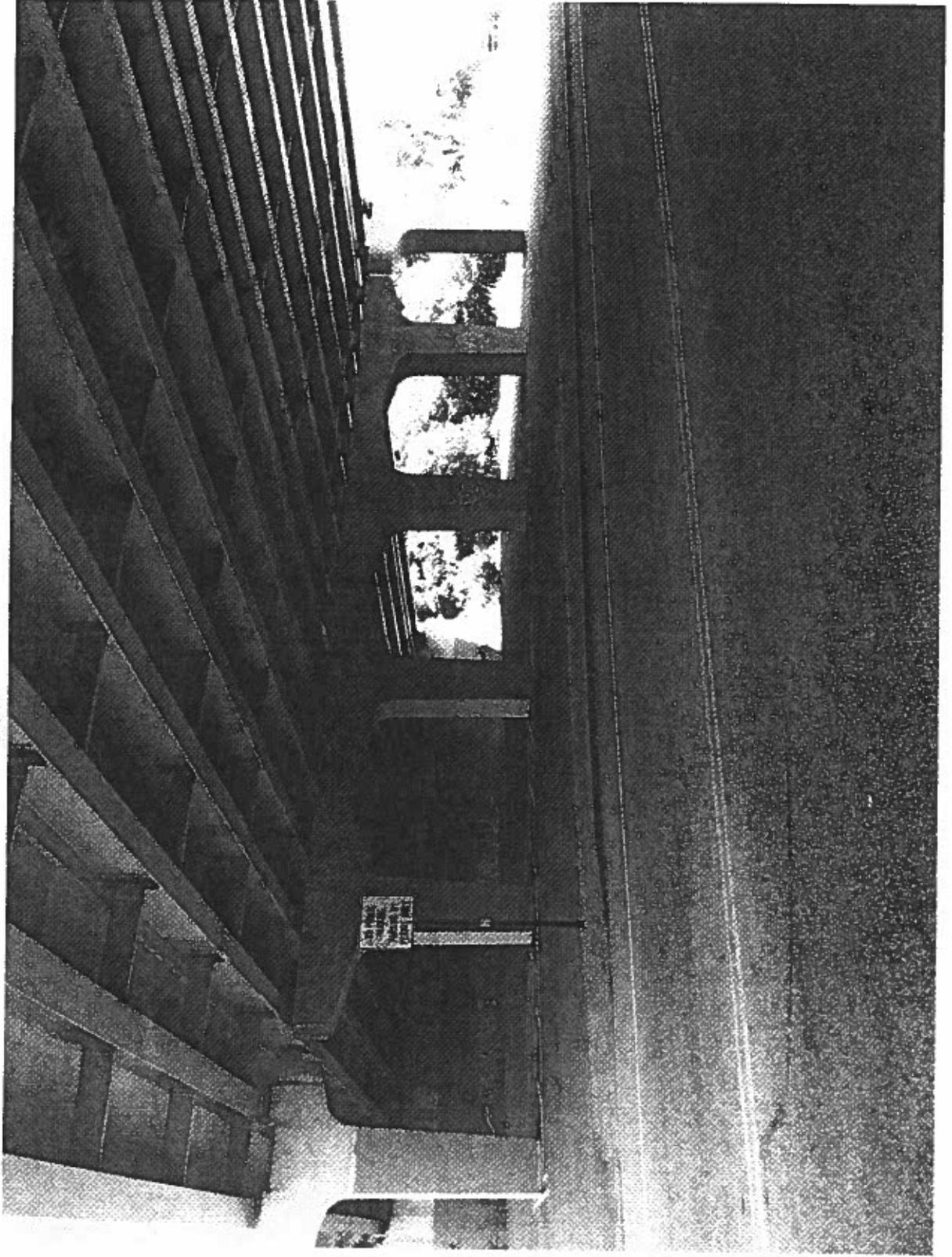


# Proposed On-Street Parking Storrs Street (South of Theatre)





Storrs Street Parking Lot  
(Beneath Centre Street Over Pass)





**Mulholland, Michelle**

2-45 (B)  
2-47

**From:** Gibson's Bookstore <gibsons@totalnetnh.net>  
**Sent:** Wednesday, January 29, 2014 11:12 AM  
**To:** \* City Clerk  
**Cc:** 'Little River Oriental Rugs'  
**Subject:** for meeting Feb. 10--Janice, could you distribute? thank you  
**Attachments:** Ordinance 18-5 Storrs Street Permits FINAL.pdf

AA

Dear Mayor Bouley and esteemed members of City Council:

I recently learned that the City was proposing to restore the parking spaces on the south end of Storrs St. that formerly had been free, as leased spaces, and also to formalize a lease arrangement on currently free spaces on the north end of Storrs St. (Ordinance 18-5, attached).

Parking has been a hot-button issue for the downtown for as long as I can remember. The opportunity to add to current inventory should not be missed. But I urge you to restore and maintain these spaces as free spaces.

The spaces at the south end of Storrs Street had always been a great way to keep employees of downtown businesses parking away from downtown stores. These employees are often part-time and not highly compensated, so having free spaces within walking distance but far enough away to avoid disrupting commerce was a win-win for all concerned. These spaces are also outside of traditional areas of parking enforcement.

If memory serves, those spaces were eliminated to drive more people into the Capitol Commons garage, which at the time was under-utilized. Whether that was the goal or not, the garage now enjoys satisfactory usage and there is no reason not to restore these spaces.

But who is the customer? These spaces have historically been used by downtown employees who are often part-time and not highly compensated. They are not in a position to pay \$100/quarter and there is no logical way to incentivize them. They will continue to play parking roulette looking for free spaces, and will not be the customer for the leased spaces.

Is it downtown businesses? The same logic applies. For whom would we buy the permits? Part-time employees come and go. If someone has the permit for a space and only works from 9-1, what happens to that space after they leave? It is all too muddled to be an effective program for businesses with part-time employees. Further, expecting downtown merchants to buy these spaces amounts to a hidden tax on those merchants, considering that these spaces used to be free for two very good reasons: because of their remote but walkable distance from the downtown, and because of their important role in solving a public policy problem: i.e., where would employees park?

Other than employers and employees in the downtown, there is no identifiable group of people that might be expected to buy leased spaces on Storrs St., and as we've seen, they are not likely to, either.

The only logical course is to restore these spaces as free spaces right away, to relieve parking pressures downtown, whether the Main Street Project moves forward immediately or not. I urge you to amend this ordinance to restore and maintain much needed free parking on Storrs St.

Respectfully submitted,

Michael Herrmann

Gibson's Bookstore  
45 South Main Street  
Concord, NH 03301  
603-224-0562  
[www.gibsonsbookstore.com](http://www.gibsonsbookstore.com)



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

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

*MRW*

**DATE:** February 27, 2014

**SUBJECT:** Storrs Street Parking Ordinance

**Recommendation:**

- Accept the following report; and,
- Remove this item from the table and substitute and approve the attached revised ordinance amending the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking, Article 18-1-8, Parking Time Limited in Designated Places, Schedule III. This revised ordinance replaces the ordinance which went to public hearing on February 10, 2014.

**Background:**

On February 10, 2014 the City Council held a public hearing on a proposed ordinance to re-establish on-street parking spaces on the southerly end of Storrs Street which would be managed via a permit system. This same approach was also proposed for the Storrs Street Municipal Parking Lot located beneath the Centre / Bridge Street overpass. As a result of public testimony, it was the consensus of the City Council to pursue 10-hour free parking at these locations in lieu of the proposed permit system. Further, the City Council instructed staff to prepare a revised ordinance for review by the City Council during its March meeting.

**Discussion:**

The attached revised ordinance will establish 10 hour free parking Monday – Friday from 7:00AM to 6:00PM for the southerly end of Storrs Street as well as the Storrs Street Municipal Parking lot. Parking will also be permitted on nights and weekends in both locations in accordance with all other applicable City rules, regulations, and ordinances. As is customary with all public on-street parking, these spaces shall be available on a first come, first served basis.

This approach essentially re-establishes parking on the southerly end of Storrs Street as it previously existed prior to its discontinuance in 2010, and converts the Storrs Street Municipal Parking Lot to 10-hour free parking.

During its February 10<sup>th</sup> meeting, the City Council closed the public hearing and tabled this item to March 10<sup>th</sup> for further consideration. The City Council may choose to remove this item from the table in order to substitute and approve the attached revised ordinance. The proposed ordinance would take effect on April 14, 2014 in order to allow staff sufficient time to order and install required signage.

# 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, Article 18-1, Stopping, Standing and Parking, Section 18-1-8, Parking Time Limited in Designated Places, Schedule III.

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

**SECTION I:** Amend the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking, Article 19-1, Stopping, Standing and Parking, Section 18-1-8, Parking Time Limited in Designated Places, Schedule III (Ten Hours between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday), by adding the following:

**Ten Hours (between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday)**

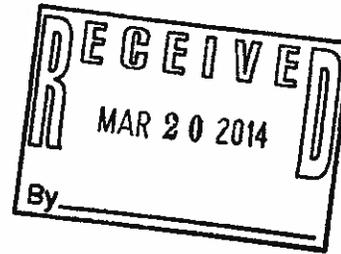
<b>Street</b>	<b>Side Restricted</b>	<b>From</b>	<b>To</b>	<b>Position to Curb</b>
<b>Storrs St.</b>	<b>Both</b>	<b>Theatre St.</b>	<b>450' North of South Main / Perley Street Intersection</b>	<b>Parallel</b>
<b>Storrs St. (parking lot beneath Centre St. Overpass)</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>As Striped</b>

**SECTION II:** This ordinance shall take effect on April 14, 2014.



March 20, 2014

Mayor James Bouley  
City Clerk Janice Bonenfant  
Green Street  
Concord, NH 03301



AAA

Please refer the following to the consent agenda for the April City Council meeting:

Since the city council's priority setting session in February, there have been numerous articles, editorials and incidents regarding heroin use in our community.

I am requesting that the City Council's priorities for 2014 - 2015 be amended to include heroin and prescription drug addiction as an issue that should be a focus for our community.

Respectfully submitted by:

Allan Herschlag  
City Councilor  
Ward 2



4 Infl

TAA

**City of Concord Recreation and Parks Advisory Committee  
Meeting Minutes from Jan 22, 2014**

**Attendees:**

**Committee Members:** Jamie Bryant, Lauren Fielder, Chiara Dolcino, Marilyn Anne Fraser, Althea Barton, City Council Candace White Bouchard.

**Staff Members:** Parks and Recreation Director David Gill, City Manager Tom Aspell.

Meeting was called to order at 5:00 pm by Lauren Fielder.

Meeting minutes approval. Motion by Jamie, seconded by Lauren. Approved by all.

**New Business**

**1. Letter from Friends of White Park regarding Bus Lane at the park (City Council request).** David Gill distributed copies of the email from the Friends of White Park. Discussion took place around the use of the lane for bus parking and other uses. Mr. Gill indicated that he discussed this request with engineering staff and they recommend they track the bus lane use in May and June to try to better actual use. The committee also staff to look at possible safety issues related to removing the bus lane and possible new location for bus parking.

**2. CIP Planning.** David Gill passed out a spreadsheet with possible park projects. The goal is to help City Administration and City Council know the committee's priorities. See attached spreadsheet with committee's recommendations.

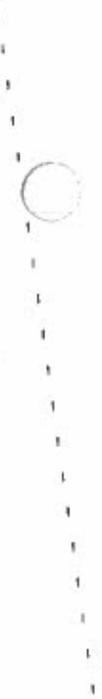
**Updates from Department staff:**

*New Community Center Planning:* David Gill gave an update on RFP for the design of the new Community Center at Dame School. RFP is out and interviews later this month David reported he hope is to have a firm selected by March.

*New Seasonal Brochure:* Spring and Summer Camp Guide will in early February.

Meeting adjourned at 6:30 pm

David Gill



4 Info  
T/A

**City of Concord  
Transportation Policy Advisory Committee**

**Meeting Minutes**

Thursday, January 23, 2014 - 6:00pm to 8:00pm  
City Council Chambers

**1. Call to Order/Introductions**

Dick Lemieux, Chair, called the meeting to order. He announced that Jennifer Kretovic was resigning from TPAC pursuant to the end of her term on City Council. Those in attendance included:

**Committee Members Present:**

Dick Lemieux (Downtown - Chair)  
Tom Irwin (North/West Concord)  
Ursula Maldonado (At-Large)  
Rob Mack, Traffic Engineer - Staff Representative

**Committee Members Not Present:**

Keith Nyhan, City Council  
Rob Werner, City Council  
Brent Todd (Penacook)  
Craig Tufts, (Bicycling Community)  
Jim Sudak (Public Transit - Concord Area Transit)  
Alex Vogt (Pedestrian Community)

**Staff, Visitors and Guests Present:**

Ed Roberge, City Engineer - Staff Representative  
Jennifer Kretovic, former City Councilor

TPAC did not hold its regular meeting in November, with members instead attending the November 21, 2013 public information meeting on the Langley Parkway Phase 3 project. Similarly, TPAC did not hold its regular December meeting, with members instead attending the December 18, 2013 public information meeting on the Loudon Road corridor Improvements project.

**2. Approval of October 24, 2013 meeting minutes**

The October 24, 2013 minutes as submitted were approved by unanimous consent.

**3. Presentations**

a. None

**4. Public Comment**

There was no public comment.

**5. New Business**

**a. Consideration of a TPAC report to City Council regarding TPAC's Accomplishments**

Rob Mack noted that the TPAC Accomplishments document approved by TPAC on October 24, 2013 would be submitted to City Council for their consideration at the February 10, 2014 council meeting. Staff was also working on developing a TPAC web page to display the document.

A draft cover report from TPAC (included in the TPAC agenda package) was reviewed by TPAC members with recommendation that the third paragraph of the draft document (related to viewing the document on the web site) be deleted. The amended draft report was approved by unanimous consent. Staff will submit the approved report, with Accomplishments report attached, to City Council.

**b. Consideration of a TPAC report to City Council recommending the Loudon Road Improvements Project (CIP #19).**

The Chair suggested that TPAC consider a unified statement to Council in support of the Loudon Road project in light of recent subcommittee endorsements of same. TPAC members concurred and crafted a brief recommendation for staff to compile into a report for submission to City Council. The following final wording was approved by unanimous consent.

The Transportation Policy Advisory Committee (TPAC) has reviewed the development of this project on a number of occasions over the past year. TPAC members have also attended the December 21, 2013 public information meeting. The recommendation and endorsement of this project, as herein reported, was made by TPAC at its January 23, 2014 meeting.

TPAC fully endorses the general design features proposed for the Loudon Road Corridor Improvements Project. In particular:

- The proposed three-lane conversion and related improvements fully comply with the "complete streets" provision of the city's Comprehensive Transportation Policy. The existing corridor has for too long been one of Concord's "least complete" streets.
- The proposed project will enhance safety for all users. The extraordinarily high history of vehicle, pedestrian and bicycle crashes along this section of Loudon Road has been the number one concern for this corridor for over a decade.
- We concur that it would be an effective and realistic solution for this corridor.
- The proposed project would enhance the 'livability' of the corridor while generally maintaining current traffic levels and local access. Any potential alternative project to improve capacity and 'solve' existing vehicle delays would act to attract higher and faster traffic volumes, possibly negating previous efforts that have successfully diverted to Regional Drive and I-393.

While TPAC understands the competing interests in additional roadway capacity and corridor safety improvements, the proposed project best balances accessibility, safety, and livability for all users, and in a timely and fiscally realistic way. As such, TPAC recommends that City Council endorse this important safety-improvement project and approve both resolutions regarding same.

**c. Consideration of a TOC report responding to a referral from City Council regarding traffic operation concerns at the Regional/Chenell intersection).**

Rob Mack gave an overview of the engineering study conducted by staff and the TOC draft report to Council that was attached to the TPAC agenda package. At issue is a request by the Deputy City Manager-Development to examine the performance of the Regional/Chenell intersection. The request was based on concerns by several nearby business owners regarding intersection safety, particularly with regard to truck traffic in the corridor. Pursuant to this request, Engineering Services performed a comprehensive engineering study of intersection traffic operations.

Staff overviewed intersection peak operation, conducted intersection traffic counts, reviewed crash history, and assessed traffic control needs. Intersection crashes of about two per year over the last five years are not indicative of a significant crash history. The intersection appears appropriately designed to handle current traffic demands. However, there are increased side-street traffic delays for Chenell Drive vehicles during peak traffic periods. Current intersection traffic volumes continue to fall below the minimum thresholds for consideration of traffic signalization, a finding similarly reported by TOC in 2007. Current volumes are also below thresholds for multi-way stop control, although such control would be inappropriate (per city policy) on a major collector such as Regional Drive.

Traffic growth along the Regional Drive corridor has increased substantially over the years and is a testament to the success of the Regional Drive project. Since some further corridor growth is anticipated, delays for turns from Chenell Drive may get progressively longer during peaks without more advanced intersection traffic control. CIP 541 has been programmed in the out-year to provide for intersection reconstruction for additional lanes and signalization or a roundabout. Staff notes, however, that both TOC and TPAC have in the past recommended CIP 541 as a 'medium priority' intersection improvement, with 'higher priorities' recommended for needed safety projects such as CIP 24 (Exit 16/Mountain Road roundabout) and CIP 31 (McKee Square improvements). CIP 541 is currently programmed in FY 2020-21 and reflects the realities of fiscal constraint as well as prioritization based on safety needs and public benefit. Staff will continue to monitor traffic operations at this intersection.

TPAC members indicated that a roundabout would be preferred at this location versus a signalized intersection option, and requested that the TOC report indicate such. Attendees fully endorsed the draft TOC report by unanimous consent, with addition of the noted roundabout preference by TPAC.

**d. Consideration of a TOC response to a referral from City Council regarding a resident request to install stop signs to slow traffic on Governors Way at the intersection with Peterson Circle.**

Rob Mack gave an overview of the engineering study conducted by staff and a draft TOC report to Council that was distributed to TPAC attendees. At issue is a resident request to install a STOP sign to slow traffic on Governors Way at Peterson Circle. TOC considered this request at its January 21, 2014 meeting. TOC found that this

two-way STOP controlled intersection of two lightly traveled residential neighborhood streets was safe and appropriately controlled. A perceived speeding problem could be related to an individual, inconsiderate driver(s) rather than neighborhood traffic in general. The requested addition of a STOP sign to make a multi-way STOP intersection for sole purpose of 'speed control' would be inconsistent with city policy. TOC suggested the intersection as currently configured is both safe and appropriate. A 'speeding' concern at this location would appropriately be an enforcement issue for which the Concord Police Department encourages descriptions of offending vehicles or times of day to assist in enforcement efforts. TPAC members fully endorsed the draft TOC report and recommendations by unanimous consent.

**6. Consent Reports**

**a. Approval of Subcommittee Minutes (Pedestrian, Bicycle, Public Transit, and Traffic Operations)**

The following subcommittee minutes were reviewed and accepted by unanimous consent: Joint Bicycle/Pedestrian - November 4, 2013 and December 2, 2013; Bicycle - October 7, 2013; and Traffic Operations - October 15, 2013, November 19 and December 17, 2013.

**7. City Council meeting update**

At its December 9, 2013 meeting, City Council amended the Parking Ordinance to reinstate parking on the north side of Knight Street near Hutchins Street.

**8. TPAC Referrals from City Council, Staff and Chair**

**a. Referral from City Council regarding a request from the Friends of White Park to consider removing the bus lane from the White Park parking lot as part of the proposed skate house project.**

Rob Mack noted that the subject request regarded on-site bus parking at the White Park parking lot, not related to CAT public transportation, and that it would be more appropriately addressed by Engineering Services. TPAC members concurred and requested that the City Engineer provide the appropriate review and response back to City Council.

**9. Status report on subcommittees**

**a. Pedestrian Committee, Ursula Maldonado**

See joint meeting discussion below.

**b. Bike Committee, Craig Tufts**

Dick Lemieux reported that TPAC-Bike met jointly with TPAC-Ped in January. Lack of winter snow maintenance on the sidewalk along I-393 was discussed, particularly in regard to patrons walking to the new Friendly Kitchen facility on S. Commercial Street. Both subcommittees also endorsed the proposed Loudon Road three-lane conversion and provision of bike lanes. TPAC-Bike inquired if the project design could consider 6-foot bike lanes rather than the 5-foot lanes indicated in the latest concept design.

Regarding pedestrian access to Friendly Kitchen, Ed Roberge noted that the city is currently considering purchasing an additional parcel of land along the railroad

tracks near the former Agway property. This could present options for future walking access.

**c. Public Transit Committee, Jennifer Kretovic**

Jennifer Kretovic noted that the TPAC-PT subcommittee met in January and discussed the Loudon Road Corridor Improvement project. The subcommittee expressed its support for the project. It also suggested consideration of moving the bus stop nearest Hazen Drive a little further to the east. Also discussed was CAT ridership and the very low ridership that the Crosstown Route experiences. She also noted that she was resigning as chair of the subcommittee.

**d. Traffic Operations Committee, Rob Mack**

Rob Mack reported that TOC met on January 21 and considered Items 5c and 5d, above. TOC also reviewed the 2013 annual city-wide crash report. He noted that there were about 1,100 reported crashes in the city in 2013 which was below the average of about 1,300 annual crashes experienced between 2005 and 2012.

**10. Staff Updates**

**a. Downtown Complete Streets Improvement Project - TIGER 2012 (CIP460)**

Ed Roberge noted that the second round of bids for construction would be opened tomorrow. Since the dropping of the new steam plant proposal, he noted that the scope of the sidewalk-melt system has been reduced to include only the sidewalks between roughly Hills Avenue to Centre Street.

**b. US Route 3 North Improvements (CIP 35)**

Ed Roberge reported that underground utility construction in Penacook Village is complete and overhead utility reconnections and removals are underway. The roadway/streetscape construction project will go out to bid in February with a bid opening in early March.

**c. Sewalls Falls Bridge Replacement (CIP 22)**

Ed Roberge reported that the project is under final NEPA review and options for environmental mitigation are being developed. A bridge-type public meeting will be held in February.

**d. Loudon Road Corridor Improvements (CIP 19)**

Rob Mack reported that the public information meeting on the project was held on December 18, 2013 and attended by about 50 residents and city officials. A public hearing and consideration of project approval is scheduled for the February 10, 2014, City Council Meeting. If approved, construction is anticipated in late 2014 or early 2015.

**11. Old Business**

**a. Review/update Comprehensive Transportation Policy.**

The Chair suggested that TPAC might want to review the city's Comprehensive Transportation Policy in light of suggestions received a few years back from CompleteStreets.org that the policy statement could benefit by having stronger language regarding accessibility improvement. It was noted that TPAC subcommittees and staff have worked to create an accessibility 'transition plan' for

the city which has yet to be adopted by council. TPAC concurred that a review of the 2010 policy was appropriate in light of the accessibility item. Staff would distribute a copy of the 'report card' Concord received several years back on its complete streets policy for discussion at the next meeting.

**b. TPAC membership and recruitment**

The Chair reiterated that there are still several vacant positions on TPAC, and that participation in subcommittees has also been dropping. Members were encouraged to suggest names of individuals who might be interested in knowing more about TPAC.

**12. Adjourn**

On behalf of TPAC, the Chair acknowledged Jennifer Kretovic's dedicated commitment and substantial contribution to TPAC's efforts since June 2008. All attendees echoed their deep appreciation for her many contributions toward enhancing transportation within the greater Concord community.

The meeting was adjourned by unanimous consent.

February 25, 2014  
Draft Meeting Minutes  
Beaver Meadow Golf Advisory Committee

Members Present:

- Chris Mulleavey, Chair
- Jim Marshall
- Bill Veroneau
- Roger Jobin
- Jan McClure
- Dick Holden
- Bob Vachon
- Mark Coen
- Charles Vanasdalan
- David Croft
- Bernard "Sid" Chase
- David Gill

Bob Norton

Members Absent:

- Fran Hunt
- Vera Buck

Others Attending:

A call to Order

**5 Minutes of Public Input**

None

Chris asks if there is a motion to approve the Draft minutes from the January 16, 2014 meeting or any questions about the minutes

Bob moves approval of the minutes from the January 16, 2014 Meeting.

Jim seconds the motion.

Motion Carries 10-0

Chris and the Committee welcome new Committee Member Councilor Jan McClure  
The Committee takes turns introducing themselves.

Jan says she used to go with her mother to the golf course, enjoys skiing and will golf again in the future.

## **Report of the 5 Year Needs and Improvements Sub-Committee**

Sid presents highlights of the 5 year Sub-Committee Meeting

Notes attached

Mark, Dick, David and Sid met January 21<sup>st</sup>

Discussed drainage work completed

Drainage on 16 and 14

RFP's for Range Ball Dispenser, Simulator

Made some cosmetic improvements, 13 tee stairs

Need to add dollars for Clubhouse Rebuild in Out Years

### **Committee Discussion**

Chris notes for Jan that the GAC has been more diligent in completing its task of presenting a 5 year plan to City Council

Chuck points out parking lot in bad shape, makes poor first impression

Committee discusses the desirability of the Simulator

Ongoing cost of Simulator

Software upgrades occasionally

New games/courses as desired

Fee charged

\$25/hour in business plan

Time it takes to play

These things often are popular at first but fade

Other uses of System

Full A/V system, for sporting events, business meetings

Kid Games

Lessons in summer

Kid Camps during rain

David says staff is looking at all possibilities

Reminds group the plan was conceived to increase revenue opportunities in FY14 and then invest in course FY15

Brian is still lukewarm to idea

Brian examining business plan

\$\$ could be spent elsewhere

Would need to go back to Council to re-appropriate the \$\$

Mark asks if we have \$60,000 to spend to increase revenue, are there other ways to invest it

David impresses upon the group the need to grow the game and attract younger players to course.

Return on Investment timeline

Are Simulators a Fad

Because they have simulators, Pembroke Pines can actively recruit our members in the off season

Jim feels we are just turning the corner financially, questions are we ready to make this leap? He suggests tabling the simulator, continue to grow fund. He would rather improve the parking lot

Our play agreement with Loudon does not include the Simulator

David meeting with Brian in the next two weeks to discuss

Mixed use of room? Simulator at the same time as people dining?

#### Course Update

Simulator RFP, reviewing responses

Range RFP, finalizing details

Work on Function Room to begin tomorrow

Web redesign to be completed by the end of March

2014 Get Golf Ready and Camps filling up

Mark notes what a great value we receive from the Parks Brochure

#### Vendor Announcement

Bob Norton is disappointed he heard who the new vendor is at Black Ice. GAC was told it would be notified as soon as the contract was signed

Sid says GAC was notified within an hour or so of when City Council was notified. Staff sent a press release in advance of sending it to media outlets naming the new vendor. Golf Course staff did not release information in advance

Sid thanks Jill for her years of service first as an employee and then as owner of the Beaver Meadow Bar and Grille.

Vendor to have winter hours as business dictates with Skating and Skiing

Will have catering jobs year round

Need consistent hours

#### Other:

Pro Shop opening April 1<sup>st</sup>

Julie to Start March 9<sup>th</sup>

Need to have handicap meeting

Chuck asks how to get in touch with Julie

David will give Chuck her e-mail

Chuck has sent e-mails to Jennifer Kretovic, Dave Demers, Fran and Vera

Chuck shares some handicap scenarios

Web should have handicap committee information

Roger reiterates need for interns to manage our social media

Mark again asks for Organizational Chart of Golf Course

Mark asks if Ed will be back for 2014

David says he has talked to Ed and he is interested in coming back

Chris asks if there is a motion to adjourn.  
Bob so Moves.  
Bob V Seconds,  
Motion Carries. 9-0

**Meeting is set for March 13, 2014**  
7:30 AM  
CITY COUNCIL CHAMBERS

**Agenda:**

Public Input  
Approval of Minutes  
Course Update  
Old Business

Meeting Adjourned.

CIP Planning	Priority Rank	Parks and Recreation Advisory Recommendations
White Park Skate House	3	move out to FY16 to allow time to raise money and build agreement on plans.
New Community Center	1	This is the Committee's Priority for next couple of years. They would like final design money in FY15 with construction money in FY16.
Design	\$850,000.00	
Build	1.1 million	
Memorial Field		
Concessions	\$200,000.00	Move out to after the new bleachers are built
new Bleachers	\$580,000.00	Becoming a safety issues, asked GSD to conduct regular maintenance checks and report
Track	\$125,000.00	Everyone agrees it will need to be resurface soon however bleacher work before track
Tennis Courts (5 of them)	\$185,000.00	Committee asked for more information in spring regarding use and project costs.
Rolfe Park		
Tennis Courts	\$72,000.00	Out years. RPAC thought this would be great project for MVSD to fund as they use them
Rollins Park		
Tennis and Bball	\$56,000.00	Out years. Need to relook at Park Master Plan before re-doing courts.
Boat Ramp	2	
Arena	\$60,000.00	Should be funded in FY15 due to safety and access issues
Terrill Park	\$200,000	Members thought this would be a great project to help make this park more useable,
New grass field		improve safety and bring kids and families to the area. Concern was over cost of the project vs other capital projects. If a lower cost option was available they would be willing to relook how this falls into their priority list.



Concord Public Library  
Trustee Meeting

4 INF 4

1/10

March 3, 2014  
Draft

Present: Lisa Sands, Jeremy Clemans, Mary Beth Robinson, Megan DeVorse, Elizabeth Mulholland, Paula Miner, Inez McDermott and Interim Co-Library Director Sandi Lee.

The meeting was called to order at 7:04 p.m.

Mike Jache, City Treasurer, spoke to the trustees and reviewed the trust report. The trust funds are performing well and Mr. Jache explained the goals of each fund.

The minutes of the February 3, 2014 meeting were approved.

Library Director's Report

- There were 32 applicants for the part time librarian position
- Reference staff continue with program planning for April and May
- The children's winter reading program is finished, and Penacook also ran this program
- eBooks and audio downloads continue to increase
- No updates on the posting of the Library Director opening; Sandi Lee will be on an interview panel when the process begins

CPL Foundation Update:

- The Foundation discussed desirable qualities for a Library Director candidate
- Pat Immen was presented with a retirement gift
- Richard Blanco will be doing a reading during Library Week, sponsored by the Foundation

New Business:

- The Trustees will send a letter to Tom Aspell which sets out their discussion of desirable qualities for a Library Director candidate
- Jeffrey Bauman, a Boston Marathon bombing survivor, will be doing a reading in the spring
- The Library would like to do a 75th Birthday celebration in early 2015
- Inez McDermott will attend the April staff meeting to speak to staff
- Six grant requests were made to the Foundation, but have not yet been voted on
- Teen Tech Week is happening in March, with events planned
- Bundled magazines are being made available to the public through the book sale

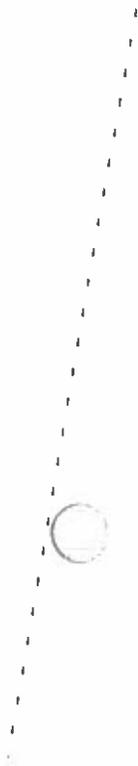
Old Business:

- A candidate for the trustee opening has been put forth to the Council
- No new information is available on the NH Employment Security plans or the Tannery site

The next meeting is April 7, 2014. A motion to adjourn was made at 8:18 p.m.

Respectfully submitted;

Elizabeth Mulholland, Secretary





# City of Concord, New Hampshire

## POLICE DEPARTMENT

35 Green Street • 03301-4299

(603) 225-8600

FAX (603) 225-8519

www.concordpolice.com

12A

**Bradley C. Osgood**  
Acting Chief of Police

### Parking Committee Meeting

March 17, 2014

**Present:** Mark Coen, Council Representative / Chair  
Tonya Rochette, Intown Concord Representative  
Brent Todd, Council Representative  
Sue McCoo, Guest

**Staff:** Carlos Baia, Deputy City Manager  
Alison Sinisgallo, Parking Division  
Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects

Due to insufficient number of committee members present, a formal meeting was not held. These minutes reflect an informational meeting only.

**1. Adoption of Minutes**

No vote.

**2. Discussion of Strategic Plan & Parking Committee's Goals for Process**

Mr. Walsh, Director of Redevelopment, Downtown Services & Special Projects presented the committee a Request for Qualifications and Experience seeking the services of a parking consultant. Mr. Walsh reviewed the Scope of Services. Mr. Walsh and David Florence, Parking Supervisor, are reviewing four proposals. Brent Todd, Council Representative raised concern that the Utilization Study will likely coincide with the Complete Streets Project construction. Mr. Walsh responded that the consultants will be able to review past data from the parking kiosks and that the study will have to account for increased traffic in some of the adjacent neighborhoods due to construction.

**3. Information**

Mr. Walsh reviewed the Parking Fund Budget Performance Report for January 2014. The 2014 Budget had a projected deficit of \$71,000; at the current rate the deficit will likely be greater.

**4. Other Business**

Mr. Walsh reviewed the committee membership. At this time there are two vacancies on the Committee. Future meetings will begin at 5pm rather than 4:30.

Meeting adjourned at 5:50pm.

Respectfully Submitted,  
Alison Sinisgallo, Parking Division





Engineering Services Division

199

# Traffic Operations Committee

## Meeting Minutes – March 18, 2014

- Attendees:**
- Rob Mack, PE, PTOE, Engineering Services
  - Steve Henninger, Planning Division
  - Greg Taylor, Concord Police Department
  - Dick Lemieux, TPAC Chair

### 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 February 2014 was reviewed. There were 119 reportable accidents in February 2014. This compares with 94 and 121 reportable accidents in February 2013 and 2012, respectively. 14 accidents resulted in total of 24 people injured, four of which occurred on Loudon Road. There were no fatalities.

There were six accidents involving pedestrians: a pedestrian aged 48 years crossing N. State Street in the crosswalk near Palm Street and being struck by a northbound vehicle on N. State Street (injury, driver at fault); a pedestrian (employee) aged 22 years washing the back of a car at the Shell Station car wash at 24 Loudon Road and being struck by the vehicle when the driver inadvertently shifted into reverse instead of drive (minor injury, driver at fault); a pedestrian aged 61 years exiting her parked car on S. State Street near Thompson Street and being struck by the mirror of a passing northbound vehicle (injuries not noted, driver not identified); a pedestrian aged 62 years walking with crutches in the Walmart parking lot and being struck by a turning vehicle (minor injury, driver at fault, distraction by child passenger noted); a pedestrian (worker) aged 38 years standing in Warren Street south of Rumford Street directing traffic near a private snow-removal operation and being struck by the mirror of a passing vehicle (minor injury, pedestrian at fault, improper traffic control, possible rage-related incident); and a pedestrian aged 62 years walking westbound against traffic along Pleasant Street near Rum Hill Road and being struck by the snow plow blade of a passing vehicle (injury, driver at fault, heavy rain noted).

- 2) **City Council Meeting update.**

**DISCUSSION / ACTIONS:** At its March 10, 2014 meeting, City Council accepted TOC's report on the Regional/Chenell intersection with recommendation to retain the current two-way stop sign control until intersection improvements programmed under CIP 541 are implemented.

- 3) **Transportation Policy Advisory Committee (TPAC) update.**

**DISCUSSION / ACTIONS:** TPAC did not meet in February.

## B. On-going Discussion and Action Items.

- 1) Referral from the Parking Committee regarding a request from Havenwood-Heritage Heights to increase the parking setbacks at its driveways along Christian Avenue (*Parking: 11/18/13*).

**DISCUSSION / ACTIONS:** At issue is a request by Havenwood-Heritage Heights (HHH) to increase the parking setbacks at its driveways along Christian Avenue. A concern is that on-street parking blocks sight lines for traffic leaving driveways and complicates resident egress onto the street. Rob Mack noted that this request was originally discussed by the Parking Committee at its November 2013 meeting. At that time the committee requested that Engineering provide additional information related to crash history at these driveways as well as a review of current parking setbacks. Also requested was consideration of alternative on-street parking arrangements such as parking along the south side of Christian Avenue or alternate parking along both sides to potentially calm traffic speeds.

The HHH facility has about seven driveway openings along Christian Avenue: a one-way loop driveway at its main building; five small residential parking area drives; and one larger residential driveway about 600 feet west of the loop driveway exit. Current parking setbacks measured by staff are: about 60 to 75 feet at the loop driveway exit; about 5 to 8 feet at the small residential driveways; and about 36 to 47 feet at the larger residential driveway. The Ordinance specifies a minimum 5-foot setback at driveways and 30-foot setback at stop-controlled intersections. Thus, currently-posted setbacks at the two larger driveways substantially exceed Ordinance minimums; the five smaller driveways are near the Ordinance minimum.

CPD crash data for the three prior years indicates five HHH driveway-related crashes, all involving a driveway exit (at fault) failing to stop or yield to Christian Avenue traffic: One occurred leaving the main entrance loop driveway; three occurred exiting the larger driveway; and one occurred exiting the small driveway about 325 feet west of the main entrance loop driveway. Of the five crashes, four occurred at driveways with currently-large parking setbacks in excess of 36 ft.

Sight lines for vehicles exiting the two larger driveways are ample. Sight lines for vehicles exiting the minor driveways also appear reasonable if the vehicle fully stops near the edge of the travel way (roughly the drivers-side edge of parked vehicles). Traffic counts conducted on Christian Avenue in 2011 indicated average speeds of 25-26 mph and 85<sup>th</sup> percentile speeds of 32-33 mph; 25 mph is posted.

TOC concurred that the current parking setbacks from HHH driveways are appropriate and that safe driveway exits can be made with appropriate driver action. TOC also noted concern for establishing precedent in spot-increasing parking setbacks at select locations from that otherwise specified in the Ordinance and applied city-wide. Regarding an option to relocate all parking to the south side of Christian Avenue, it was noted that: heavier-used driveways to/from Royal Gardens would become subject to the same limited sight lines; more Royal Gardens residents might utilize nearby on-street parking rather than on-site parking, leaving less for HHH residents; and HHH residents would have to cross the street to access their parked vehicles. An option to stagger parking along the north and south sides of the street was considered inappropriate due to roadway width.

## C. New Discussion and Action Items

- 1) Review of posted speed limits in the area of Old Loudon Road (*Engineering: 03/03/14*).

**DISCUSSION / ACTIONS:** Pursuant to staff review of off-site improvements to Old Loudon Road at the Loudon/D'Amante intersection related to a proposed retail development, it was noted that 35 mph speed limits are currently posted along the length of Old Loudon Road as well as the segment of Portsmouth Street between Old Loudon Road and the I-393 overpass. This area is fully within the city's Urban Compact, with statutory speed limit of 30 mph applying. There is no listing in the Ordinance of a posted 35 mph speed along these streets. TOC members speculated that the 35 mph posting is an outdated relic of the time prior to construction of the mall and Loudon Road intersections when this area was part of NHDOT jurisdiction. TOC concurred that it would be appropriate to repost these street segments as 30 mph for the following: consistency with surrounding city street speed applications; appropriate speed posting for this developed area; and provision of a more realistic design speed for intersection improvements. This involves the removal of four existing 35 mph signs and replacement with at least two new 30 mph sign panels. This would not require an Ordinance change and would be recommended to City Council in the form of a consent report, similar to that done by TOC in November 2010 to revise the outdated 35 mph speed posting on Penacook Street in Penacook.

**2) Request for a sign to slow traffic on Portsmouth Street near Mill Brook (Engineering: 03/12/14).**

**DISCUSSION / ACTIONS:** At issue is a request by a driver for signs to 'slow' traffic on Portsmouth Street at the bottom of the hill west of the Society for the Protection of NH Forests site. There is a small trail parking area on the south side of the road near the culvert crossing Mill Brook. The concern is traffic passing by pedestrians who may be walking along the street in this area. After reviewing the area, TOC did not feel that supplemental signing at this lightly-used location would add any realistic benefit to occasional pedestrians which might, in fact, be found walking anywhere along this residential street. It was suggested that if an occasional speeding vehicle creates a seemingly uncomfortable condition for a pedestrian, that the police department would be pleased to follow up on a reported concern if provided with a description of the offending vehicle.

**3) Request for a Do Not Block Intersection sign at the Bouton/Church Street Intersection (Engineering: 03/12/14).**

**DISCUSSION / ACTIONS:** At issue is a request by a resident commuter to install a Do Not Block Intersection sign on Bouton Street at the intersection with Church Street so that Church Street vehicles can cut into the double left-turn lane to access I-393 during peak travel times when southbound left-turn lane traffic commonly queues through and beyond the intersection at Church Street.

TOC felt that this would be an inappropriate location to install such a traffic control restriction. Leaving such a gap in left-turn lane traffic within the functional area of the nearby signal would substantially reduce the capacity of this already-heavy traffic movement. Furthermore, a potential right turn from Church Street into such a hypothetical gap in Bouton Street traffic queues might make the Church Street vehicle in violation of the same restriction. It was suggested that if the subject right turn from Church Street onto Bouton Street was difficult at peak times, that an alternate route was available via a right turn at the signal at N. State Street and Bouton Street just a block to the north.

**4) Resident concern on U-turns in his driveway on Herbert Street (Engineering: 03/12/14).**

**DISCUSSION / ACTIONS:** At issue is a concern reported by the resident at 8 Herbert Street regarding some vehicles making U-turns in his driveway. Herbert Street is a short cul-de-sac street off of Higgins Place which is itself a short cul-de-sac street off of Stickney Avenue. A No Outlet sign is currently posted on the Stickney Avenue entrance to Higgins Place. TOC members felt that this concern would be most appropriately handled by the police department.

**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 J. Mack, PE, PTOE, Traffic Engineer  
Chair, Traffic Operations Committee

***The next Traffic Operations Committee meeting will be held on  
Tuesday, April 15, 2014 @ 12:00 PM in the 2<sup>ND</sup> Floor Conference Room.***

**DRAFT MINUTES**

Fiscal Policy Advisory Committee  
March 20, 2014 / 4:30-6:00 PM  
Second Floor Conference Room

**In Attendance:** Chairman – Allen Bennett; Mayor Bouley; City Councilors – Mark Coen, Fred Keach, Jan McClure, Amanda Grady-Sexton, Dan St. Hilaire; City Staff – Tom Aspell, City Manager; Brian LeBrun, Deputy City Manager-Finance; Katie Graff, Assistant Finance Director; Bob McManus, OMB Director; Jennifer Johnston, Human Resources and Labor Relations Director; Rick Jones, Jones Consulting Management

**Excused:** Councilor Candace CW Bouchard

- 1) **Approval of January 16, 2014 Meeting Minutes:** Chairman Bennett called the meeting to order at 4:31 PM and requested a motion to approve the minutes of the January 16, 2014 meeting. There were no minutes for the February meeting since a quorum of the committee was not in attendance. **Councilor Keach moved to accept the minutes, seconded by Councilor Grady-Sexton. The minutes were unanimously approved as presented.**
  
- 2) **Presentation by Rick Jones, Jones Management Consulting re: Health Insurance Benefits** – Mr. Jones discussed the future of Health Benefits for the City of Concord and how health care reform will impact these benefits. He described that the long term inflationary increases have averaged about 10% annually. Fortunately, the City has recognized low or no increases over the last four renewals. If not for the fees associated with Health Care reform of \$2.00 per covered person for patient centered outcome research, \$63.00 per person for reinsurance and 2 1/2 % tax on premiums to pay for the exchanges, the City would have realized a decrease in premiums in FY 2014. Mr. Jones indicated that many communities are struggling with the requirements to provide health insurance to part-time employees who work more than 30 hours/week and that Concord is doing an appropriate job managing that group of employees. One of the next big hurdles to get through is the Cadillac tax, which is scheduled for implementation in 2018 and would add a 40% tax to health insurance companies on the excess premium on health plans that are above \$10,200 for a single plan and \$27,500 for a family plan. Because it is likely that a new President will be in office by that time, it very well may change, but it will not be known for a couple of years if and what the changes will be.
  
- 3) **Personnel Rules Changes** – Jennifer Johnston, Human Resources and Labor Relations Director, discussed the following proposed personnel rules changes under ordinance items:
  - a. 43-4-9; change severance payout to employees who leave the City after ten years of service and not the current requirement of retiring under the New Hampshire Retirement System.
  - b. 34-11-1; strike language which states that annual hours will not be paid out for terminations due to cause; clarify payout language for Department Heads hired prior to 1-1-10; and increase non-contractual annual leave rate for parity with union contracts.

- c. 34-11-2; no longer automatically require employees to bring in a doctor's note for sick absences in excess of three days and leave it as an option for managers.
- d. 34-11-4; change parental leave so that it does not add to Family Medical Leave.
- e. 34-11-7; clarify the definition of Civil Duty and requirements to work non-court hour shifts.
- f. 34-11-7; allow the Director of Human Resources to establish and modify leave procedures.

The Director of Human Resources indicated that these revisions are not projected to incur any significant increase to costs, as most of the changes only codify practices already in place.

The committee provided a consensus agreement of all items except for 43-4-9, as they do not favor paying out severance under the personnel rules to employees who leave to go to other employment and are not retiring under the New Hampshire Retirement System.

- 4) **Presentation by Deputy City Manager Baia Re: Developments** – Deputy City Manager Baia discussed the Overall Economic Development (OEDP) Annual Report and indicated that the City is doing remarkably well with overall vacancy rates and a low unemployment rate of 4.9%. Policom rated the City as #1 again this year; housing starts are picking up; and the median purchase price of primary homes has gone from \$177,000 to \$199,500. He also indicated that office and industrial vacancy rates have remained relatively unchanged at 10.3%. The complete report can be found in the March City Council Packet.
- 5) **Finance Committee Budget Schedule** – Deputy City Manager LeBrun distributed two versions of proposed FY 2015 budget schedules. One that maintained budget meetings on the Monday/Thursday schedule through the end of June, and a second one that proposed only three evening budget meetings and one Saturday meeting. The committee reviewed each proposal and by consensus recommended the second schedule that reviewed all departments on one Saturday, May 31st and on three other evenings. The recommended budget schedule will be presented to the full City Council at its regular April meeting.
- 6) **Solid Waste Fund/Revenue Review for Solid Waste Advisory Committee** – Deputy City Manager LeBrun and City Manager Aspell recalled the FY 2014 City Manager's Budget Transmittal Letter which recommended that the Solid Waste Advisory Committee (SWAC) take up the revenue issues for the Solid Waste Fund and, specifically, the Pay-As-You-Throw (PAYT) bag prices. SWAC Chairman Keith Nyhan discussed the need for SWAC to undertake this project and make any change recommendations to the full City Council before the FY 2016 budget preparation begins in December 2015.
- 7) **Questions Regarding February FPAC meeting items** – there were no specific questions regarding the February FPAC meeting items.
- 8) **Non Public** – the committee did not hold a non-public session and will postpone this agenda item until the April FPAC meeting – A non-public meeting was not held.

9) **Adjournment - A motion was made by Councilor St. Hilaire to adjourn, seconded by Councilor Coen, and a unanimous vote brought the meeting to an end at 5:55 PM.**

Respectfully submitted,

Brian LeBrun  
Deputy City Manager – Finance

DRAFT



**Bonenfant, Janice**

4INF8

**From:** colinvo=vanostern.com@mail.salsalabs.net on behalf of Colin Van Ostern  
<colinvo@vanostern.com>  
**Sent:** Monday, March 31, 2014 9:30 AM  
**To:** \* City Clerk  
**Subject:** Exec Council Report - Medicaid Expansion

AA

Friends,

On Wednesday, the Governor & Council approved the first step of the bipartisan Medicaid Expansion plan signed into law last week. This will be the first in a series of contracts that will execute the plan to accept ~\$2.5 billion in federal funds made available through the Affordable Care Act to help low-income NH citizens secure health coverage (in large part through private insurance).

We also approved a number of regional issues and several with statewide impact:

**STATEWIDE:** Hired a firm to enact the first step of the bipartisan Medicaid Expansion plan signed into law yesterday; provided back pay owed to a state nurse; accepted federal Safe Schools grants; OK'd training services through Jobs for America's Graduates; expanded state police sobriety checkpoints; secured a final deal to purchase land for I-93 expansion; and confirmed a number of state officials (full list of nominations after the link).

**IN CENTRAL NH:** Assistance for installing a sprinkler system at the Concord Head Start facility; consolidating the Concord NH Employment Security offices on Main St & West St into a facility on Fruit St this spring; homeless aid in Merrimack County; repairs at the Daniel Webster Birthplace; wastewater projects; public water improvements in Belmont.

**IN MONADNOCK & WESTERN NH:** Sewer & water systems replacement at the Oak Hill Acres Coop in Hinsdale; homeless support; an \$855k loan for upgrades at the Keene Wastewater Treatment Facilities; restoration of wetlands along a tributary to Beaver Brook; and drill a well on a private property in Marlow.

**IN STRAFFORD CO:** Mad River restoration in Farmington; wastewater facility upgrades; and replacement of median box beam guardrails with concrete barriers on the Spaulding Turnpike.

- [Read more details about any of the items mentioned above and a full list of appointments, here \(PDF\)](#)
- [View the FULL Executive Council 3/26 Meeting Agenda & documentation \(Web\)](#)

The next meeting is on April 9. If you have any questions, please don't hesitate to let me know via email at [cvanostern@nh.gov](mailto:cvanostern@nh.gov) or by calling me at (603) 290-5848.

Sincerely,  
Colin

PS - To stay up to date, please follow me on [Facebook](#) or [Twitter](#).



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Paid for by Van Ostern for New Hampshire.  
[www.vanostern.com](http://www.vanostern.com) PO Box 193, Concord, NH 03302.  
Colin Van Ostern, fiscal agent.

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