



Non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies to be held at 6:00 p.m.

City Council Meeting
Agenda
June 9, 2014
City Council Chambers
7:00 p.m.

1. Call to Order.
2. Invocation by Rabbi Robin Nafshi from the Temple Beth Jacob.
3. Pledge of Allegiance.
4. Roll Call.
5. Approval of the May 12, 2014 Meeting Minutes.
6. Resolution in recognition of the services of John Swope. (5-29)
7. Agenda overview by the Mayor.

- ***Consent Agenda Items*** -

Referral to the Traffic Operations Committee

8. Communication from Michael Munroe, 12 Ripley Street, asking that consideration be given to making Ripley Street local access only.
9. Communication from Councilor Herschlag requesting consideration be given for traffic calming methods or a three way stop at the intersections of Washington Street, Borough and River Roads; for extending the sidewalk from Primrose Lane and Borough Road to where it would be connect with the sidewalk that was constructed with the Sandwood Development by Alice Dive and Borough Road and pedestrian friendly improvements from the Washington Street and River Road intersection heading east to Primrose Lane on Borough Road.

Referral to the Parking Committee

10. Communication from Debbi Roy, 48 North State Street, requesting consideration be given to permitted resident parking only in the area to accommodate residents wishing to park near their homes.

Referral to Code Administration and the Police Department

11. Communication from Kathleen Conners, 5 Cambridge Street, regarding safety concerns she has within her neighborhood as well as other areas within the City of Concord.

Items Tabled for July 14, 2014 Public Hearing

12. Ordinance amending Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Article 30-3, Boards and Commissions Section 30-3-7, City Parking Committee; together with report from the Director of Redevelopment, Downtown Services & Special Projects in response to a 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. (4-11)
13. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-2, No Stopping or Parking Near Hazardous or Congested Places, Schedule XVI; Fruit Street, Industrial Drive; together with report from the Director of Redevelopment, Downtown Services & Special Projects in response to a communication from Councilor Nyhan requesting consideration be made to extend the no parking zone at the intersection of South Fruit Street and Industrial Drive to a distance of approximately 200ft southerly and 200ft northerly along the east side of South Fruit Street. (5-9)
14. Ordinance amending the Code of Ordinances; Title II, Traffic Code: Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX (a); together with report from the Director of Redevelopment, Downtown Services & Special Projects in response to a 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. (4-12)
15. Ordinance amending the Code of Ordinances; Title II, Traffic Code, Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-4 Parking Prohibited in Certain Places); together with report from the Director of

Redevelopment, Downtown Services & Special Projects.

16. Ordinance amending the Code of Ordinances, Title II, Traffic Code, Chapter 18 Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-20 Parking Prohibited in Hazardous Places.
17. Resolution authorizing the City Manager to submit an application in an amount of up to \$345,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant funds on behalf of Independent Living Concord; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.
18. Resolution accepting and appropriating the sum of \$27,786 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program, funds designated for law enforcement related programs; together with report from the Police Department.

From the City Manager

19. Positive Citizen Comments.

Consent Reports

20. Diminimus gifts and donations report from the Interim Co-Library Directors requesting authorization to accept monetary gifts totaling \$5,597.80 as provided for under the preauthorization granted by City Council.
21. Diminimus gifts and donations report from the Recreation Director requesting authorization to accept monetary gifts totaling \$900 as provided for under the preauthorization granted by City Council.
22. Report from the Parks and Recreation Director in response to a communication from the Making Strides Against Breast Cancer committee proposing a beautification project that would enhance the appearance of Memorial Field and raise funds for the American Cancer Society. (8-10)
23. Reports from General Services in response to a communication from Robert T. Baker, asking City Council to consider requesting an accounting of tree removals and plantings within the City of Concord as well as the implementation of policies that value shade trees vs. ornamental plantings within the city. (5Inf12) (5Sus1)
24. Report from the City Engineer regarding the status of the Sewalls Falls Bridge Replacement Project (CIP22).

25. Report from the Parks and Recreation Director in response to a request from the Concord Rotary to enter into an agreement with City of Concord for annual Weekend on the Water Event.
26. Report from the Deputy City Manager – Development in response to a 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. (3-8)

Consent Resolutions

27. Resolution repurposing \$20,000 of unexpended golf simulator project funds, (CIP #107) to support paving improvements to the entryway of the Beaver Meadow Golf Course Clubhouse (CIP #235); together with report from the Deputy City Manager – Finance.
28. Resolution transferring the sum of \$193,100 from the Compensation Adjustment Account; together with report from the Deputy City Manager - Finance.

Consent Communications

29. Street closure request for a neighborhood graduation block party to be held on June 21 from 1:00-5:00 p.m., blocking off Wilson Ave from South Street to 4 Wilson Ave.

Appointments

30. City Manager's proposed appointment to the Board of Trustees of Trust Funds.
Michael Aitken
31. Mayor Bouley's proposed appointment to the Transportation Policy Advisory Committee. *Sheila Zakre*

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

32. June 9, 2014 Public Hearings

- A. Resolution appropriating the sum of \$115,000 from the Economic Development Reserve Fund for completion of a Comprehensive Strategic Parking Plan; together with report from the Director of Redevelopment, Downtown Services, & Special Projects. (5-18)
- B. Resolution appropriating the sum of \$314,375 for the purpose of purchasing a new front end loader with attachments, including \$293,850 in grant funds from the Federal Aviation Administration (FAA), \$16,325 from the State of New

Hampshire, and \$4,200 from the City of Concord; together report from the Associate Engineer. (5-19)

June 9, 2014 Public Hearing Action

33. 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. (4-14) (5-35B; 5-38) *(Public hearing held on May 12, 2014; due to statutory requirements action must take place at City Council's June 9th meeting).*
34. 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. (4-15) (5-35C; 5-39) *(Report from the Penacook Village Tax Increment Finance District Advisory Board submitted) (Public hearing held on May 12, 2014; due to statutory requirements action must take place at City Council's June 9th meeting).*
35. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (5-35D; 5-40) *(Public hearing held on May 12, 2014; due to statutory requirements action must take place at City Council's June 9th meeting).*
36. Resolution authorizing the issuance of bonds and notes in the amount of \$1,900,000 for acquisition of the New Hampshire Employment Security Property located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. (5-35E; 5-41) *(Report from the Sears Block Tax Increment District Advisory Committee submitted) (Public hearing held on May 12, 2014; due to statutory requirements action must take place at City Council's June 9th meeting). (Communication from Mike Russell, Concord resident, in opposition to the City of Concord purchasing this property) (Supplemental report from the Director of Redevelopment, Downtown Services & Special Projects submitted)*
37. Resolution authorizing the issuance of bonds and notes in the amount of \$190,000 for weatherization of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. (5-35F; 5-42) *(Public hearing held on May 12, 2014; due to statutory requirements action must take place at City Council's June 9th meeting).*
38. Resolution authorizing the issuance of bonds and notes in the amount of \$325,000 for demolition of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance

District. (5-35G; 5-43) *(Public hearing held on May 12, 2014; due to statutory requirements action must take place at City Council's June 9th meeting).*

39. Resolution appropriating the sum of \$115,000 from the Economic Development Reserve Fund for completion of a Comprehensive Strategic Parking Plan; together with report from the Director of Redevelopment, Downtown Services, & Special Projects. (5-18)
40. Resolution appropriating the sum of \$314,375 for the purpose of purchasing a new front end loader with attachments, including \$293,850 in grant funds from the Federal Aviation Administration (FAA), \$16,325 from the State of New Hampshire, and \$4,200 from the City of Concord; together report from the Associate Engineer. (5-19)

Appointments by the Mayor

Reports

New Business

41. Resolution repurposing \$13,350 from completed and unexpended City Hall slate roof repair (CIP #65) to support improvements to Memorial Field (CIP #557); together with report from the Deputy Director of General Services.

Unfinished Business

42. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (5-58) (6-53) (7-40) (8-65) (9-37) (10-36) (11-40) (12-37)(1-42) (2-56) (3-45) (4-18) (5-45) *(Action on this item tabled following a February 2013 public hearing)*
43. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009; together with report from Code Administration. (8-14)(9-26C; 9-29) (10-37) (11-41) (12-38) (1-43) (2-57) (3-46) (4-49) (5-46) *(Action on this item was tabled after a public hearing was held on September 9, 2013.)*
44. 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) (4-50) (5-47) *(Action tabled on this item; item also referred to the Impact Fee*

Committee after a public hearing was held February 10, 2014)

45. 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) (4-51)(5-48) *(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

Comments, Requests by the City Manager

Consideration of Suspense Items

Adjournment

Information

- 6 Inf 1 April 7, 2014 and May 5, 2014 Concord Public Library Board of Trustee's Meeting Minutes.
- 6 Inf 2 District Two Executive Council Reports from Colin Van Ostern.
- 6 Inf 3 Quarterly franchise fee payment from Comcast Cable.
- 6 Inf 4 Communication from the State of New Hampshire Department of Transportation regarding the New Hampshire Motor Speedway Traffic Monitoring Program.
- 6 Inf 5 Copy of communication Patrick McDermott, Northern Pass Project sent to Michelle Kleindienst, McKenna's Purchase Association Manger regarding the Northern Pass Project; together with response from Ms. Kleindienst.





6-5
T/A

City Council Meeting
Draft Minutes
May 12, 2014
City Council Chambers
7:00 p.m.

1. Call to Order.
2. Invocation by the Reverend Jerry McCann, United Church of Penacook.
3. Pledge of Allegiance.
4. Roll Call. Councilors Bennett, Bouchard, Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Herschlag, Keach, Matson, McClure, Nyhan, St. Hilaire, Shurtleff, Todd and Werner were present.

5. Approval of the April 14, 2014 Meeting Minutes.

Action: Councilor Keach moved approval of the April 14, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Concord Energy & Environment Committee Update Presentation.

Action: Maura Adams, Energy & Environment Committee Co-Chair, indicated that the committee's master plan included a good deal of references to renewables and reducing energy costs. She stated that the committee settled on some small and larger solar photovoltaic installations, particularly at the Wastewater Treatment Plant. She noted that the committee feels that the next step after the Council had accepted the master plan was to take a major visible step towards implementing those goals.

Randy Bryan, Energy & Environment Committee member, stated that their proposal to the Council is to look at solar energy of small and large systems as a way to "green up" the city's energy consumed and save some money doing so. He explained that the idea of putting in solar panels, that they are proposing, is a no money up front option – a power purchase agreement; this involves a third party who comes with financing. He explained that the third party owns, puts together the whole system and operates it on the city's property charging a monthly fee which is at or below the amount of money the city currently spends for energy. He explained that these usually come in twenty year contracts and the system is paid off in twenty years but the solar systems themselves typically last for up to 25 to 30 years. Mr. Bryan noted that these systems have been going in all over the country for decades and the

technology hasn't gotten more widespread. He indicated that there are a number of other communities in NH that are already in the process of, have already done it, or are currently putting plans together to place these systems in with power purchase agreements. He stated that they are consolidated around the idea of recommending the first big project at the Wastewater Treatment Plant on Hall Street.

Mayor Bouley indicated that there are four recommendations of the committee on the last page of the memo. He highlighted that they are looking for the city to pursue solar PV installations under PPA's or other financed options on city properties that they have identified. He noted that a recommendation is to pursue both large and small sites with the Wastewater Treatment Plant being the first large potential site. He noted that the goal would be to develop a proposal and prepare an RFP that can be issued. He stated that it appears that the key line in the recommendation seems to be the sizing, the timing, and the terms of the solar PV installation to be determined based on a detailed cost feasibility analysis. He asked if Councilor Werner, Energy & Environment Committee Chair, would like to refer this item to the Fiscal Policy Advisory Committee to look specifically at the cost feasibility analysis and have the committee work with FPAC on this.

Mr. Bryan responded that they would be happy to work with the city but feels there is a point of diminishing return for having the committee be the experts and suggested that the city engage a general contractor or a more expert service that is familiar in building the necessary financial and technical cases and RFP's to put this together.

Mayor Bouley pointed out that Beth Greenblatt from Beacon Integrated Solutions is referenced within the memo and asked if this is someone that is recommended.

Ms. Adams responded that Ms. Greenblatt is very supportive of the project.

Mr. Bryan added that Ms. Greenblatt's company has done a number of these projects in Massachusetts and elsewhere.

Councilor Nyhan asked who is responsible for the operating costs or ongoing maintenance costs while the PV is under agreement. Mr. Bryan responded that it would be the owner of the project which would be the solar provider.

Councilor Werner moved to refer this item to the Fiscal Policy Advisory Committee. The motion was duly seconded and passed with no dissenting votes.

7. Agenda overview by the Mayor.

- Consent Agenda Items -

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

Action: Councilor Nyhan moved approval of the consent agenda with items 9 and 32 being removed for discussion at the end of the agenda. The motion, as amended, was duly seconded and passed with no dissenting votes.

Referral to the Parking Committee

8. Communication from Brian Byle, 79 Warren Street, requesting no parking signs be posted at the intersection of Tahanto and Warren Street.
9. Communication from Councilor Nyhan requesting consideration be made to extend the no parking zone at the intersection of South Fruit Street and Industrial Drive to a distance of approximately 200ft southerly and 200ft northerly along the east side of South Fruit Street. *(Pulled from consent by Councilor Nyhan)*

Action: Item removed from the consent agenda for discussion.

Referral to the Finance Committee

10. Report from the Recreation Director regarding the Capital Improvement Plan for the Beaver Meadow Golf Course.
11. Communication from Concord 250 requesting funds in the amount of \$75,000 to assist in the planning and execution of public events in celebration of the upcoming 250th anniversary of the City of Concord.

Items Tabled for a June 5, 2014 Public Hearings

12. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the fiscal year 2015 ending June 30, 2015.
13. Resolution amending the amount of money to be appropriated by the City of Concord for the fiscal year 2015 ending June 30, 2015. *(To be distributed under separate cover)*
14. Resolution closing and completing certain capital projects; rescinding/de-authorizing appropriations; returning un-used fund balances to their original sources; and transferring, reappropriating or otherwise making remaining balances available for future purposes; together with report from the Senior Accountant.
15. Resolution for bonded projects within the Capital Budget for Fiscal Year 2015 (July 1, 2014 to June 30, 2015) hereby is authorizing and approving the expenditure

of \$8,115,000 and authorizing the issuance of \$8,115,000 in bonds and notes for various capital projects; together with report from the Deputy City Manager – Finance.

16. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Water Rates.
17. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates.

Items Tabled for a June 9, 2014 Public Hearings

18. Resolution appropriating the sum of \$115,000 from the Economic Development Reserve Fund for completion of a Comprehensive Strategic Parking Plan; together with report from the Director of Redevelopment, Downtown Services, & Special Projects.
19. Resolution appropriating the sum of \$314,375 for the purpose of purchasing a new front end loader with attachments, including \$293,850 in grant funds from the Federal Aviation Administration (FAA), \$16,325 from the State of New Hampshire, and \$4,200 from the City of Concord; together report from the Associate Engineer.

From the City Manager

20. Positive Citizen Comments.

Consent Reports

21. Diminimus gifts and donations report from the Interim Co-Library Directors requesting authorization to accept monetary gifts totaling \$1,755.20 as provided for under the preauthorization granted by City Council.
22. Diminimus gifts and donations report from the Recreation Director requesting authorization to accept monetary gifts totaling \$5,950 as provided for under the preauthorization granted by City Council.
23. Quarterly Financial Statements and report from Deputy City Manager – Finance.
24. Quarterly Current Use Change Tax Status quarterly report from the Director of Real Estate Assessments.
25. Public Safety Advisory Committee Annual Report.
26. Semi-Annual Pay As You Throw (PAYT) Report.

27. NH Department of Environmental Services (DES) Leak Detection Survey Results report from the General Services Director.
28. Report from the Transportation Policy Advisory Committee recommending that City Council support a Statewide Complete Streets Policy under consideration with the NH Municipal Association for the 2015-2016 Legislative Policy Process.

Consent Resolutions

29. Resolution in recognition of the services of John Swope.
(For presentation in June)
30. Resolution re-adopting the Beneflex plan and authorizing the City Manager to execute Beneflex plan documents.
31. Resolution authorizing the City Manager to enter into a Grant Agreement for up to \$326,500 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics, for the purpose of purchasing a new front end loader with attachments for the airport and to revise the total grant request for this purchase to a total of \$326,500; together with report from the Associate Engineer.
32. Resolution authorizing the City Manager to enter into a Memorandum of Understanding with the Friends of the Merrimack River Greenway Trail regarding the design and construction of the Phase I Section of the Merrimack River Greenway Trail; together with report from the Senior Planner and the Project Manager-Civil Engineer. *(Pulled from consent by Councilors Bouchard and Herschlag) (Revised resolution submitted)*

Action: Item removed from the consent agenda for discussion.
33. Resolution authorizing the City Manager to submit an application to the United States Department of Justice – Edward Byrne Memorial Justice Assistance Grant Program for funds designated for law enforcement related programs; together with report from the Police Department.

Appointments

34. City Manager's proposed appointment to the Zoning Board of Adjustment.
James Monahan

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

35. May 12, 2014 Public Hearings

- A. 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. (4-13)

Action: Jennifer Johnston, Director of Human Resources and Labor Relations, provided an overview of proposed changes within the ordinance.

City Manager Tom Aspell added that the Fiscal Policy Advisory Committee reviewed and recommended the approval of the proposed changes.

Councilor Champlin questioned whether there were any perimeters around the manager's option to demand a doctor's notice on absence. He asked how it's being assured this isn't a dilatory request. Ms. Johnston responded that it doesn't occur very often and that there are no specific perimeters. She stated that what they look for when they are considering any abusive leave would be a pattern of extended weekends, continual Friday and Monday absences.

Councilor Herschlag pointed out that it states that all department heads hired prior to January 1, 2010 are entitled to a thirty day payout if they have more than five years of service with the city upon leaving the employ of the city. He asked if this is regardless of whether they have accumulated 30 days of annual leave or is this in addition to the accumulation of annual leave. Ms. Johnston responded that annual leave for department heads is paid out for what they accrue whether it's zero or the max, 2 ½ times their annual leave; in addition to this, a department head would have an added 30 day payout in addition to their accumulated annual leave. She added that this existed prior to this modification and is not a change to how this is being done it's just adding language that was inadvertently deleted the last time a change was made. Councilor Herschlag asked if this was regardless of the reason that the department head is leaving the city. Ms. Johnston replied that it is doesn't reference anything in regards to the type of separation but feels that there would be some discretion that the City Manager has to award it. Councilor Herschlag indicated that the way he reads it is that there isn't any discretion, it indicates that they are entitled if they have been with the city for more than five years. Ms. Johnston responded that the only requirement she sees is five years so it's silent on the type of termination explaining that, in her experience here, there have only been resignations or retirements and no terminations that are involuntarily so she believes it would be paid out regardless.

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

- B. 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. (4-14) *(Due to statutory requirements action on this item must take place at City Council's June 9th meeting).*

Action: There being no Council objection, the City Clerk read the titles for both items B and C together.

Matt Walsh, Director of Redevelopment, Downtown Services and Special Projects, explained that both items B and C are related to the Penacook Village TIF District for the cleanup of the Allied Leather Tannery site and provided an overview of both items.

Councilor Shurtleff asked what the cost would be to remove the coal ash along Canal Street. Mr. Walsh responded that it would cost approximately \$100,000.

Councilor Coen asked what's the reasoning of the TIF committee to invest another \$100,000+ to put a building closer to the street. Mr. Walsh responded that there are three reasons: an urban design consideration – trying to get the building closer to the street because that's similar to a lot of the vocabulary of the layout of Penacook Village; they were concerned that a developer may shy away from the property knowing that the material was there and encapsulated; they felt it would provide a little more space for a redevelopment project. Councilor Coen asked if the committee felt that, with those considerations, that it would enhance the value considerably more than if it was left there. Mr. Walsh replied that he doesn't think that the dollar value of what the property is worth necessarily factored into their calculations. He stated that he feels that it was concerns about the perception of this material being there and the urban design consideration.

Councilor Herschlag asked for an explanation as to why the parking lot can be built on it and not a building. Mr. Walsh responded that the material is a combination of urban fill, coal ash and masonry. He explained that this material is sitting on top of a concrete slab and is roughly ten feet deep; it has a load bearing capacity for a parking lot, however, structural engineers are nervous about putting a sizable building on the top of the slab that is there. Councilor Herschlag noted that it's not contamination concerns but the ability of that material to support a structure. Mr. Walsh responded that to be correct.

Mayor Bouley opened the public hearing for items B and C.

Public Testimony

Elizabeth Blanchard, Penacook resident, encouraged the Council to vote to appropriate the \$245,000 to finish cleaning up the materials on this site.

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

- C. 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. (4-15) *(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).*

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

- D. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with report from the Director of Redevelopment, Downtown Services & Special Projects. *(Due to statutory requirements action on this item must take place at City Council's June 9th meeting).*

Action: There being no Council objection, the City Clerk read the titles for items D, E, F and G together.

Matt Walsh, Director of Redevelopment, Downtown Services and Special Projects, provided an overview of each item.

Councilor Keach inquired as to why there are two separate parcels. Mr. Walsh responded that it is his understanding that at one time that property was a former gas station that was acquired by the state. Councilor Keach asked if there is any right of way that goes to the Eagles Club. Mr. Walsh replied that there is a very small strip of land similar to a driveway that goes down to the Eagles Club from State Street. He explained that they haven't done any title work to see if there is anything on the Employment Security level. He added that the existing driveway connection is on their own property so it runs parallel to the parking lot that's there and staff is not aware of any cross easements that might exist between the Eagles Club and the Employment Security building.

Mayor Bouley opened up the public hearings on items D, E, F and G.

Public Testimony

Roy Schweiker, resident, asked why the city would pay the state \$1.6 million for a building that is in such a condition that it has to be torn down. He stated that if the building is not worth anything then the city should negotiate with the state to pay them the \$300,000 the lot is worth or nothing because they could deduct the \$300,000 cost to demolish the building. He noted his concern with having TIF districts and feels that the money never comes back to the general revenue. He proposed that the city purchase out of general revenue bonds and suggested that a

developer buy the property from the city for what the city paid for it; the developer would sign an agreement with the city for a ten year payment in lieu of taxes. He noted that this would give a developer an incentive to do something with the property.

Councilor Coen asked how this would work with a non-profit organization. Mr. Schweiker responded that they would have agreed to make a certain payment in lieu of taxes and then at the end of that time they could apply for a non-profit exemption.

Charlie Russell, resident, noted that he feels they should let the free market economy decide what they are going to do asking when the city decided to get into the property business. He stated that he doesn't see a public purpose or public use at this property and asked what the public benefit or the public facility that's going to be in this building. He feels that this building should not be purchased with TIF funds because these funds are for public benefit.

Councilor Keach indicated that he feels that the Council has an obligation to make sure that properties that come available are managed and developed in the right direction. He pointed out that Mr. Russell had been opposed to the city getting involved with the conference center years ago but that this has turned out to be an overwhelming success.

Mr. Russell stated that he objected to the city picking up the deficit on the conference center for a private enterprise.

Councilor Keach noted that this is a complicated issue which may or may not turn out well. He noted that he appreciates Mr. Russell's testimony but this is a close call.

Mr. Russell asked why they are not waiting to see what's going to happen and who's going to buy it as opposed to the city over-managing.

Referencing the conference center, Councilor Herschlag recollected that there were a number of them, including himself, that opposed the initial proposal which had the conference center being tax free and the city picking up any losses to the conference center in excess of \$50,000. He stated that the subsequent proposal was the formation of a TIF district which would pay for the purchase of the property, moving the railroad tracks and clean up; many, including himself, were supportive of this second proposal.

Councilor Coen stated that he always hears comments in regards to people asking why the city allowed the train station to be torn down; a private developer purchased the train station and built a shopping center on the site.

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

- E. Resolution authorizing the issuance of bonds and notes in the amount of \$1,900,000 for acquisition of the New Hampshire Employment Security Property located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. *(Due to statutory requirements action on this item must take place at City Council's June 9th meeting). (Report from the Sears Block Tax Increment District Advisory Committee submitted)*

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

- F. Resolution authorizing the issuance of bonds and notes in the amount of \$190,000 for weatherization of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. *(Due to statutory requirements action on this item must take place at City Council's June 9th meeting).*

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

- G. Resolution authorizing the issuance of bonds and notes in the amount of \$325,000 for demolition of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. *(Due to statutory requirements action on this item must take place at City Council's June 9th meeting).*

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

May 12, 2014 Public Hearing Action

36. 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) (4-39G) *(In accordance with RSA 75-8-b public hearings were held in March and April, Council action to take place in May)*

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

37. 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. (4-13)

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

Deputy City Solicitor Danielle Pacik referenced Councilor Herschlag's question as to whether or not a department head would be entitled to the 30 hours of annual leave if

they were terminated and indicated that staff has looked at this and determined that they would be entitled to it within this proposed ordinance. She stated that this was the unintended consequences of the one of the changes and noted that if Council wanted to amend the proposed ordinance staff felt it would be appropriate to bring this to Council's attention.

Mayor Bouley asked whether staff had specific language for the proposed change.

Ms. Pacik referenced (e), (1) on the third page of the proposed ordinance suggesting that the last sentence be amended to read "Lump sum payment will be made in accordance with subsection (d) above, unless the department head is terminated for cause".

Councilor Keach moved to reconsider this item. The motion was duly seconded and passed with no dissenting votes.

City Manager Tom Aspell explained that if the phrase "unless the department head is terminated for cause" is added then this would address any confusion.

Councilor Shurtleff moved to add "unless the department head is terminated for cause" at the end of the paragraph of (e), (1) on the third page of the proposed ordinance. The motion was duly seconded.

Councilor St. Hilaire questioned why it's for five years rather than ten years.

Mr. Aspell replied that this has been the practice since before he came to the city.

Councilor Shurtleff's motion passed with no dissenting votes.

Councilor St. Hilaire moved to change the five years to ten years. The motion was duly seconded.

Councilor Nyhan questioned whether this would be creating any legal issues by changing it now from five to ten years.

City Solicitor Jim Kennedy responded that the vesting discussion is something that has been going on at the state level with respect to changing the state retirement system. He explained that staff has learned that they are vested under how the department head was brought in and would be subject to the rules at the time that they were hired. He stated that this would not have a retroactive effect on anybody employed at this time but for anyone going forward.

Mayor Bouley asked if staff sees any unintended consequences to this.

Mr. Kennedy responded that they might want to go through the personnel rules and see if there is anything else with respect to the 0 to 5 or the accrual benefits that employees earn in their time here as a city employee. He indicated that it might make

sense for staff to examine this and send it to the Legal Department and come back to Council to advise as to whether or not there are any unintended consequences. He stated that he doesn't currently foresee any but staff may want to examine this.

Councilor Keach suggested that this goes back to the Legal Department for discussion next month.

City Manager Tom Aspell recommended that Council vote against the ordinance. He explained that the idea was to clarify this language but feels that it may be confusing to others.

Councilor Bennett disagreed stating that he feels that the language is not confusing. He noted that the Fiscal Policy Advisory Committee didn't feel that people were entitled to the 30 days annual leave if they were let go for cause. He stated that he doesn't have a problem with the five years.

City Manager Aspell noted that staff could come back in the future with the part regarding the five or ten years.

Mayor Bouley asked if Councilor St. Hilaire would be willing to put his motion on hold until staff gets a chance to look at the entire ordinance.

Councilor St. Hilaire withdrew his motion. The second to the motion was withdrawn.

Referencing the same page, item (g) at the bottom, Councilor Herschlag questioned why the reference "subject to City Council approval" is recommended for removal.

Mr. Aspell responded that this is something that he had discussed with the Council previously in terms of having the flexibility to work with this and be able to hire people. He stated that Council was unanimously in favor of this change.

Councilor Shurtleff moved to approve this item, as amended. The motion was duly seconded and passed on a voice vote.

June 9, 2014 Public Hearing Action

38. 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. (4-14) *(Due to statutory requirements action on this item must take place at City Council's June 9th meeting).*
39. 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. (4-15) *(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).

40. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with report from the Director of Redevelopment, Downtown Services & Special Projects. *(Due to statutory requirements action on this item must take place at City Council's June 9th meeting).*
41. Resolution authorizing the issuance of bonds and notes in the amount of \$1,900,000 for acquisition of the New Hampshire Employment Security Property located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. *(Due to statutory requirements action on this item must take place at City Council's June 9th meeting). (Report from the Sears Block Tax Increment District Advisory Committee submitted)*
42. Resolution authorizing the issuance of bonds and notes in the amount of \$190,000 for weatherization of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. *(Due to statutory requirements action on this item must take place at City Council's June 9th meeting).*
43. Resolution authorizing the issuance of bonds and notes in the amount of \$325,000 for demolition of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District. *(Due to statutory requirements action on this item must take place at City Council's June 9th meeting).*

Reports

New Business

44. Communication from Chris McKeown, 18 Primrose Lane, requesting City Council consider holding a public hearing on the 317 Line Project proposed to go through the Primrose Lane, Winterberry Lane, Millennium Way and Rosewood Drive neighborhood.

Action: Councilor Herschlag indicated that Mr. McKeown is currently working with PSNH to limit the impact to his property. He stated that it is his understanding that the Council doesn't have a lot of say in how they move forward with this project. He pointed out that PSNH has been very receptive to the abutters and they are in the process of currently working with them.

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

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) (3-45) (4-18) (*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) (3-46) (4-49) (*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) (3-47) (4-50) (*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 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) (4-51) (*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*)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Todd announced that on Friday, June 6th, at the City Plaza they will be holding a 1965 time capsule unearthing ceremony.

Councilor Herschlag thanked Deb and Dave Newell for opening up their restaurant, the Newell Post, for hosting a Ward Two meeting. He further thanked a resident, Matt, who went out to pick up several bags of trash within the Ward One and Ward Two areas.

Councilor Coen thanked the City Manager and Brian LeBrun, Deputy City Manager-Finance, for the proposed new budget stating that the cd format is very manageable and understandable.

Mayor Bouley reminded residents to license their dogs by May 30th to avoid any additional fees and fines.

Comments, Requests by the City Manager

- Request from the City Manager requesting City Council authorization to submit a letter to the State Department of Motor Vehicles asking that they produce commemorative license plates in celebration of the 250th anniversary of the City of Concord.

Action: City Manager Aspell explained that the license plates would be sold for \$25.00 each and the profit would be used towards the 250th anniversary of the City of Concord; license plates could be placed on vehicles from January 1, 2015 through December 31, 2015.

Councilor Bouchard inquired whether there is any cost to the city for producing these plates. Mr. Aspell responded that there is not.

Councilor St. Hilaire moved to recommend that the City Manager submit a letter to the Department of Motor Vehicles. The motion was duly seconded and passed with no dissenting votes.

Mayor Bouley reminded everyone that Thursday, May 15th is the Rock N' Road Race being held downtown and many streets will be closed to vehicles during this event.

Councilor Shurtleff reminded everyone of the Memorial Day Parade being held on Monday, May 26th.

Consideration of items pulled from the consent agenda for discussion

- Items 9 and 32 have been pulled from the consent agenda for discussion.
9. Communication from Councilor Nyhan requesting consideration be made to extend the no parking zone at the intersection of South Fruit Street and Industrial Drive to a distance of approximately 200ft southerly and 200ft northerly along the east side of South Fruit Street.

Action: Councilor Nyhan asked if, in addition to the referral, there is something that can be done on a temporary basis for posting no parking a little bit to push the cars back away from this intersection.

Councilor Coen indicated that the next Parking Committee meeting is being held next Monday and they will try to submit a recommendation for the June 9th Council meeting.

Councilor Nyhan moved to refer this communication to the Parking Committee. The motion was duly seconded and passed with no dissenting votes.

32. Resolution authorizing the City Manager to enter into a Memorandum of Understanding with the Friends of the Merrimack River Greenway Trail regarding the design and construction of the Phase I Section of the Merrimack River Greenway Trail; together with report from the Senior Planner and the Project Manager-Civil Engineer.

Action: Councilor Bouchard stated that she supports this trail. She inquired as to how the \$80,000 funds were raised for by the group and who the contributors were. She noted that this is going to be a paved trail with amenities such as boardwalks, trailhead parking, benches, signs and kiosks and inquired as to how much it will be an ongoing cost for the city to keep this trail maintained. Mr. Aspell indicated that staff doesn't have the details at this time. He stated that the idea is that when a memorandum of understanding is put together and all the designs are done it will come back before the Council. He added that the Council has discussed this item in the past and agreed to accept all maintenance costs associated with this.

Dick Lemieux, President and Chair of the Board of Trustees for the Friends of the Merrimack River Greenway Trail, indicated that the \$80,000 is a number that they had last year and they have raised an additional \$40,000 since then; ten or twelve companies have donated significant amounts and thirty to forty individuals have donated anywhere from \$10.00 to \$200.00.

Councilor Herschlag voiced his concerns about the management and maintenance costs. He suggested that in the memorandum of understanding that the city request that those ongoing maintenance costs be funded by outside sources.

Mayor Bouley asked Councilor McClure if there is currently a group of volunteers that go out to maintain trails and whether it would be anticipated that they would continue to volunteer for this type of trail.

Councilor McClure responded that there is and that they would maintain this one as well through the trails committee. She noted that the portion of the trail that could require maintenance over the long term is the boardwalk which will deteriorate over time.

Councilor Bouchard inquired whether the boardwalk is a paved section.

Mr. Lemieux responded that the whole trail will be paved explaining that the boardwalk traverses a wet area just north of Terrill Park. He indicated that the boardwalk would be about a quarter of a mile long and approximately twelve feet wide with rails; it should be designed to be long lasting. He noted that light maintenance will be done by volunteers and feels that the heavy maintenance has to be the responsibility of the city.

Councilor Champlin stated that a reasonable maintenance cost is not something out of the ordinary for the city to adopt considering the private investment time and money to make this trail a reality. He feels that this trail is important in making the city a bike friendly community.

Councilor McClure pointed out that this trail has been in the city's master plan for many years and the city wouldn't have been able to do this without this private effort. She encouraged Council to look at the flyer distributed this evening adding that she feels that it's worth Council supporting the long range efforts done by the group.

Councilor Herschlag indicated that his concern is not whether this is a worthwhile project but whether the city has the ability to maintain this into the future.

Councilor Todd thanked the organization for all their efforts. He agreed that there is an inestimable value to this project that they should not lose sight of as they move forward and he believes this project will be one of the crown jewels of Concord when it's completed. He stated that he does have concerns about the long term cost and maintenance but feels this will be outweighed by the value of the project when completed.

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

Consideration of Suspense Items

Councilor St. Hilaire moved to consider this item not previously advertised. The motion was duly seconded and passed with no dissenting votes.

- 5 Sus1 Street Closure Request from the Concord Veterans Council for the Memorial Day Parade to be held on May 26, 2014.

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

- 5 Sus2 Street Closure Request from the West Congregational Church for an annual block party to be held on June 22, 2014.

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

- 5 Sus3 Resolution repurposing \$20,000 of unexpended golf simulator project funds (CIP #107) to support paving improvements to the entryway of the Beaver Meadow Golf Course Clubhouse; together with report from the Parks & Recreation Director.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Nyhan inquired whether there have been any discussions, quotes or interest in repaving the entire parking lot. Mr. Aspell responded that they have looked at that but there is nowhere near the amount of money available in the fund to be able to do that.

Councilor Herschlag noted that he doesn't recall whether it's within the budget for FY2015 or FY2016 but there is an item to coat the lot. Mr. Aspell responded that he doesn't recall the year but that is included within the CIP project list.

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

Adjournment

The time being 8:50 p.m., Councilor Keach moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*

CITY OF CONCORD

5-29

6-6

In the year of our Lord two thousand and fourteen

RESOLUTION IN RECOGNITION OF THE SERVICES OF JOHN SWOPE

WHEREAS, John Swope was appointed to and served on several committees within the City of Concord over the years including the Planning Board, the Regional Planning Commission and the Tax Base Expansion Committee; and

WHEREAS, John Swope was appointed to the City of Concord Planning Board in January 1995 and served on that board until March 2014; and

WHEREAS, John Swope served as a dedicated member of the Planning Board for over nineteen years, devoting numerous hours and faithfully attending meetings during his tenure; and

WHEREAS, John Swope contributed to the Planning Board through his knowledge, dedication and many skills; and

WHEREAS, John Swope's analytical skills were excellent and his communication skills even better. A skill he possessed was the ability to bore down to the essential elements of any contested issue; and

WHEREAS, John Swope was not shy about expressing his opinions but they were always brought forth in the context of the matter; and

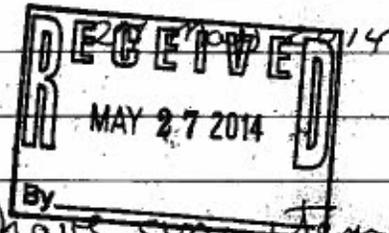
WHEREAS, Members of the Planning Board grew to value his perspective and his direct way of summing up discussions; and

WHEREAS, John Swope brought to the Planning Board his wonderful appreciation for the City of Concord. Along with his wife Marjorie, their combined contributions and vision have made Concord a wonderful place to live and grow; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Concord City Council do hereby record our sincere appreciation for John Swope's years of service and commitment to the City of Concord, our esteem for his abilities and knowledge and our respect for his high character.



TO The City Clerk:



I would like to have ~~an item~~ put on the agenda for the next City Council meeting concerning a serious traffic problem on Ripley St. The speed limit is 25 mph and the majority of drivers ignore it, traveling anywhere from 10 to 20 MPH faster. The problem started back when the traffic lights were installed at Airport Road and Regional Drive. People use Ripley Street to try to beat the lights. They also use it as a connector between Airport Road and Old Turnpike Road, when they could easily use Terrill Park Drive. There are also many safety reasons I would like to discuss.

For these reasons and many more, I would like the Council to consider making Ripley Street, local access only. Thank You.

Michael Mense 12 Ripley St.

603-568-6852



Bonenfant, Janice

TJA

From: Allan Herschlag <allan4council@gmail.com>
Sent: Saturday, May 17, 2014 10:57 AM
To: Jim Bouley; Bonenfant, Janice
Subject: consent agenda

Mayor Bouley and City Clerk Janice Bonenfant,

A request to place a few related items on the consent agenda for referral.

An inquiry to look at traffic calming methods or a 3 way stop at the intersections of Washington Street, Borough and River Roads.

An inquiry to look at extending the sidewalk from Primrose Lane and Borough Road to where it would connect with the sidewalk that was constructed with the Sandwood development by Alice Drive and Borough Road.

And to look at pedestrian friendly improvements from the WashingtonStreet and River Road intersection heading East to Primrose Lane on Borough Road.

Respectfully submitted by,

Allan Herschlag
City Councilor - Ward 2



Bonenfant, Janice

6-10 TJA

From: Walsh, Matthew
Sent: Tuesday, May 27, 2014 9:52 AM
To: Bonenfant, Janice; Mulholland, Michelle
Subject: FW: Parking

Hi Janice / Michelle: Hope you had a nice long weekend! Please include the item below concerning resident parking in the area of North State Street on the City Council's June agenda for referral to the Parking Committee.

Thanks!
Matt

From: Roy, Debbi S. [<mailto:Roy-Debbi@aramark.com>]
Sent: Tuesday, May 27, 2014 9:46 AM
To: Walsh, Matthew
Subject: Parking

Hi Matt,
It was very nice speaking with you. Thank you for your time and I look forward to hearing from you at a later date.

May 27, 2014
To the City of Concord, NH- Parking Division

I am writing this to request a change in a Parking Ordinance. I have lived at 48 No State St. for over 15 years. We have a designated parking space behind our house for parking after 5 pm until 8 am. It is a parking lot for 2 Law Firms (one on No State, the other on Montgomery). If myself (or one of my daughter's) are at home during the day, we have to park in the front of the house. Beginning in September my daughter will be a full time student and will be home more frequently. There is a 3 hour limit there (most days abused by certain State Workers). It isn't always convenient for us to go move the car as there are days when there are no spaces. We've spoken with the Parking Control Officer and they have said they cannot do anything about it. We've been issued tickets and we've paid them.

I spoke to City Councilor Fred Keach about this, he recommended that I send this letter. We would like to have consideration for resident parking only. I understand the limits of downtown parking, as well as State Parking. If you'd like to speak to me further I can be reached at jjdroy@comcast.net or 603.494.7742.

I thank you for your consideration for this, we've been dealing with the issue for quite some time.

Sincerely,
Debbi Roy

-Debbi

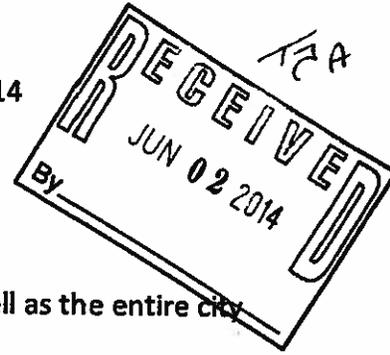
Debbi Roy | Catering Manager | Aramark at the Verizon Wireless Arena
555 Elm Street | Manchester, NH 03101 | W: 603.206.1659 | F:603.206.1670





6-11

June 1, 2014



Dear Mayor Bouley and City Councilors:

I am writing to you regarding a concern I have about my neighborhood as well as the entire city of Concord.

A 4 unit apartment building at 74 Rumford Street has been problematic for years. I have had garbage thrown into my back yard, unleashed dogs running loose (pit bulls) and, most importantly, drug activity. (A missing halfway house inmate with a history of drug dealing was recently found at this residence.)

I obtained a police report for this particular building. There were approximately 140 incidences listed dating back to 2008. There were also at least 10 documented complaints to the code department, the last of which was on 9/20/2013 for cockroach infestation. I have consistently contacted the police department and code enforcement department, but it is clear that they can only do so much. Thus, this letter.

Residents in other neighborhoods are having similar experiences. One apartment building, one landlord who seems not to care, is all it takes to degrade a neighborhood. I have contacted the landlord on numerous occasions. I have always loved where I live until now.

I ask that all of my concerns be sent to the relevant city departments, e.g., police, code. I also request that the city get back from all relevant departments reports and comprehensive information on these problems; and that these reports be shared with me and the public. I am asking that this letter and my requests be put on the consent agenda of the city council, and that appropriate action be taken.

This is a widespread community problem, and this is simply a request that our elected leaders make it a priority to address how best to encourage the entire Concord community to work together to keep all of our neighborhoods *equally* safe and livable.

Sincerely,

Kathleen M. Conners
5 Cambridge Street, Concord



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CITY OF CONCORD

In the year of our Lord two thousand and fourteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 30, Administrative Code, Article 30-3, Boards and Commissions, Section 30-3-7, City Parking Committee

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title V, Administrative Code, Chapter 30, Administrative Code, Article 30-3, Boards and Commissions, Section 30-3-7, City Parking Committee, as follows:

30-3-7 City Parking Committee.

The City Parking Committee shall consist of nine (9) voting members. The [~~Parking Manager~~] *City Manager or his or her designee* shall be the Clerk of the Committee. The members of the committee shall be appointed as follows:

1. Nine (9) members shall be nominated by the Mayor and be subject to approval by the City Council:
 - a. Four (4) members of the City Council, one of who shall serve as chair of the committee;
 - b. Two (2) representatives from [~~Main Street Concord, Inc.~~] *Intown Concord, Inc.*;
 - c. One (1) member from the downtown Penacook area;
 - d. Two (2) members of the general public;
2. The [~~Deputy City Manager for Development~~] *City Manager or his or her designee* as an ex officio, nonvoting member.
3. The Committee shall:
 - a. Submit an annual report to the City Council on the state of the Parking Fund which shall include a summary of revenues, expenditures and capital improvement needs/projects. The annual report shall also include a comparative analysis with other applicable New Hampshire and New England communities to assist in determining if adjustments to parking fees, penalties, lease rates, or enforcement/maintenance practices are required. The annual report shall make recommendations to City Council to address needed changes to the administration of public parking. This report shall be submitted in April.

- b. Review and make recommendations stemming from City Council referrals or City Manager requests on matters involving public parking including, but not limited to, time limits, no-parking zones, on-street loading zones, bus stops, overnight parking, new public parking facilities, fees, penalties and periods of enforcement.
4. The City Council representatives shall serve a two-year term; other members shall be appointed for three (3) year terms. Voting members shall not serve for more than six (6) consecutive years. A former member shall be eligible for re-appointment upon withdrawal from the committee for twelve consecutive (12) months. The members shall be nominated by the Mayor and subject to approval by the City Council. All members shall serve without compensation.

SECTION II: This ordinance shall take effect on passage.

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

TJA



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

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

DATE: May 28, 2014

SUBJECT: Parking Committee & Response to City Council Referral

Recommendation:

- Accept the following report; and,
- Set the attached ordinance amending the Code of Ordinances, Title V, Administrative Code, Chapter 30, Article 30-3, Boards and Commissions Section 30-3-7, City Parking Committee for public hearing on July 14, 2014.

Background:

During its April 12, 2014 meeting, the City Council referred a communication from Councilor Herschlag, dated March 20, 2014, regarding the composition of the Parking Committee. Specifically, Councilor Herschlag noted that the current ordinance that governs the Parking Committee calls for the appointment of two individuals representing Main Street Concord, Inc. Councilor Herschlag noted that this organization no longer exists as Main Street changed its name to Intown Concord in 2012.

Councilor Herschlag also suggested that the composition of the Parking Committee be overhauled and expanded to include a variety of interests, as further described in the attached referral.

Discussion:

The Parking Committee met on May 19, 2014 and discussed Councilor Herschlag's suggestions. At this time, the Parking Committee recommends that the City Council make following changes as further described in the attached ordinance:

1. Remove references to "Main Street Concord, Inc." and replace with "Intown Concord, Inc."

As the Council knows, the City is about to embark upon a comprehensive strategic plan for the Parking System. As part of this effort, it is possible that significant changes might be recommended regarding the composition and mission of the Parking Committee. Therefore, the Parking Committee did not believe it would be prudent to make any significant changes to its composition or mission at the current time.

Lastly, although not specifically discussed by the Parking Committee, the City Administration also recommends that references to the Parking Manager or Deputy City Manager – Development be removed and replaced with “the City Manager or his designee”. Per reorganization of the City Parking System in 2013, the Director of Redevelopment, Downtown Services, and Special Projects assumed responsibilities for supporting the Parking Committee. While this arrangement will continue, use of less specific designations will help avoid the need to amend the ordinance in the future as employee titles or other staffing changes occur.

302

4-11

March 20, 2014

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

RECEIVED
MAR 20 2014
By _____

TRP

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



CITY OF CONCORD

In the year of our Lord two thousand and fourteen

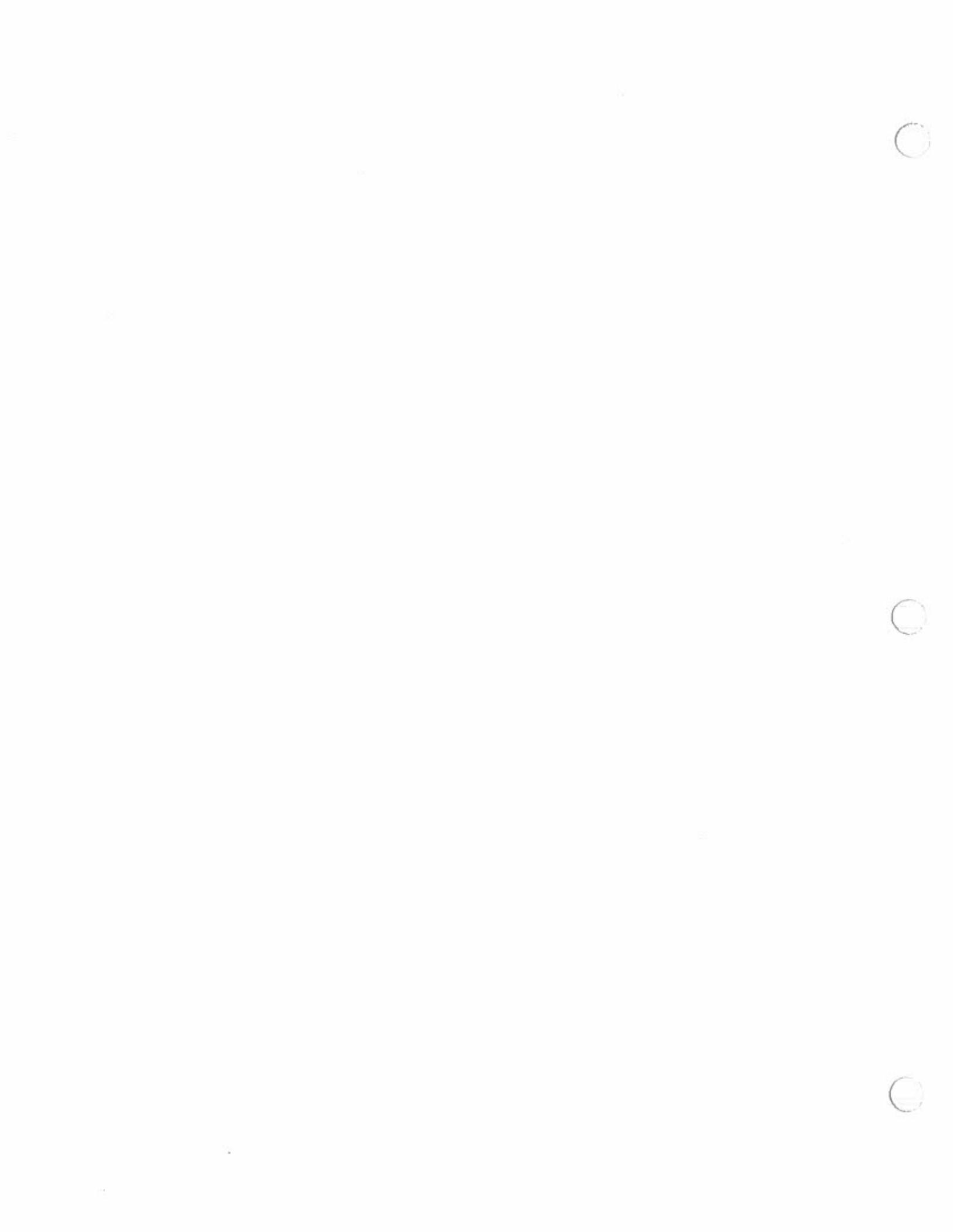
AN ORDINANCE amending the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-2, No Stopping or Parking Near Hazardous or Congested Places, Schedule XVI.

The City of Concord ordains as follows:

SECTION I: CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-2 No Stopping or Parking Near Hazardous or Congested Places, Schedule XVI, by adding the following:

Street	Side Restricted	From	To
Fruit Street	East	65' south of Industrial Drive	65' north of Industrial Drive

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



TJA



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

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

MRW

DATE: May 28, 2014

SUBJECT: Fruit Street / Industrial Drive Parking

Recommendation:

- Accept the following report; and,
- Set the attached ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-2 No Stopping or Parking Near Hazardous or Congested Places, Schedule XVI, for public hearing on July 14, 2014.

Background:

During its May 12, 2014 meeting, the City Council referred a communication from Councilor Nyhan regarding potentially unsafe on-street parking on Fruit Street near the intersection of Industrial Drive. Specifically, on-street parking associated with events at Memorial Field (particularly during the week day afternoon hours) limits sight distance for vehicles exiting the State Office Parking Campus. Councilor Nyhan requested that the City Parking Committee consider prohibiting on-street parking along the east side of Fruit Street for a distance of 200' to the north and south of the Industrial Drive intersection.

On street parking along Fruit Street is currently prohibited during Monday – Friday from 7:00AM to 3:30PM for the purpose of managing parking issues associated with Concord High School.

Discussion:

The Parking Committee met on May 19, 2014 and discussed Councilor Nyhan's request. Based upon input received during its meeting, the Parking Committee recommends passage of the attached ordinance, which would accomplish the following:

1. Prohibit on-street parking on the east side of Fruit Street for a distance of 65' to the north and south of Industrial Drive.

It is important to note that the standard parking setback for this type of intersection is 30'. However, given the extenuating circumstances associated with event parking at Memorial Field during afternoon hours, coupled with traffic issues associated with employees leaving the State Office Complex (typically between 4:00PM – 5:00PM), the Parking Committee felt this proposal was a reasonable compromise.

Memorial Field

S Fruit St

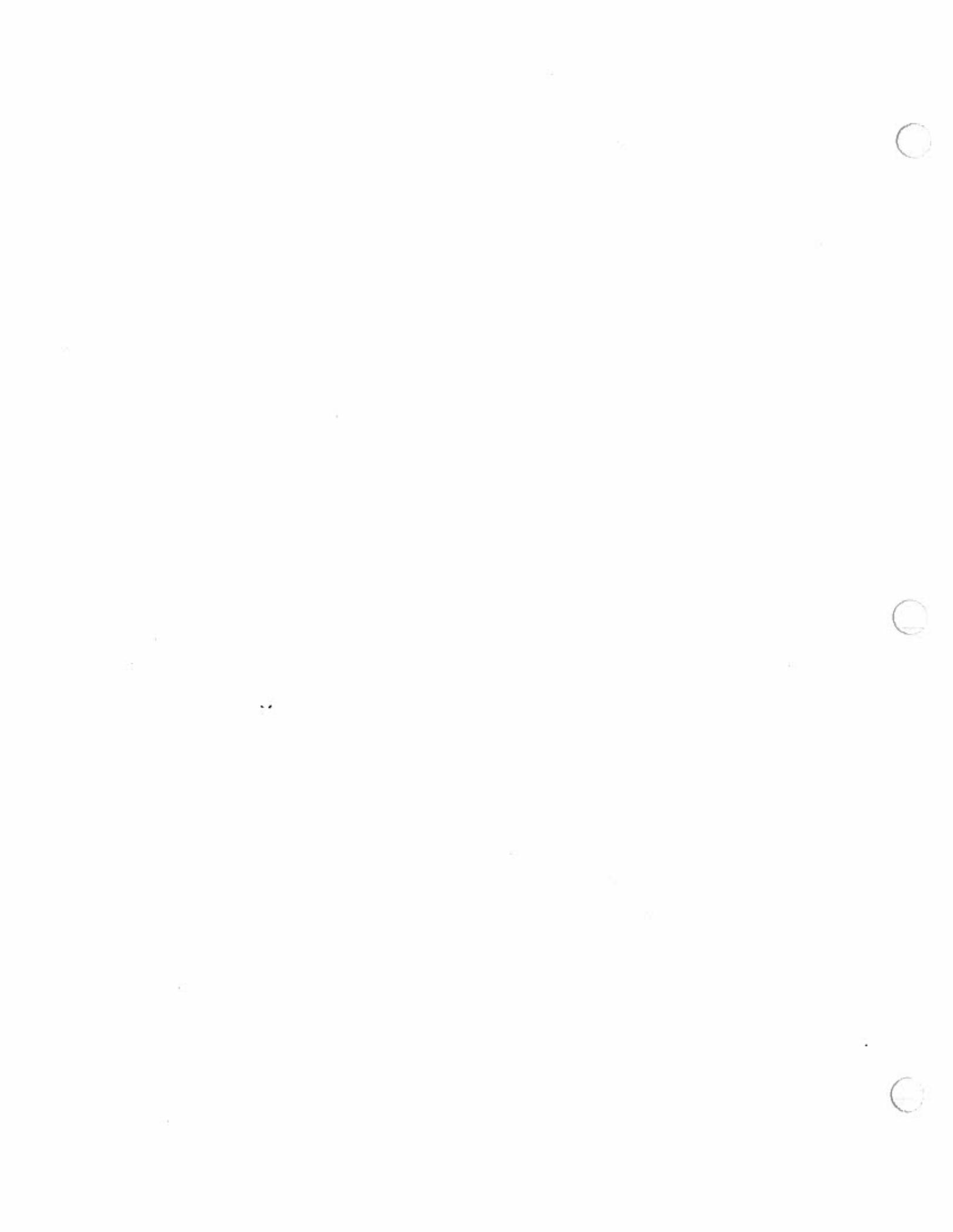
10121/10122/10123/10124

Memorial Field
Parking Restrictions

No Parking 







CITY OF CONCORD

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 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX(a).

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX(a), by adding the following:

Street	Side Restricted	From	To	Days of Week	Month
Curtisville Road	Both sides, from Dominique Drive to Frost Road. However, school bus only parking shall be permitted on south side starting 550' north of Dominique Drive to Frost Road.	7:00M	4:00PM	Monday - Friday	September - June

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



TFA



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

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

DATE: May 22, 2014

SUBJECT: Curtisville Road Parking: Broken Ground & Mill Brook Elementary Schools

Recommendation:

- Accept the following report; and,
- Set the attached ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX, for public hearing on July 14, 2014.

Background:

During its April 12, 2014 meeting, the City Council referred a communication from Fred Sprague regarding unsafe on-street parking on Curtisville Road related to the Millbrook and Broken Ground elementary schools. Mr. Sprague resides on Curtisville Road.

Specifically, since Millbrook Elementary opened in September 2012, vehicles have been stacking / parking on Curtisville Road during peak times for student drop-off and pick-up. This has resulted in confusing and dangerous traffic patterns on Curtisville Road.

Discussion:

The Parking Committee met on May 19, 2014 and discussed Mr. Sprague's concerns. The meeting was attended by Mr. Sprague, several neighborhood residents, Matt Cashman (facilities director for the Concord School District), as well as the principals of both elementary schools. Residents and school officials both agreed that the current situation was dangerous and needed to be addressed. School District officials noted that efforts to encourage parents to voluntarily use the school's on-site parking lots have been unsuccessful.

Upon hearing from all interested parties, the Parking Committee recommends passage of the attached ordinance, which would accomplish the following:

1. Prohibit on-street parking on both sides of Curtisville Road from Dominique Drive to Frost Street; however school bus parking would be permitted on the south side of Curtisville Road, commencing 550' north of Dominique Drive to Frost Road. Please see the attached drawing for more detail.
2. Except for school buses, parking would be prohibited during the hours of 7:00AM through 4:00PM, Monday through Friday, from September through June annually.

During the meeting, neighborhood residents, school officials, and City staff expressed support for this proposed strategy.

Should the City Council approve the attached ordinance on July 14, 2014, staff would work to have required signage installed in time for the start of the new school year. In addition, the Concord School District pledged to work with parents to improve management and usage of their on-site parking lots.

Frost Rd

Broken Ground School

Donipate Dr

**Broken Ground School
Parking Restrictions**

	No Parking	
	Bus Parking Only	

0 50 100 200 Feet

CITY OF CONCORD

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 18-1-4 Parking Prohibited in Certain Places

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-4 Parking Prohibited in Certain Places, by modifying paragraph (b) as follows:

18-1-4 Parking Prohibited in Certain Places.

- (a) A person shall not park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than twelve (12) feet of the width of the roadway for free movement of vehicular traffic.
- (b) A person shall not park any vehicle on the same side of the street as a driveway if it blocks, partially blocks, or is within five (5) feet of the edge of the driveway, *unless signs or markings indicate otherwise.*

SECTION II: This ordinance shall take effect upon passage.

Explanation: Matter added to the current ordinance appears in *bold italics*.



..

TCA



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

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

DATE: May 28, 2014

SUBJECT: Christian Avenue Parking / Havenwood Heritage Heights

Recommendation:

- Accept the following report; and,
- Set the attached ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-4 Parking Prohibited in Certain Places, for public hearing on July 14, 2014.
- Set the attached ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-20 Parking Prohibited in Hazardous Places, for public hearing on July 14, 2014.

Background:

Christian Avenue is located on the Heights between East Side Drive and Ormond Street. On-street parking has only been permitted on the north side of the road since 1978. The posted speed limit is 25 MPH.

On October 9, 2013, Havenwood Heritage Heights sent at request to the City Parking Division requesting that increased "no parking" setbacks be implemented near six (6) driveways to their facility located on Christian Avenue. The request was forwarded to the Parking Committee for its consideration.

The Parking Committee initially reviewed this request on November 18, 2013. However, action was delayed to allow time for research to be undertaken, as well as for input by the City's Traffic Operations Committee.

Research completed by staff indicated that parking setbacks for Havenwood's driveways varied significantly from 5' to 75' on Christian Avenue. Specifically, setbacks to driveways associated

with smaller parking lots were 5' to 8', while setbacks for two larger driveways ranged from 36' to 75'. All setbacks are marked by signage. Many of these setbacks did not comply with the current driveway setbacks per the City's Ordinance, which are as follows:

- 5' from a driveway;
- 20' from a "non-controlled" intersection;
- 30' from an intersection controlled by stop signs or traffic signals.

Over the past 3 years, 5 accidents have been reported involving Havenwood Heritage Heights driveways. In all cases, vehicles exiting the Havenwood campus were found to be at fault.

Discussion:

The Parking Committee met on May 19, 2014 to further consider this request. Representatives of Havenwood were in attendance to discuss their request.

During the meeting, the Parking Committee discussed other issues relating to setbacks to driveways and intersections that were brought to light by Havenwood's request. Therefore, the Parking Committee recommends amending the following ordinances as noted:

1. Amend Ordinance 18-1-4 (b) to read as follows:

- (b) "A person shall not park any vehicle on the same side of the street as a driveway if it blocks, partially blocks, or is within five (5) feet of the edge of the driveway, **unless signs or markings indicate otherwise.**" *(Comment: this change will provide flexibility on an as needed basis for regulating parking near driveways when warranted).*

2. Amend Ordinance 18-1-20, Sections (f) and (k) to read as follows:

- (f) "Within thirty (30) feet of any flashing beacon, stop sign, or traffic control device regulating movement of such vehicle, **unless signs or markings indicate otherwise.**" *(Comment: this change is primarily intended to address certain intersections within the City's downtown central business district).*
- (k) "Upon any bridge or other elevated structure upon a highway or within a highway tunnel, **unless signs or markings indicate otherwise.**" *(Comment: this change is intended to address parking on the Village Street Bridge in Penacook, as well as parking beneath certain overpasses, as well as beneath the Legislative Garage on Storrs Street).*

With respect to the specific Havenwood issues, City Administration will work with the General Services Department to have the existing "no parking" signage near the affected driveways relocated to comply with current City ordinances. Specifically, for driveways with stop signs, no parking signs shall be relocated in order to utilize the 30' intersection setback per City Ordinance 18-1-20 (f). However, for driveways without stop signs, no parking signs shall be relocated in order to utilize the 20' intersection setback per City Ordinance 18-1-20 (l).

CITY OF CONCORD

6-16

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 18-1-20 Parking Prohibited in Hazardous Places

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-20 Parking Prohibited in Hazardous Places, by modifying paragraphs (f) and (k) as follows:

18-1-20 Parking Prohibited in Hazardous Places.

No person shall park a vehicle:

- (a) On a sidewalk;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within five (5) feet or in front of a fire hydrant;
- (e) On a crosswalk;
- (f) Within thirty (30) feet of any flashing beacon, stop sign, or traffic control device regulating movement of such vehicle, *unless signs or markings indicate otherwise;*
- (g) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (h) Within fifty (50) feet of any fire station or within the area in front of a theatre when appropriate signs are erected or within twelve (12) feet of either side of the main entrance of a hotel when appropriate signs are erected indicating such restriction;
- (i) Along the side of or opposite any street or excavation or obstruction when such parking shall obstruct traffic;
- (j) On the roadway side of any vehicle stopped or parked at the edge or curb of any street;
- (k) Upon any bridge or other elevated structure upon a highway or within a highway tunnel, *unless signs or markings indicate otherwise;*
- (l) Within twenty (20) feet of an intersection as measured from intersecting curb lines, unless signs or markings indicate otherwise.

SECTION II: This ordinance shall take effect upon passage.

Explanation: Matter added to the current ordinance appears in *bold italics*.

CITY OF CONCORD

In the year of our Lord two thousand fourteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO THREE HUNDRED FORTY FIVE THOUSAND DOLLARS (\$345,000) AND TO ACCEPT AND APPROPRIATE GRANT PROCEEDS OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF INDEPENDENT LIVING CONCORD

Page 1 of 2

The City of Concord resolves as follows:

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

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

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

WHEREAS, Independent Living Concord is a Concord based organization whose mission is to provide permanent independent living opportunities for developmentally disabled adults in the greater Concord region; and

WHEREAS, the City desires to secure Community Block Grant funds for the purpose of developing housing units for low and moderate income developmentally disabled adults; and

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

CITY OF CONCORD

In the year of our Lord two thousand fourteen

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION IN AN AMOUNT OF UP TO THREE HUNDRED FORTY FIVE THOUSAND DOLLARS (\$345,000) AND TO ACCEPT AND APPROPRIATE GRANT PROCEEDS OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ON BEHALF OF INDEPENDENT LIVING CONCORD

Page 2 of 2

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

1. The sum of\$345,000
be and is hereby appropriated as follows:

CDBG Fund
Independent Living Concord.....\$345,000

2. Said revenue shall be available as follows:

CDBG Fund
CDBG grant
Independent Living Concord.....\$345,000

3. The City Council approves this Community Development Block Grant application and hereby authorizes the City Manager to submit the necessary grant documents and administer the program upon approval by the NH Community Development Finance Authority, CDBG Division, and authorizes the City Manager to accept and spend funds received from the CDBG grant.
4. This resolution shall take effect upon its passage and grant award.



CITY OF CONCORD

170

REPORT TO MAYOR AND THE CITY COUNCIL

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

DATE: May 28, 2014

SUBJECT: Community Development Block Grant July 2014 Application Round

Recommendation

- Accept this report; and,
- Set the attached resolution for public hearing on July 14, 2014 authorizing the City Manager to 1) submit an application seeking up to \$345,000 in Community Development Block Grant funds to the NH Community Development Finance Authority on behalf of Independent Living Concord, and 2) accept and appropriate such funds if awarded.

Background

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

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

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

The NH Community Development Finance Authority reports that approximately \$2 million in funds will be available for the upcoming round, which will likely fund 4 to 5 projects state-wide.

Discussion

On April 17, 2014 the City's application for \$155,000 to support renovation of the NAMI NH facility at 85 North State Street was awarded. Consequently, the City is eligible to apply for up to \$345,000 in the upcoming July application round.

With this in mind, the Community Development Advisory Committee ("CDAC") issued it standard Request for Proposals package for the purpose of identifying a local agency with an eligible project which could benefit from potential CDBG funding. The RFP was distributed to approximately 28 local agencies. The City received two responses.

The first was from Child and Family Services for \$67,125 in unmatched grant funds to renovate a transitional housing facility located on Pereley Street for homeless young adults (typically between the ages of 18 – 21).

The second proposal was from Independent Living Concord for the purpose of developing 12 housing unit for developmentally disabled adults at 181 North Main Street (the former Capitol Offset property). The total cost of the project would be approximately \$2.267 million. CDBG funds would be used to acquire the property.

CDAC met with both entities on May 28th to discuss their proposals. Based upon that meeting, CDAC voted to recommend that the City Council authorize the City Manager to apply for up to \$345,000 to support Independent Living Concord's application.

While both projects are important and provide tangible benefits to the community, CDAC felt that Independent Living Concord would have a better chance of securing grant funds within the context of the competitive scoring criteria established by the CDFA.

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

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

The Displacement and Relocation Plan must be readopted annually. However, because this plan was readopted on January 13, 2014 by Resolution #8733 no action is required for this application.

Award decisions for the upcoming grant round will be announced this coming fall.

Bm 5/28/14

6-18

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION ACCEPTING AND APPROPRIATING THE SUM OF TWENTY SEVEN THOUSAND SEVEN HUNDRED EIGHTY-SIX DOLLARS (\$27,786) IN UNMATCHED GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, FUNDS DESIGNATED FOR LAW ENFORCEMENT RELATED PROGRAMS.

The City of Concord resolves as follows:

WHEREAS, the Concord Police Department has received notification from the United States Department of Justice, Office of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program, that we have been awarded a grant in the amount of twenty seven thousand seven hundred eighty-six dollars (\$27,786); and

WHEREAS, the Concord Police Department desires to procure police equipment and training in the amount of \$23,786; and

WHEREAS, there is no match required for accepting these funds; and

WHEREAS, the Concord Police Department is entering into a Memorandum of Understanding with the Merrimack County to pass through the remaining \$4,000 to the County; and

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

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

1. The sum of\$27,786
be and is hereby appropriated as follows:

Miscellaneous Special Revenue Fund	
Police Department	
Police Equipment/Professional Development.....	\$23,786
Due to Merrimack County.....	\$4,000
Total	\$27,786

2. Revenue for this project is available as follows:

Miscellaneous Special Revenue Fund	
United States Department of Justice	
Edward Byrne Memorial Justice Assistance Grant.....	\$27,786

3. This resolution shall take effect upon its passage.



Bradley C Osgood
Acting Chief of Police

City of Concord, New Hampshire

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

TAA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Gregory S. Taylor, Acting Deputy Chief of Police

DATE: May 21, 2014

SUBJECT: 2014 Edward Byrne Memorial Justice Assistance Grant Appropriation

Recommendation - Through the City Manager, authorize the Police Department to accept and appropriate \$27,786 in unmatched funding from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program.

Background – During the past several years, the Police Department has received grants from the United States Department of Justice, Office of Justice Programs, which have been used to make technological upgrades, purchase new equipment, and provide training for Department personnel. These awards have been shared with the Merrimack County Sheriff's Office who has also made technological enhancements with these funds.

Discussion – This grant will allow for the Concord Police Department to replace and update older technologies currently in use and also purchase new equipment needed to maintain our efforts in an ever changing law enforcement environment. In addition, these funds will be utilized to offset costs associated with providing enhanced training to Department personnel in specialized areas. As with prior years, there is no match required for this grant; however we again will have to enter into a Memorandum of Understanding with the County on programming and the allotment of the funds. Under this grant the Police Department will receive \$23,786 for technological upgrades, equipment purchases, and training, while the Merrimack County Sheriff's Department will receive \$4,000.



CITY OF CONCORD

6-19

TJA

REPORT TO MAYOR AND THE CITY COUNCIL

DATE: May 28, 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



Immaculate Conception Church

9 Bonney Street, Penacook, NH 03303

(603) 753-4413

RECEIVED

May 5, 2014

MAY - 7 2014

Mr. Thomas J. Aspell, Jr., City Manager
City Hall
41 Green St.
Concord, NH 03301

CITY MANAGER'S OFFICE

Dear Mr. Aspell,

I am grateful to you, to the City Council, and to the City Administration for a check in the amount of \$714.28 to our Food Pantry, made possible by the Episcopal Diocese.

Our Pantry supplies between 2,700 to 3,900 meals a month to residents of the Concord area.

Sincerely,

Rev. Raymond J. Potvin

Dear Thomas, May 7, 2014

Thank you so much for the donation to our Food Pantry, made possible by the donation from the Episcopal Diocese, and the allocation of \$714.28 by the City Council and City Administration.

We are very grateful for this generous gift which is being put to good use feeding hungry families.

In gratitude,
Kate Atkinson
Rector



21 Centre Street, Concord, NH 03301
(603) 224-2523 • www.stpaulsconcord.org



St. Paul's Church

E P I S C O P A L

A Place to Belong | Whoever You Are | Just As You Are

Dear Officials and Friends —

Thank you for your donation to St. Paul's Food Pantry. We appreciate your support of this important outreach mission which helps us to provide food for the most needy in our community.

Your contribution is most welcome as we make every effort to help our local neighbors in need.

We Thank you on their behalf!

The Pantry

Thank You

May 9, 2014

Dear Mr. Aspell,

Thank you! Thank you! Thank you!

Thank you so much for the very generous check that we received for the Food Pantry. The money will help us continue our mission to help our neighbors who are struggling.

Thank you again!

Blessings,
Verna Peterson
Food Pantry Director

5/14

Dear Mr. Aspell,

on behalf of the CenterPoint
Church Food Pantry I want
to thank you for the
generous gift you recently
granted us. We serve
hundreds of people in the
Capital area who are
underprivileged. They too
pass along their thanks.
We are working with you to
make a difference.

Rox Hutz
Pantry Director



The Friendly Kitchen

The Friendly Kitchen seeks to provide a meal for the hungry in a warm and caring non-discriminating environment through the coordination of community volunteer resources.

Board of Directors

Philip Wallingford, President
Susan Buxton, Vice President
Tom Deyak, Treasurer
Kate Daniels, Secretary
Hope Butterworth, President Emeritus
Michael Lenehan
Kurt Ellison
Lyman Cousens
Rick Skarinka
Fred Keach
Danielle Kronk
Pamela Walsh
Rev. Jason Wells
Mike Riley
Bill Christie
Becky Murdoch-Osgood

Director
Jennifer Lombardo

April 25, 2014

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

Dear Tom,

Thank you for your generous \$714.28 contribution to The Friendly Kitchen. We are truly grateful for the support of the City Council and the City Administration.

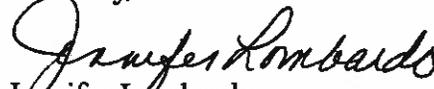
We are here every day for those in our community who are hungry. It is so nice to know that you are here with us.

In 2013, we served 60,385 meals. That's a 4% increase over last year, and we don't see things slowing down anytime soon. More and more people in this area are struggling to feed themselves and their families.

Your gift will help us buy food in bulk for our volunteers to cook and serve to our guests. It will help us keep the building open during the coldest days of winter, serving hot chocolate and coffee. And it will help us coordinate the hundreds of volunteers who give tens of thousands of hours of their time.

Thank you. Together we will feed the hungry.

Sincerely,


Jennifer Lombardo
Director

P.S. We see remarkable acts of kindness and generosity every day. Please follow us on Facebook to read the stories.

RECEIVED

APR 28 2014

CITY MANAGER'S OFFICE
CONCORD, NH



The Friendly Kitchen

The Friendly Kitchen seeks to provide a meal for the hungry in a warm and caring non-discriminating environment through the coordination of community volunteer resources.

Board of Directors

Philip Wallingford, President
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Emeritus

Kate Daniels, Secretary
Michael Lenehan
Kurt Ellison
Lyman Cousens
Rick Skarinka
Fred Keach
Danielle Kronk
Pamela Walsh
Rev. Jason Wells
Mike Riley
Bill Christie
Becky Murdoch-Osgood

Director

Jennifer Lombardo

April 28, 2014

Thomas J. Aspell, Jr.
City Manager
City Hall
41 Green St.
Concord, NH 03301

Dear Tom,

Thank you for your recent gift of \$714.28 to The Friendly Kitchen. It is very much appreciated. We are close to completely paying for our new building, but continue to depend on donors for our ongoing operations.

Our serving numbers reached an all-time high this winter; some evenings we served over 120 meals. We also stayed open for most days that the winter shelters were open, providing a warm space for our homeless guests. We heard from many sources that this took pressure off of other public spaces, where guests were previously compelled to go to stay warm.

And we continue to look for ways we can share our fabulous new facility. Thanks again for this gift and for all other forms of help you have provided to us.

Regards,

Phil

Phil Wallingford
Board President
The Friendly Kitchen

RECEIVED

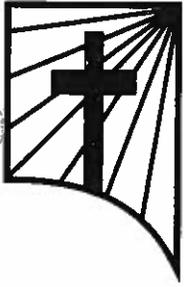
MAY - 2 2014

CITY MANAGER'S OFFICE
CONCORD, NH

PO Box 373, Concord, NH 03302

603-224-7678

thefriendlykitchen@thefriendlykitchen.org



First Congregational Church

Gathered in 1730

The First Congregational Church
United Church of Christ
177 North Main Street
Concord, New Hampshire 03301-5039

Tel: 603.225.5491
Fax: 603.717.7037

www.concordfirstchurch.org

SERVING, WELCOMING, GROWING IN CHRIST!

April 25, 2014
City of Concord
City Hall- 41 Green Street
Concord, NH 03301

RECEIVED

APR 30 2014

CITY MANAGER'S OFFICE
CONCORD, NH

Dear Thomas,

We at the First Congregational Food Panty would like to thank you for this wonderful donation from the Episcopal Diocese. The money will do a lot of good in helping us feed all of our clients. We helped 10,773 families that prepared 79,434 meals with donations such as yours. We feel so blessed to be able to help stop some of the hunger in Concord, and our work would not be possible without people like you. .

Thank you again,
Linda Strand and the Food Pantry volunteers.



FIRE DEPARTMENT

CITY OF CONCORD

24 Horseshoe Pond Lane
Concord, NH 03301
www.onconcord.com/fire

May 9, 2014

Paramedic Lieutenant H. Bobby Silvestriadis
Firefighter Paramedic Ian Butman
Firefighter Michael Souther
Firefighter Chris Johnson
Firefighter Todd Beall

I was very pleased to receive an e mail from Ms. Denise McPherson commending you on your care of her mother on May 3, 2014. Her e mail reads

I just want to pass on a "thank you" on behalf of my mother. We were just finishing dinner at Uno's on Saturday evening when she suddenly felt like she was going to pass out. The response time was extraordinary. As a matter of fact the near fainting spell quickly passed and she was able to walk up front. The two gentlemen never made her feel like she had inconvenienced them. They were totally professional and checked her out to be on the safe side and she was quickly on her way home to Nashua. She is 83 and thankfully it hasn't reoccurred. If you could pass our thanks on it would be very much appreciated.

*Thank you again!
Denise McPherson*

I add my thanks to hers for a job done with professionalism and compassion. I will forward this communication to the City Manager's Office for inclusion in the June City Council information packet.

Sincerely,

Daniel L. Andrus
Chief of Fire Department

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

Prevention
(603) 225-8651
(603) 228-2782 Fax

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

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



FIRE DEPARTMENT CITY OF CONCORD

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

May 2, 2014

Capt. Derek Kelleher
Firefighter Andrew Patterson
Firefighter Paramedic Michael Pepin
Firefighter Robert Andrews
Firefighter Adam Morris

I was very pleased to receive the attached note from Mrs. Mary Louise Hancock thanking you for your response to a detector activation in her residence. The note reads:

Dear Chief,

At 2:45 a.m., April 20, I was awakened by a fire detector in my bedroom. Since I was alone and unable physically to respond to the problem, I called 911. Please know that the response was rapid, and the two gentlemen who came were efficient and very courteous. I regret not remembering their names, but I want you to know that their conduct was exemplary and their presence comforting.

Sincerely,

Mary Louise Hancock
33 Washington Street
Concord NH 03301

I add my thanks to Mrs. Hancock's for your good work, demonstrating how our core values of compassion and dedication look in action.

I will forward this letter to the City Manager and City Council.

Sincerely,


Daniel L. Andrus
Chief of Fire Department

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(603) 225-5833 fax

Prevention
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(603) 225-5833 fax

Fire Alarm
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(603) 225-8509 fax

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

Dear Chief

April 29, 2014

at 2:45 AM, April 20 I was awakened by a fire detector in my bedroom. Since I was alone and unable physically to respond to the problem, I called 911. Please know that the response was rapid, and the two gentlemen who came were efficient and very courteous. I regret not remembering their names, but I want you to know that their conduct was exemplary and their presence comforting.

Sincerely,
Wayne Hancock

33 Washington Street
Concord, New Hampshire

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

Results based on total comment cards received for May 2014

I received services related (circle all that apply):

Motor Vehicle (2)	Property Taxes (1)	Utility Payments (0)	Misc. Billing (0)
----------------------	-----------------------	-------------------------	----------------------

Our staff was:	courteous (3)	knowledgeable (3)	professional (3)
-----------------------	------------------	----------------------	---------------------

Other: Kind, good communicator
Awesome
Very friendly

Our service was:	courteous (2)	knowledgeable (2)	professional (2)
-------------------------	------------------	----------------------	---------------------

Other: Prompt, efficient, accurate
Fantastic
Great

Comments and suggestions:

- 1) Thank you to Donna, she made a stressful event better!
- 2) Everyone here is so nice.
- 3) Donna, Jan and Pam are very happy, wonderful people to have working in your Collection office.





City of Concord, New Hampshire

CONCORD PUBLIC LIBRARY

45 GREEN STREET • 03301-4257

6-20

TAA

SANDI LEE
PAMELA STAUFFACHER
CO INTERIM LIBRARY DIRECTORS
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 \$5,597.80 as
Provided for Under the Preauthorization Granted by City Council
DATE: May 27, 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:

Donor	Amount	Purpose	Project Accounting
Concord Public Library Patrons	\$308.00	Fees paid by patrons to replace lost and damaged library materials from 04/26/2014 through 05/24/2014	GRTLIBLstPd 2910 2013 - 2013 and beyond
Concord Public Library Book Sale	\$1,084.80	Revenue from sale of used and donated books, audio materials and videos from 04/26/2014 through 05/24/2014	GRTLIBMat 2910 Book Sale Rev - Book Sale Revenue
Cynthia Gill Panshin	\$40.00	2014-15 Periodicals donation towards renewals of Yankee Magazine and Better Homes & Gardens in memory of Dr. & Mrs. Maclean J. Gill	GRTLIBMat 2910 Periodicals - Library Periodicals
Dorean C. Kimball	\$100.00	2014-15 Periodicals donation towards renewals	GRTLIBMat 2910 Periodicals - Library Periodicals
Earl W. Burroughs	\$25.00	2014-15 Periodicals donation towards renewals	GRTLIBMat 2910 Periodicals - Library Periodicals
Marie L. Blais	\$100.00	2014-15 Periodicals donation towards renewals	GRTLIBMat 2910 Periodicals - Library Periodicals
Concord Education Association	\$100.00	Museum Passes for Canterbury Shaker Village	N/A
Concord Education Association	\$75.00	Museum Passes for Mt. Kearsarge Indian Museum	N/A
Concord Education Association	\$75.00	Museum Passes for The Fells	N/A
Concord Public Library Foundation	\$700.00	The Foundation provided funds for the reception and to purchase books in honor of the 2014 Yates award recipient	GRTCPLF 2910, 2013 - All CPLF Grants 2013 & Beyond, E Child MultiMat
Concord Public Library Foundation	\$2,245.00	The Foundation provided funds to purchase Museum of Science passes (\$600), to fund the adult book club kits (\$1,000) and for gifts	GRTCPLF 2910, 2013 - All CPLF Grants 2013 & Beyond, E Adult Programming

		for the teen summer reading program (\$645)	
Concord Public Library Foundation	\$745.00	The Foundation provided funds to purchase books for National Night Out (\$375) and for new equipment in the Children's Room Playspace (\$370)	GRTCPLF 2910, 2013 – All CPLF Grants 2013 & Beyond, E Children's Programming
TOTAL	\$5,597.80		

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

6-21

TJA

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 \$900.00

DATE: May 28, 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
Michael Pillsbury	100	Adopt A Grave	GRTRECMISC 2910 Adopt A Grave
Freda Spiro	100	Adopt A Grave	GRTRECMISC 2910 Adopt A Grave
Doug & Brenda Jones	200	Adopt A Grave	GRTRECMISC 2910 Adopt A Grave
John Stevens	100	Adopt A Grave	GRTRECMISC 2910 Adopt A Grave
Freda Spiro	100	Adopt A Grave	GRTRECMISC 2910 Adopt A Grave
Helen Newton	100	Adopt A Grave	GRTRECMISC 2910 Adopt A Grave
Elizabeth Stevenson	100	Adopt A Grave	GRTRECMISC 2910 Adopt A Grave
Seldon and Nasch Jenqaicia	100	Adopt A Grave	GRTRECMISC 2910 Adopt A Grave

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 the Adopt A Grave Program.



6-22

TAA



REPORT TO MAYOR AND THE CITY COUNCIL

FROM: David Gill, Parks and Recreation Director
DATE: May 28, 2014
SUBJECT: Making Strides Walkway request

Recommendation

Accept this report.

Background

In August 2012, the Making Strides Against Breast Cancer committee proposing a beautification project that would enhance the appearance of Memorial Field and raise funds for the American Cancer Society.

Last month the Making Strides Against Breast Cancer committee notified the City they would like to withdraw their request to build a Walkway at Memorial Field.

The Making Strides Against Breast Cancer committee will continue their annual breast cancer walk at Memorial Field; they have recently added a new Fall Golf Tournament to be held at Beaver Meadow Golf Course.



6-23

TJA



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Earle Chesley, P.E., General Services Director
DATE: May 28, 2014
SUBJECT: Communication from Robert T. Baker
Urban Tree Removal

Recommendation

Accept this report for information purposes.

Background

The City received correspondence from Mr. Robert T. Baker, raising concerns regarding removal of street trees. Specifically, Mr. Baker's correspondence stated to enhance the livability of Concord, to consider these steps:

1. Review data of tree removals and plantings, as well as, the process for determination of tree removal;
2. Develop policies which recognize the value of shade trees and plants for replacements emphasizing shade versus ornamental plantings;
3. Develop a city reforestation plan coordinated with street reconstruction so as to build an effective shade canopy; and
4. Fund the policies of shade tree canopy restoration through grants or within the budget.

Discussion

The management of the city's street trees is accomplished through the General Services Department. The Department has a crew dedicated to this purpose including a licensed arborist on staff. Similar to many other New Hampshire communities, Concord has a maturing mixed species urban canopy. Further, much of the Concord urban canopy is located in relatively narrow public rights of way, typical of New England communities, often times with sidewalks that limit effective space for healthy tree development. Previous tree planting practices did not appreciate the need to limit soil compaction around an urban tree's root structure. Soil compaction adversely impacts the long term health and viability of a street tree. Much of Concord's existing tree canopy is planted in a narrow grass strip between the curb and sidewalk. Current best urban tree planting practices now recognize the long term adverse impact of soil compaction through either locating trees in area where soil compaction may not hinder the tree's development, or through specifically designed soils and/or subsurface structural elements that serve to mitigate soil compaction.

1. Review data of tree removals and plantings, as well as, the process for determination of tree removal

Tree removals

In Fiscal Year 2013, the Department removed 73 trees within Concord's urban compact because they presented a hazard. Additionally, the Department pruned 136 trees in the urban compact to extend their life. The Department removed 311 trees in the City's rural area. A list of species of the 73 trees removed in Fiscal Year 2013 is attached to this report. Fifty two percent of the removed trees were dead; the remaining trees were in decline and represented a hazard within the right-of-way.

Regarding tree removals, the Department follows a policy adopted by City Council at their January 10, 2011, City Council meeting.

Tree plantings

In November 2012, the General Services Department brought forward to Mayor and City Council a Sustainable Street Tree Program. The program was adopted by Council, and is a partnership between the City and its residents. The Department promotes this program through press releases and the City's website.

Through this program, the General Services Department plants appropriate tree species selected by the resident along City streets within the right-of-way when there is sufficient space to support the tree's long term health, or alternatively, in the resident's front yard no further than ten feet from the back of the right-of-way. The resident is responsible for the cost of the tree that may range from \$200 to \$400, which represents a discounted cost because the Department purchases the trees from wholesale nurseries and also provides the labor to plant the trees. Trees range from 6 to 12 feet in height depending upon species and are of nursery quality stock. During the spring of Fiscal Year 2013, the Department planted 25 street trees within the urban compact through this program.

The General Services Department has also planted trees through funds made available through the Conservation Commission's budget. During the spring of Fiscal Year 2013, the Department planted 19 street trees adjacent to various City parks and streets located within the urban compact. In the past, the Conservation Commission hired private landscaping companies to plant trees, but started to coordinate this work with the Department. This removed the added cost of labor and allowed for more trees to be planted with the funds available. The Department anticipates planting additional trees during the Spring of Fiscal Year 2014 with funds made available by the Conservation Commission.

The Conservation Commission and the Department also coordinate the Arbor Day tree planting, which occurs annually and typically includes a tree donation from a local business.

The Engineering Department includes street trees as part of their design effort of local streets. To that end, the Engineering Department included:

- Six trees were added and/or relocated along Village Street and Fisherville Road as part of the US Route 3 Corridor Improvement Project constructed in 2009 and 2010;

- Four trees and related shrubs were added to the North State Street and Knight Street intersection as part of the US Route 3 Corridor Improvement Project constructed in 2011; and
- Sixteen trees and related shrubs were added to the Manchester Street/Airport Road/Integra Drive intersection constructed in 2011. In addition, Planning and Engineering staffs have coordinated the planting of 30 street trees along the Manchester Street and Airport Road frontage of the Concord Nissan site during the intersection reconstruction.

The Engineering Department has included 99 trees in the design of the Main Street Complete Streets Project. Additionally, the design for the Penacook Village Streetscape Project includes more than 20 trees. The project is scheduled to be constructed in 2014.

2. Develop policies which recognize the value of shade trees and plants emphasizing shade versus ornamental plantings

While in the past, the City had planted a variety of ornamental trees (such as flowering crab), the current practice is to promote shade trees. Other cities have adopted policies recognizing the financial values of trees. For instance, it is reported that Portland, Oregon, estimates every dollar spent on a tree brings \$ 3.80 worth of benefit. Pittsburgh, Pennsylvania, reports it receives about \$ 3.00 of value for every dollar spent on trees.

In 2010, the Planning Board adopted new Subdivision and Site Plan Regulations that limits the number of ornamental trees planted within new subdivisions or site developments to no more than 25%. The remaining trees required must be shade trees.

3. Develop a city reforestation plan coordinated with street reconstruction so as to build an effective shade canopy.

The Fiscal Year 2014 Capital Improvement Plan calls for \$ 1,127,000 to be spent on Sidewalk, Bikeway, and Streetscape Improvements. A portion of these funds could be dedicated to street trees though it might be necessary to slightly adjust project scope to accomplish these projects within current budget estimates.

4. Fund the policies of shade tree canopy restoration through grants or within the budget.

The General Services Department continues to seek grant opportunities to fund the planting of street trees. Most recently this spring, the Department applied for a grant from the Alliance for Community Trees to fund the planting of approximately forty trees within the City's more urban neighborhoods. Unfortunately, this grant was not successful; however, the Alliance for Community Trees has encouraged the City to continue to explore future grant opportunities. Senior department staff have met on several occasions with representatives from the Conservation Commission and Becky Hebert to discuss policies to increase awareness of and improve the urban canopy within the City

Cc Edward Roberge, P. E., City Engineer
 Jim Major, Highways and Utility Systems Superintendent
 Becky Hebert, Senior Planner, Conservation Commission

Trees Removed from the Urban Compact

Apple

Dead/Diseased 1

Ash

Overall Decline 2

Basswood

Dead/Diseased 3

Cherry

Dead/Diseased 1

Overall Decline 1

Crab Apple

Dead/Diseased 1

Elm

Dead/Diseased 1

Ginko

Dead/Diseased 1

Mountain Ash

Overall Decline 1

Norway Maple

Dead/Diseased 1

Structural Decline 4

Overall Decline 9

Oak

Overall Decline 1

Pine

Dead/Diseased 10

Structural Decline 3

Overall Decline 1

Poplar

Dead/Diseased 3

Structural Decline 1

Red Maple

Dead/Diseased	4
Structural Decline	5
Overall Decline	1

Silver Maple

Structural Decline	1
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Sugar Maple

Dead/Diseased	3
Structural Decline	1

White Birch

Dead/Diseased	2
Structural Decline	1
Overall Decline	3





CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Edward L. Roberge, PE, City Engineer

DATE: May 28, 2014

SUBJECT: Status of the Sewalls Falls Bridge Replacement Project (CIP22).

Recommendation

Accept this report.

Background

As Council will recall, the City is proceeding with full replacement of the existing Sewalls Falls Bridge as the preferred, final alternative.

Discussion

As part of the permitting process, mitigation is required for the impact of the historic bridge's replacement. The City, the Federal Highway Administration (FHWA), the New Hampshire Department of Transportation (NHDOT), and the NH Division of Historic Resources (NHDHR), worked together to develop a comprehensive mitigation program. Stipulations include marketing the existing steel truss bridge for potential re-use, photo documenting the bridge to archival standards, developing a historic monograph of John W. Storrs, the original bridge engineer and former Mayor of Concord, and creating what is being called a "Heritage Park" at the base of the new bridge.

In the effort to develop the "Heritage Park," project funds will be used for historic evaluation, documentation, and/or preservation initiatives related to transportation and industry within the Concord community. This effort is being undertaken by the Concord Heritage Commission. The Commission has developed a scope of work that includes researching the historic elements of the area, creating a report, and developing historic monumentation to be included in the "Heritage Park." The scope also includes a creation of a page on the City's website where this and other projects can be prominently displayed.

As for the marketing of the existing bridge, a Request for Proposals (RFP) was released in April soliciting interest in the full and/or partial re-use of the steel truss bridge.

In terms of the new bridge, design is expected to continue through November 1st when the project will be advertised for bid for a spring 2015 construction start.

6-24

TJA



6-25

TJA



REPORT TO MAYOR AND THE CITY COUNCIL

FROM: David Gill, Parks and Recreation Director
DATE: May 28, 2014
SUBJECT: Weekend On the Water Agreement

RECOMMENDATION

It is recommended that City Council authorize City Manager to enter into an agreement with the Rotary Club of Concord to host the annual Weekend On the Water event.

BACKGROUND

Last fall the Concord Parks and Recreation Department worked with the Rotary Club of Concord, Concord Crew and the Black Ice Pond Hockey Association to plan and run the first annual Weekend On the Water event. Over the two day festival there was an estimated two thousand people in attendance and by all accounts was very successful.

Working with the original four groups the Rotary Club of Concord would like to take the lead role in coordinating and running the event. In doing this, they also would like to donate back at least 50% of the profits to the City of Concord for Riverfront Park.

The Concord Parks and Recreation Department, Concord Crew and the Black Ice Pond Hockey Association have all agreed to be actively involved in the 2014 event.



To: David Gill - Concord Parks & Recreation Director
CC: Tom Aspell - City Manager of Concord

Re: Weekend on the Water 2014

Thursday, May 1, 2014

For nearly a decade, Concord's Parks and Recreation Department held a small annual event known as River Fest at the Kiwanis Riverfront Park to increase the public's awareness of the recreational aspects of the river and the park located next to the Everett Arena. In 2012, the Department teamed up with Black Ice Pond Hockey to bring Dragon Boat racing to the river as a part of River Fest. However, the event was canceled in its inaugural year due to lower than expected participation and high expenses.

Concord Crew Club also successfully held Concord's first Regatta in 2011, attracting over 500 people to the inaugural event. The event was canceled in 2012 due to the high cost of fees that year.

Undaunted and to overcome some of the cost barriers, in 2013, Parks and Recreation, Concord Crew, Black Ice Pond Hockey, New Hampshire Distributors, The Rotary Club of Concord and Brian's One on One Fitness partnered to bring a two day event to the river. The goal was to hold concurrent events to share common expenses and generate common revenues. All profits, if any, were to be distributed to community non-profit organizations. The Weekend on the Water event, also known as WOW, brought Dragon Boat racing, Boston duck boat tours of the city, a craft brew festival, a crew regatta, an urban road race, a rubber duck race featuring 6000 ducks, music, food & entertainment.

Over 1000 people attended WOW on each day. Approximately \$13,000 was raised by local non-profit organizations by selling rubber ducks. A check for \$4,200 was given to the White Park skate house fund.

WOW's goal is to make this an annual event. It is strongly felt that it can grow and become more financially successful and greatly contribute to Concord's quality of life by drawing more people to the river. The Rotary Club of Concord has taken on the overall management of the event and brings its considerable manpower and marketing strength and is fully supported by the original organizers including the Parks and Recreation Department. Plans for this year are already being made and include increased activities for kids, an additional day for duck boat tours and more opportunities for the public to connect with the river.

The future success of the event depends on careful management of expenses. As noted above, Concord Crew and the Parks and Recreation Department found that the fees for the rental of the arena parking area as well as the police and fire department fees placed a heavy burden on their individual events. (The rental fee was waived for the 2011 Concord Crew regatta.) In 2013, the two-day rental fee for WOW was waived, but WOW covered all other fees and expenses associated with the event, including police and fire coverage. All proceeds from the event went back to the Concord community. As a result, the city received more money for the skate house project than it would have received in rental fees had they not been waived.

We are requesting that the rental fee for the venue be waived for the 2014 event. In return, we propose that the city designate a Riverfront Park fund, and a minimum of 50% of WOW's proceeds will be donated to it for the beautification & restoration of the park and river. The Rotary Club of Concord, as a volunteer service club, will have discretion on the disposition of funds above that amount as recommended by its Community Support Committee.

We believe that a waiver of the fees for 2014 will allow us to continue to build a sustainable event that will benefit the city in many ways, including financially, and will allow many of the city's non-profit organizations to participate.

Sincerely,

Simon Keeling
Rotary Club of Concord Representative & 2014 WOW Chair

626

T/A



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

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

DATE: May 28, 2014

SUBJECT: Response from the Community Development Department (CDD) to CATCH's request for a license to install a ramp within the public right of way on Pleasant Street Extension

Recommendation:

Accept this report.

Background:

City Council referred a request to CDD from CATCH for a license to construct a ramp within the Pleasant Street extension right of way. Pleasant Street Extension is a steep street in the commercial area of downtown Concord with a slope that exceeds 12%. CATCH is seeking a ramp to provide access to a commercial entrance at the sub-level of the Endicott Hotel about midway down the block (entrance to the former Green Martini space).

Discussion:

CATCH provided CDD with an engineer's plan for a possible ramp. Staff reviewed the plan, met with CATCH representatives and inspected the location in question. The sidewalk in front of the commercial doorway measures 9'1" to back of curb, 9'7" to 9'9" to the face of curb. For years, there has been head-in parking in this section of Pleasant Street Extension. Vehicles park up to the existing curb line resulting in observed bumper overhangs which in some cases take up as much as 15". This reduces the existing effective sidewalk width to 8'4".

The City maintains the sidewalk on the Pleasant Street Extension and a 5' minimum width is required for snow removal. Along private property where items may be damaged, an increased minimum width is necessary. Given the snow plow would be operating between a proposed fixed rigid ramp and the bumper of a vehicle, a minimum 6' clear should be provided. The resultant remaining width for a possible ramp would be 28" (not counting the space needed for anchoring a handrail).

The Public Right-of-Way Accessibility Guidelines indicate that the minimum width of an accessible route within the public right-of-way is 4'. Given the above, the minimum sidewalk dimension required to accommodate the access ramp request is 11'7" (15" face of curb to extent of bumper overhang + 6' clear sidewalk + 3" clear to hand rail (which is required since the height of the ramp is greater than 6") + 1.25" handrail + 4' ramp). Under these limitations a ramp is not feasible in this location.

CDD also examined the option of having CATCH install (with City's authorization) wheel stops in the parking stalls along the impacted area to move the vehicle bumpers away from the sidewalk. This solution, however, is also not feasible as the actual Pleasant St. Extension travelway is not wide enough to accommodate this encroachment. With the addition of parking stops, drivers would have to cross the double-yellow line into the other lane of traffic when backing out of their spaces. This would not be a safe condition and is not supported by the Department.

Another option that was reviewed was that of eliminating parking in front of the CATCH entrance to provide both width and length for the ramp and remaining sidewalk panel. This would require the elimination of approximately four existing public parking spaces. The latter would reduce needed spaces for users of the downtown such as residents of the Endicott Hotel and clients of nearby businesses as well as impact the City's Parking Fund.

A final alternative examined was the possibility of increasing the cross slope of the sidewalk to reduce the step into the retail space. It was found that if this were to be done, the resultant cross slope of the sidewalk would exceed the 2.1% maximum allowable by the Public Right of Way Accessibility Guidelines and would be further complicated by the street's grade which exceeds 10%. The result would still not provide a walking surface flush with the entrance to the space.

In light of the limitations above, CDD is not recommending approval of a ramp in the right of way.

CITY OF CONCORD

Ben 5/21,

6-27

In the year of our Lord two thousand and fourteen

RESOLUTION REPURPOSING TWENTY THOUSAND DOLLARS (\$20,000) OF UNEXPENDED GOLF SIMULATOR PROJECT FUNDS (CIP #107) TO SUPPORT PAVING IMPROVEMENTS TO THE ENTRYWAY OF THE BEAVER MEADOW GOLF COURSE CLUBHOUSE (CIP #235).

The City of Concord resolves as follows:

WHEREAS, the need to repair and improve the paving and entryway to the Beaver Meadow Golf Course (BMGC) clubhouse is significantly more urgent to complete than installation of an indoor golf simulator; and

WHEREAS, the pavement at the entryway to BMGC clubhouse is in a state of disrepair due to frost heaves and many years of use; and

WHEREAS, it is the desire of the Golf Course Advisory Committee to make meaningful improvements to the entryway to the clubhouse; and

WHEREAS, the indoor golf simulator project is currently on hold; and

WHEREAS, the Director has identified the need to complete work on this project; and

WHEREAS, this resolution supersedes resolution #8767 passed on May 12, 2014; 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\$20,000 be and is hereby repurposed as follows:

Golf Capital Fund
Parks and Recreation Department
Golf Course Grounds Improvements (CIP #235)\$20,000

- 2) Funding for the project is available as follows:

Golf Capital Fund
Parks and Recreation Department
Beaver Meadow Clubhouse and Buildings (CIP#107).....\$20,000

- 3) Sums as repurposed shall be expended under the direction of the City Manager.

- 4) The useful life of this project is greater than 20 years.

- 5) This resolution shall be effective upon its passage.





CITY OF CONCORD

TAA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Brian G. LeBrun, Deputy City Manager – Finance 
DATE: May 19, 2014
SUBJECT: Amending the effective date of the resolution repurposing \$20,000 dollars from the 2014 Beaver Meadow Club House and Buildings (CIP #107) to fund improvements to the entrance driveway and walkways at Beaver Meadow Golf Course (CIP #235, Golf Course Grounds Improvements)

Recommendation

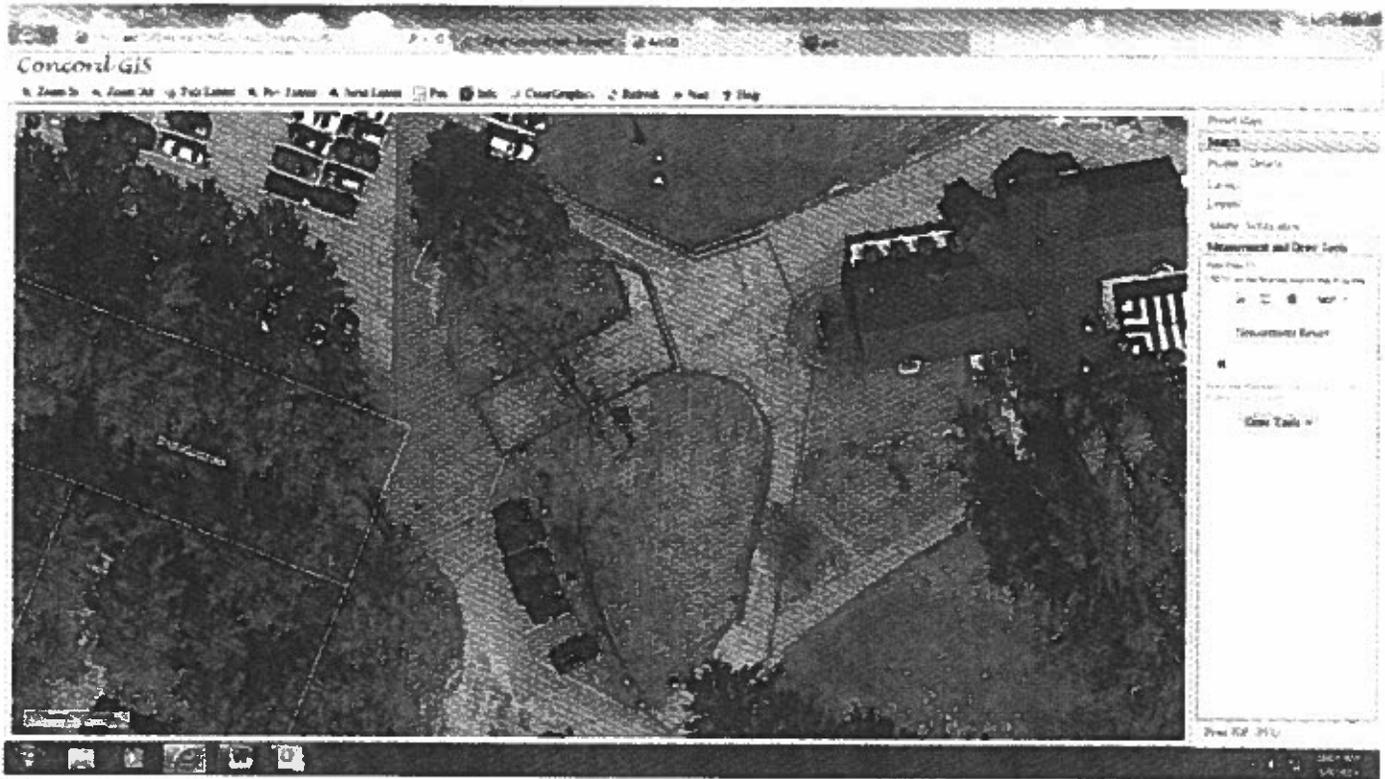
Accept this report and approve the attached resolution amending the effective date of the original resolution passed at the May City Council meeting.

Background

A resolution repurposing \$20,000 from the 2014 Beaver Meadow Clubhouse and Buildings (CIP #107) to fund improvements to the entrance driveway and walkways at Beaver Meadow Golf Course (CIP # 235, Golf Course Grounds Improvements) was passed at the May 12, 2014 City Council meeting, with an effective date of June 30, 2014.

Discussion

The effective date of the above-mentioned resolution should have been upon its passage. The attached resolution corrects the effective date to be upon its passage.



Red areas – new base and new pavement, blue area remove pavement.



Delivery access road view from Beaver Meadow Street



walking entrance from parking lot



Entrance walkway



Roadway from maintenance/cart barn

Brian 5/29/
6-28

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION TRANSFERRING THE SUM OF ONE HUNDRED NINETY THREE THOUSAND ONE HUNDRED DOLLARS (\$193,100) FROM THE COMPENSATION ADJUSTMENT ACCOUNT

The City of Concord resolves as follows:

WHEREAS, the FY 2014 adopted budget did not include, within department compensation and related fringe benefit accounts, adequate appropriations for cost-of-living increases for union contracts which expired during the year, union contracts which were unsettled as of the beginning of the year, non-contractual wage increases, extra merit payment or severance payouts and other wage and benefit over-expenditures; and

WHEREAS, funds for these purposes were provided in the Compensation Adjustment account in the Miscellaneous section of the budget;

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

1. Compensation Adjustment in the sum of.....\$193,100
be and is hereby transferred as follows:

<u>General Fund</u>	
Police Department.....	\$117,800
General Services Department	\$37,800
Parks and Recreation.....	\$34,700
Human Services	<u>\$2,800</u>
Total	\$193,100

2. This resolution shall take effect upon its passage.



CITY OF CONCORD

TAA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Brian G. LeBrun, Deputy City Manager Finance
DATE: May 29, 2014
SUBJECT: 2014 Transfer of Appropriation – Compensation Adjustment/Fringe Benefits

Recommendation

Accept this report and adopt the transfer resolution.

Background

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

This transfer is for department compensation adjustments provided within the adopted budget. Only departments requiring compensation adjustment amounts to insure their budget expenditures remain within the departmental bottom line receive this transfer. In these instances, transfers are considered for wage and benefit items and would not exceed the over-expenditure of wages and benefits in total. Departments' not receiving transfers had other savings within their budgets that will cover wage adjustments.

Discussion

Overall, the sum of \$299,680 was budgeted in the Compensation Adjustment account for cost of living salary adjustments and retirement severances in FY 2014.

Only the following departments require a compensation adjustment transfer, totaling \$193,100, as indicated in the attached resolution:

<u>Department</u>	<u>Transfer</u>	<u>Reason for Transfer</u>
Police	\$117,800	Overtime and Retirement
General Services	\$37,800	Temporary wages, Overtime, Beneflex
Parks and Recreation	\$34,700	Beneflex
Human Services	\$2,800	Beneflex
Total	\$193,100	

Bonenfant, Janice

6-29

From: Karen A. Stewart <Karen.A.Stewart@hitchcock.org>
Sent: Monday, June 02, 2014 12:10 PM
To: Bonenfant, Janice
Subject: block party request

JIA

Good Morning -

my name is Karen Stewart, I live at 200 South Street. On June 21 we would like to hold a neighborhood graduation block party from 1:00-5:00, blocking off Wilson Ave from South Street to 4 Wilson Ave. We have done this in the past with great success and have notified our neighbors of our intentions. If this could be reviewed by the city council at their next meeting it would be greatly appreciated. Thank you in advance.

Karen A. Stewart , CMA
Pediatrics – Dartmouth Hitchcock, Concord
Phone:(603)226-6100 x 5172
Fax: (603)229-5314

Karen.A.Stewart@hitchcock.org



IMPORTANT NOTICE REGARDING THIS ELECTRONIC MESSAGE:

This message is intended for the use of the person to whom it is addressed and may contain information that is privileged, confidential, and protected from disclosure under applicable law. If you are not the intended recipient, your use of this message for any purpose is strictly prohibited. If you have received this communication in error, please delete the message and notify the sender so that we may correct our records.





CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

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

DATE: April 15, 2014

SUBJECT: Reappointment to the Board of Trustees of Trust Funds

Recommendation

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

Background

I hereby propose the reappointment of Michael Aitken to serve on the Board of Trustees of Trust Funds. Mr. Aitken is a Partner with Gerald Newcombe, which is a financial services business here in Concord. He has served on the Board since 1999. The new term will expire on March 31, 2017.

Discussion

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



6-31

TJA



City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

JIM BOULEY
MAYOR

TO: Members of City Council
FROM: Mayor Bouley
DATE: May 9, 2014
RE: Transportation Policy Advisory Committee

I propose the appointment of the following individual to the Transportation Policy Advisory Committee for a three year term to expire on April 30, 2017. This appointment would fill an at-large representative vacancy on this committee.

- Sheila Zakre, 4 Park Street, Concord. Ms. Zakre's letter of interest and resume is attached.

I further propose the appointment of Craig Tufts as a bike community representative to the Transportation Policy Advisory Committee for a three year term to expire on April 30, 2017. Mr. Tufts currently serves as an at-large representative on the committee and this appointment would fill the currently vacant bike community representative.

In accordance with Section 15 of the City Council Rules, these proposed appointments are being distributed to City Council as information in advance of formal action at the June 9, 2014 City Council meeting.

RECEIVED

APR 28 2014

April 25, 2014

CITY MANAGER'S OFFICE
CONCORD, NH

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

RE: Transportation Policy Advisory Committee

Dear Mr. Aspell;

I write to express my interest in filling one of the at-large vacancies on the Transportation Policy Advisory Committee.

I have lived in Concord since 1992. I live on Warren Street and work on Park Street, and walk to downtown everyday. I also use public transportation, including the Concord-Manchester express bus service operated by the Manchester Transportation Authority. I have the time, commitment and interest to serve on the committee. As an interested citizen, I have testified at City Council hearings regarding public transportation and the Main Street redesign, and at the September, 2013 Governor's Advisory Commission on Intermodal Transportation (GACIT) public hearing in Concord. As a lawyer, I have the legal skills to interpret and understand regulations that may affect transportation in the city of Concord.

Thank you for your consideration. I have enclosed a copy of my resume.

Sincerely yours,


Sheila Zakre

Encl.

SHEILA O'LEARY ZAKRE

ZAKRE LAW OFFICE

4 Park Street, Suite 207, Concord, NH 03301 603-224-4400

EXPERIENCE

OWNER, ZAKRE LAW OFFICE, Concord, NH (2005-present)

*Concentration in elder and disability law and litigation. Representation before administrative bodies, all New Hampshire state courts, New Hampshire Federal District Court; 1st Circuit Court of Appeals.

*Court-appointed attorney for involuntary commitment defense under RSA 135-C: 34-54 and guardianship defense under RSA 464-A (Merrimack County Probate Court, Concord, NH 2005-present).

STAFF ATTORNEY, *Laboe Associates, P.L.L.C.*, Concord, NH (2003-2005)

Concentration:

*Estates and Trusts;

*Estate Planning by Guardians;

*Powers of Attorney;

*Medicaid coverage for nursing home residents;

*Elder law litigation

STAFF ATTORNEY, *Disabilities Rights Center*, Concord, NH (1992-2003)

* Represented clients in disability-related legal matters in federal and state courts and administrative forums in individual and class action litigation;

*Prepared large and small group presentations, on request;

*Expertise in Americans with Disabilities Act, Section 504 of the Rehabilitation Act, public benefits and special education.

CLINICAL CO-DIRECTOR, *Syracuse University College of Law*, Syracuse, N.Y. (November, 1989-May, 1991)

*Developed and coordinated Homeless Persons Representation Clinic;

*Drafted extensive manual on public benefits for distribution in the community;

*Taught and supervised law students who elected to work in the clinic.

STAFF ATTORNEY, *Community Legal Services*, Philadelphia, PA. (September, 1987-April, 1989)

* Represented low-income clients in welfare, Medicaid, food stamps, Social Security Disability and Supplemental Security Income matters in state and federal courts and administrative forums;

* Served on statewide Public Benefits Advisory Committee, composed of state and community representatives.

EDUCATION

C.U.N.Y. Law School at Queens College, Queens, New York, N.Y., J.D. 1987.

* University of Pennsylvania Law School, Philadelphia, PA, non-matriculated student, 1986-87.

Mount Holyoke College, South Hadley, MA, B.A. Politics, 1980.

ACTIVITIES

- *Elder Law, Trusts and Probate Section of the New Hampshire Bar Association (2003-present);
- *National Academy of Elder Law Attorneys (2003-present)
- *National Employment Lawyers Association, (present)
- *National Organization of Social Security Claims Representatives (2006-present)
- *New Hampshire Association for the Blind Board of Directors (2014-2016)
- *New Hampshire Department of Education, Services To Blind And Visually Impaired Advisory Committee, (2006-present)
- *ZONTA International, Concord, NH Chapter 2014
- *Concord Monitor, (Concord, NH newspaper Board of Contributors-2009; 2014
- *New Hampshire Bar Association, Public Information Committee, 1996-97
- *Concord, NH School Board, Technology Subcommittee, 1998.
- *Dewey/Kimball PTO, Concord, NH; Vice President, 1997-98.

CITY OF CONCORD

Barr
5/2/14
5-18
6-32(A)
6-39

In the year of our Lord two thousand and fourteen

RESOLUTION APPROPRIATING THE SUM OF ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000) FROM THE ECONOMIC DEVELOPMENT RESERVE FUND FOR COMPLETION OF A COMPREHENSIVE STRATEGIC PARKING PLAN (CIP #577).

The City of Concord resolves as follows:

WHEREAS, the municipal parking system is managed as a special revenue fund and, as such, the parking system is self-supported by revenues associated with garage and on-street parking, leases, fines, and penalties; and

WHEREAS, the parking system has been losing money for the past several years; and

WHEREAS, the City desires to undertake a comprehensive plan for the purpose of developing a framework to restore the parking fund to financial solvency, improve customer service, and achieve other strategic economic development goals which are associated with the parking system; 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.

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

1) The sum of \$115,000
be and is hereby appropriated as follows:

General Capital Project Fund
City Administration
Parking Strategic Plan CIP #577 \$115,000

2) The sum of \$115,000
be and is hereby made available as follows:

General Capital Project Fund
Trust Transfer
Economic Development Reserve Fund \$115,000

3) These funds shall be available for any purpose associated with the completion of a comprehensive strategic parking plan or any other like purpose.

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

5) This resolution shall take effect upon its passage.





CITY OF CONCORD

MA

REPORT TO MAYOR AND THE CITY COUNCIL

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

DATE: May 2, 2014

SUBJECT: Parking Strategic Plan

Recommendation:

1. Accept this report;
2. Set the attached resolution appropriating the sum of \$115,000 from the Economic Development Reserve Fund to engage a consultant for the completion of a comprehensive strategic parking plan for public hearing on June 9, 2014.

Background:

As part of the FY2014 budget, the City Manager implemented a reorganization of the management of the City Parking system. As a result of this change, staff within the City Manager's Office is now responsible for recommendation and implementation of parking policy, financial management, capital projects, and staff support for the Parking Committee. However, the Police Department's Parking Division remains responsible for managing daily operations and enforcement activities and maintenance responsibilities continue to be managed by the General Services Department Public Properties Division.

As previously reported to the City Council, the Parking Fund has been losing money for the past several years. Despite actions taken by the City Council in 2010, the Parking Fund is projected to become insolvent in FY2016. At the time modifications were made in 2010, the City Council recognized this circumstance would likely occur because of its decision to not fully implement all the recommendations of the Ad-hoc Parking Committee. With the parking fund at a critical crossroads, the City Administration recommended that a comprehensive parking plan be undertaken to develop a strategy to help restore the parking fund to financial solvency, as well as to address other parking related concerns.

Key elements of the strategic plan shall include the following elements. The project will be generally limited to the study area detailed on the attached map.

- Community and stakeholder input.

- An inventory of the current supply (public and private facilities).
- An inventory of land uses within the study area and review of demand for the current parking supply through utilization studies.
- Facility needs assessments, including development of a comprehensive capital improvement program, for all the City's 3 parking garages, 9 surface parking lots, as well as parking vehicles and equipment (such as meters and kiosks).
- A parking rate study which will compare the City's price structure for leases, meters, fines, and penalties with other similar communities in northern New England.
- A review of the City's current management model for the Parking System, including operations, enforcement, and maintenance.
- Summary of findings and recommendations, including an implementation plan.

The purpose of the strategic planning process to help the City achieve the following goals:

1. Restore the parking fund to financial solvency to ensure the fund remains self-sufficient;
2. Insure that an adequate supply of parking exists to support economic development goals such as expanded mercantile activity, upper story redevelopment, market rate housing, and potential future redevelopment projects;
3. Implement effective strategies to encourage appropriate turnover of on-street spaces to support mercantile activities;
4. Improve customer service through more effective signage and potential adoption of innovative technologies such as pay-in-car or pay-by-phone;
5. Craft and implement management strategies for the on-street system on a street-by-street or block-by-block basis (time zones, meters, permits, etc.);
6. Review current management strategies for all surface lots and parking garages and implement changes as warranted to the extent practical;
7. Review of the City's residential permit program and implement changes as needed to support neighborhood needs;
8. Review hours of enforcement (including evenings and weekends) and make adjustments as warranted;
9. Review current parking rates (including fines, penalties, and permits) to ensure the City stays competitive with similar communities;
10. Review the City's current organizational model for parking operations and maintenance of the parking system; and,
11. Review the historic financial and operational interrelationship between the General Fund and Parking Fund and implement refinements as appropriate.

The City Parking Committee discussed and endorsed this approach on September 16, 2013.

The Economic Development Advisory Council (EDAC) discussed and endorsed this approach on October 4, 2013.

The Fiscal Policy Advisory Committee (FPAC) discussed and endorsed this approach on November 21, 2013.

The City Council was briefed about this project via a consent report on December 9, 2013.

Discussion:

The City issued a Request for Qualifications and Experience (RFQ) for this project on January 21, 2014. Statements of qualifications were received on February 28, 2014 from four (4) consultant teams. Consultant teams were subsequently interviewed on April 4th and 21st.

Based upon this process, the City Administration plans to engage the consultant team of Nelson Nygaard / Desman Associates for this project. Nelson Nygaard specializes in land use, transportation, and parking system planning. Desman Associates specializes in design of parking facilities. Both firms have experience with parking operations and innovative parking technologies. Both firms are well known and respected in the industry. Nelson Nygaard recently completed similar projects for Portsmouth, as well as Salem, Massachusetts and Nantucket and will be the prime consultant leading the project.

Both firms are based locally in Boston; however, each firm has other offices across the country giving them added depth if needed for this project.

Assuming the appropriation of funds on June 9th, the project will commence immediately thereafter. The goal is to complete the project in time to allow for implementation of the study's recommendations simultaneously with the start of the FY2016 budget on July 1, 2015 (if not sooner).

Given the weak financial condition of the City's Parking Fund, City Administration proposes use of the Economic Development Reserve (EDR) Fund to support this project. The City Administration believes that use of the EDR Fund is appropriate given the interrelationship between the parking and economic development issues. With this appropriation (as well as other budgeted expenditures approved by the City Council to date), the EDR will have approximately \$78,000 available to support other City initiatives.

The proposed appropriation will cover the Consultant's proposed fee plus an appropriate contingency for potential changes in scope, as well as funds to support public meetings (advertising, etc.) and printing of the final report. Budget details are as follows:

Item	Budget
Consultant Fee	\$101,500
Project Contingency	\$9,500
Printing	\$2,000
Public Meetings	\$2,000
Total	\$115,000

Proposed Parking System Study Area



Bm 4/24/14

CITY OF CONCORD

5-19
6-32 (B)
6-40

In the year of our Lord two thousand and fourteen

RESOLUTION APPROPRIATING THE SUM OF THREE HUNDRED FOURTEEN THOUSAND THREE HUNDRED SEVENTY-FIVE DOLLARS (\$314,375) FOR THE PURPOSE OF PURCHASING A NEW FRONT END LOADER WITH ATTACHMENTS, INCLUDING TWO HUNDRED NINETY-THREE THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$293,850) IN GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA), SIXTEEN THOUSAND THREE HUNDRED TWENTY-FIVE DOLLARS (\$16,325) FROM THE STATE OF NEW HAMPSHIRE, AND FOUR THOUSAND TWO HUNDRED DOLLARS (\$4,200) FROM THE CITY OF CONCORD.

PAGE 1 OF 2

The City of Concord resolves as follows:

WHEREAS, the project was noted as CIP #77 in the 2014 Capital Budget; and

WHEREAS, The City appropriated \$12,125 as capital transfer from the Airport fund as part of the FY 2014 budget; and

WHEREAS, the Airport Advisory Committee recommends that the City Council approve this appropriation; and

WHEREAS, on March 10, 2014, the City Council authorized the City Manager to apply for a grant for up to \$340,000 for the purchase of a new Front End Loader for the Airport; and

WHEREAS, the total project cost is \$326,500, of which \$293,850 will be Federal funds (90%), \$16,325 will be State funds (5%), and \$16,325 will be City funds (5%); and

WHEREAS, the City's additional portion in the amount of \$4,200 will be appropriated from Airport Capital Transfer;

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

- 1) The sum of \$314,375
be and is hereby appropriated as follows:

Airport Capital Fund

Community Development Engineering Services Division

Purchase Snow Removal Equipment Front End Loader CIP #77 \$314,375

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION APPROPRIATING THE SUM OF THREE HUNDRED FOURTEEN THOUSAND THREE HUNDRED SEVENTY-FIVE DOLLARS (\$314,375) FOR THE PURPOSE OF PURCHASING A NEW FRONT END LOADER WITH ATTACHMENTS, INCLUDING TWO HUNDRED NINETY-THREE THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$293,850) IN GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA), SIXTEEN THOUSAND THREE HUNDRED TWENTY-FIVE DOLLARS (\$16,325) FROM THE STATE OF NEW HAMPSHIRE, AND FOUR THOUSAND TWO HUNDRED DOLLARS (\$4,200) FROM THE CITY OF CONCORD.

PAGE 2 OF 2

2) Revenue is available as follows:

General Capital Fund

Federal Aviation Administration	\$293,850
New Hampshire Department of Transportation, Bureau of Aeronautics	\$ 16,325
City –Airport Capital transfer	<u>\$ 4,200</u>
Total	\$314,375

- 3) The useful life of the improvements is expected to be in excess of twenty (20) years.
- 4) Sums as appropriated shall be administered under the direction of the City Manager.
- 5) This resolution shall take effect upon its passage and upon grant award by the State of New Hampshire.



CITY OF CONCORD

TJA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Martha Drukker, Associate Engineer
DATE: April 25, 2014
SUBJECT: CIP #77, Snow Removal Equipment, Front End Loader

Recommendation

Appropriate an additional \$314,375 (\$293,850 Federal share, \$16,325 State share and \$4,200 City share) in grant funds for the purpose of purchasing a new front end loader, complete with bucket, runway plows and lift, as programmed in the Capital Budget.

Authorize the City Manager to enter into an agreement with the New Hampshire Department of Transportation (NHDOT), Division of Aeronautics, for up to \$326,500 in grant funds for the purpose of purchasing a new front end loader, complete with bucket, runway plows and lift.

Background

The City applied for a grant to the NHDOT in April 2014 to purchase a front end loader. The requested funding of up to \$340,000 will be allocated as follows: 90% Federal share (\$306,000), 5% State share (\$17,000), and 5% City share (\$17,000).

The existing loader was purchased with State and Federal funds in 1998 and is in need of replacement. This piece of equipment meets the requirements to be eligible for Federal funding.

Discussion

Bids were recently solicited for the purchase of the front end loader and the successful bidder submitted a price of \$315,300. Contract administration is \$12,000 with the total project cost of \$326,500.

The cost increase for the purchase of this piece of equipment, as compared to that estimated for the FY 2014 budget, is due to more stringent EPA fuel emissions requirements.

Upon grant award, the City Manager will be authorized to enter into an agreement with NHDOT to provide overall project administration.



CITY OF CONCORD

In the year of our Lord two thousand and fourteen

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5-38

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,

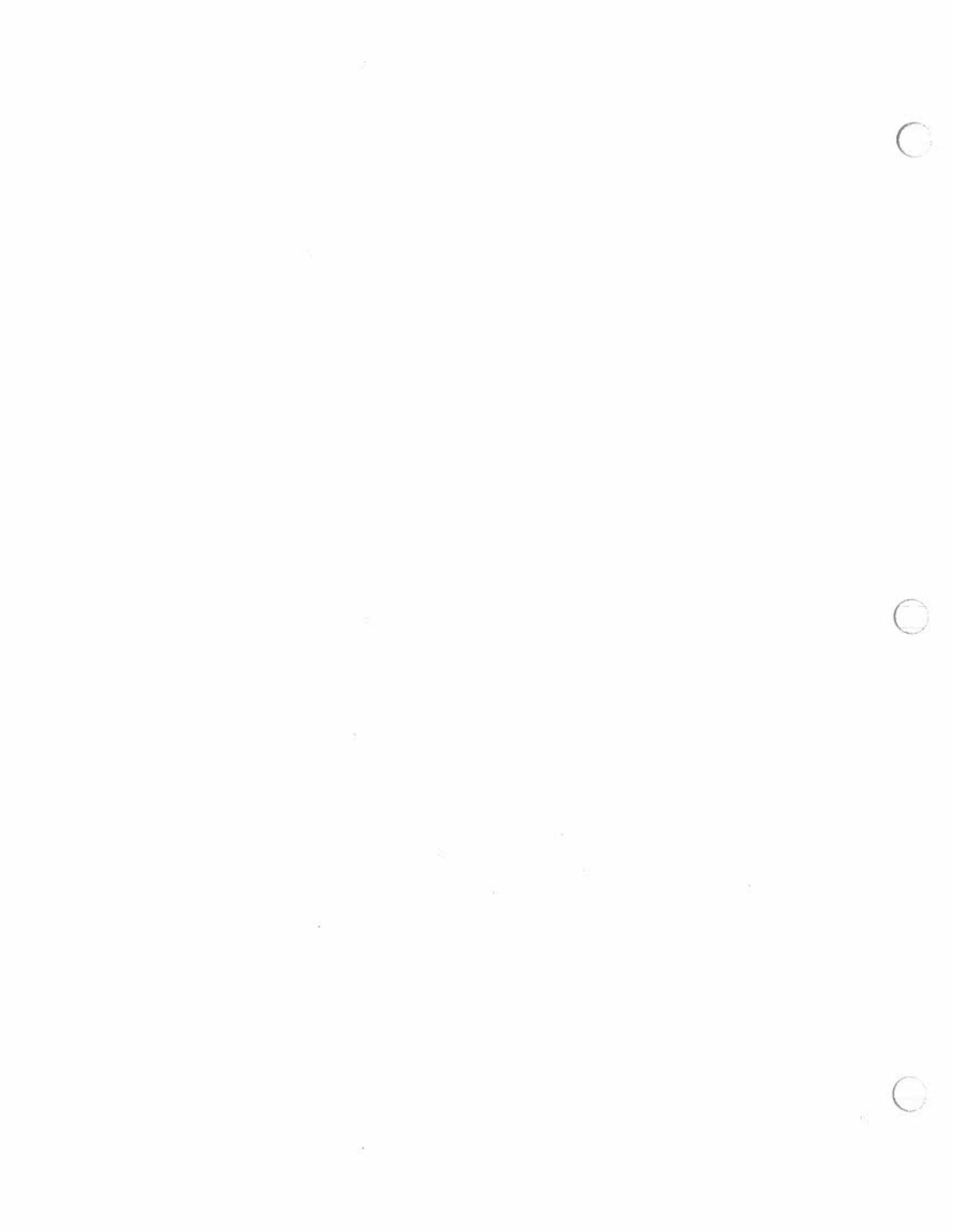
WHEREAS, on June 14, 2010, the City adopted Resolution #8376, which established the Penacook Village Tax Increment Finance (PVTIF) District and enacted the District's Development Program and Financing Plan; and,

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 Contoocook 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
Total Project Cost	\$1,109,450

- **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
General Obligation Bonds					
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
Capital Closeout					
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
Capital Outlay / Transfers					
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
TOTAL	\$225,000	\$408,816	\$475,224	\$220,000	\$1,354,040

- 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.
Total EDR Appropriations	\$300,000	
Reimbursements	Amount	Notes
Resolution #8457 (April 11, 2011)	\$300,000	Net revenues from sale of 4 Crescent Street
Total Reimbursements	\$300,000	
Net to be Repaid to General Fund by PVTIF	\$0	

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
Total EDR Appropriations	\$1,414,900	
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
Total Reimbursements	\$223,359	
Net to be Repaid to EDR Fund by PVTIF	\$1,191,541	

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

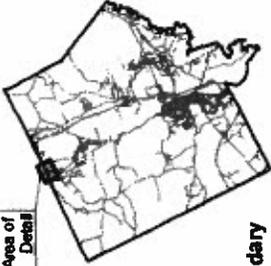
- Exhibit 1** **Map of Penacook Village Tax Increment Financing (TIF) District**
- Exhibit 2** **List of properties within Penacook Village Tax Increment Financing District**
- Exhibit 3** **PVTIF Summary Financial Pro Forma**

PENACOOK TIF DISTRICT

City of Concord, New Hampshire

Printed: May 1, 2009

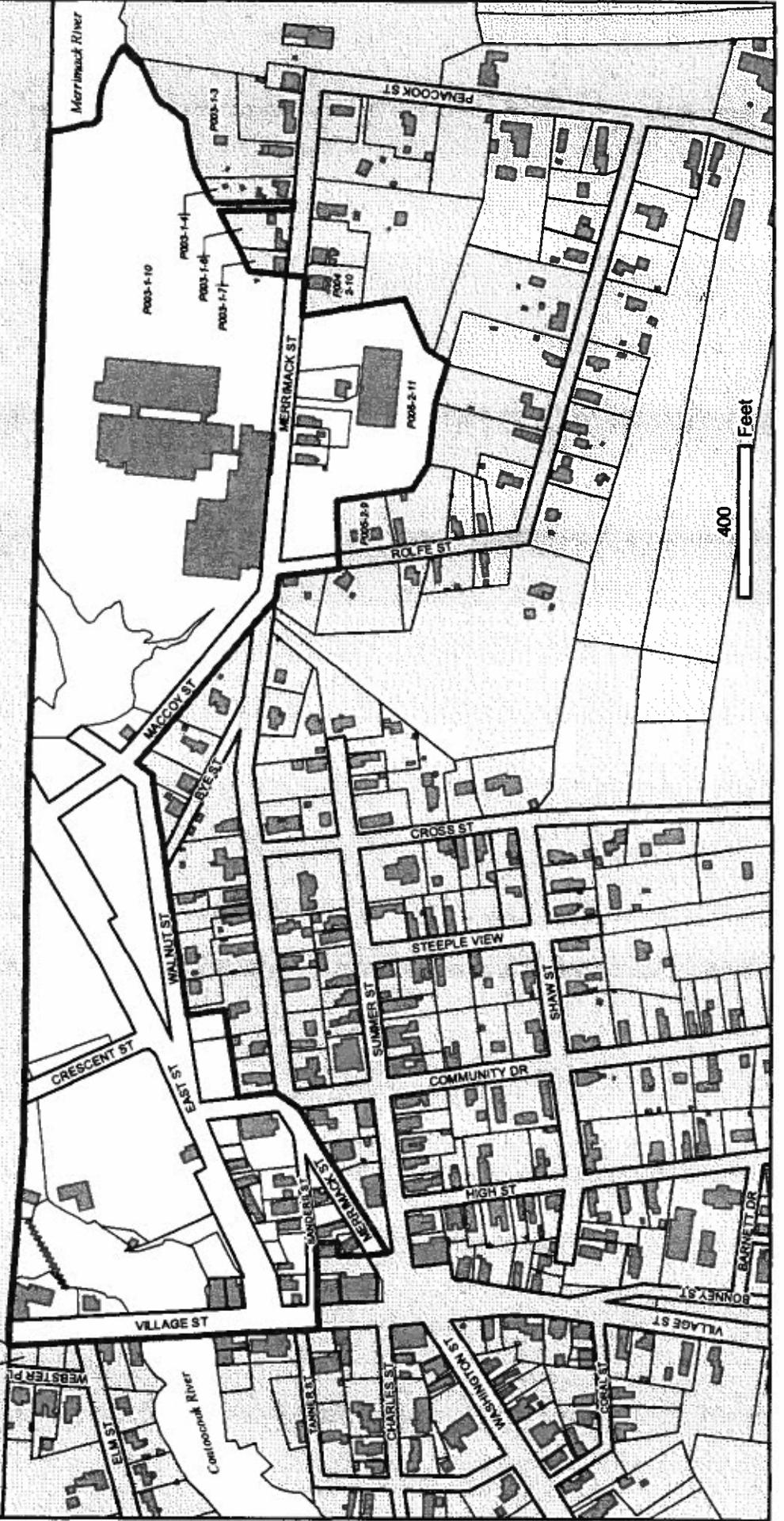
Area of Detail



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

Point of Beginning
Legal Description

BOSCOWEN



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	Kum 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 Penacook		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
Sum of Value				
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
ASSESSED VALUE								
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
TOTAL ASSESSED VALUE	\$1,739,800							
REVENUES								
Property Tax Revenues	\$51,046	\$52,067	\$53,108	\$54,170	\$55,254	\$56,359	\$57,486	\$58,636
Investment Income	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL REVENUES	\$51,046	\$52,067	\$53,108	\$54,170	\$55,254	\$56,359	\$57,486	\$58,636
EXPENDITURES								
Debt Service & Capital Outlay	\$51,271	\$20,971	\$61,471	\$59,811	\$58,151	\$56,491	\$54,681	\$18,871
Reserve Fund Contributions	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Operating Expenses	\$6,432	\$6,491	\$6,553	\$6,618	\$6,687	\$6,758	\$6,834	\$7,175
TOTAL EXPENDITURES	\$57,703	\$27,462	\$68,024	\$66,429	\$64,838	\$63,249	\$61,515	\$26,046
Net Operating Income (Revenues Less Expenditures)	(\$6,657)	\$24,605	(\$14,916)	(\$12,259)	(\$9,584)	(\$6,891)	(\$4,029)	\$32,589
NOI as % of Total Revenue	-12%	90%	-22%	-18%	-15%	-11%	-7%	125%
Fund Balance Calculation								
Previous Year	\$36,054	\$29,397	\$54,002	\$39,086	\$26,827	\$17,243	\$10,352	\$6,323
Projected FY Year End Surplus / (Deficit)	(\$6,657)	\$24,605	(\$14,916)	(\$12,259)	(\$9,584)	(\$6,891)	(\$4,029)	\$32,589
Available Fund Balance	\$29,397	\$54,002	\$39,086	\$26,827	\$17,243	\$10,352	\$6,323	\$38,912



	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>\$25,972</u>	<u>\$26,093</u>	<u>\$26,210</u>	<u>\$26,331</u>	<u>\$23,455</u>	<u>\$21,660</u>	<u>\$21,940</u>	<u>\$22,222</u>	<u>\$21,931</u>
	\$33,853	\$35,122	(\$13,753)	(\$12,624)	(\$11,472)	(\$10,297)	(\$6,101)	(\$2,959)	(\$1,865)	(\$745)	(\$49,025)
	130%	136%	-18%	-17%	15%	-13%	-8%	-4%	3%	-1%	40%
	\$38,912	\$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>\$49,541</u>

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CITY OF CONCORD

T/A

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 9th.*
- 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 9th.*

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 RSA 162-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

Funding Source	Amount	Notes
<u>Grants</u>	<u>\$2,843,527</u>	ODD Fund @ \$124,778; final amount will depend on actual quantities of petroleum soils removed.
<u>Insurance Reimbursements</u>	<u>\$75,000</u>	
<u>City Cash / Bonds</u>		
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, & Capital Close-Out</i>	<i>(\$620,532)</i>	<i>Credited to City Cash / Bonds</i>
<u>Net City Cash / Bonds</u>	<u>\$1,718,184</u>	
<u>Net Total Appropriations</u>	<u>\$4,636,711</u>	
<u>City Share</u>	<u>37%</u>	
<u>Grants / Insurance Share</u>	<u>63%</u>	

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).

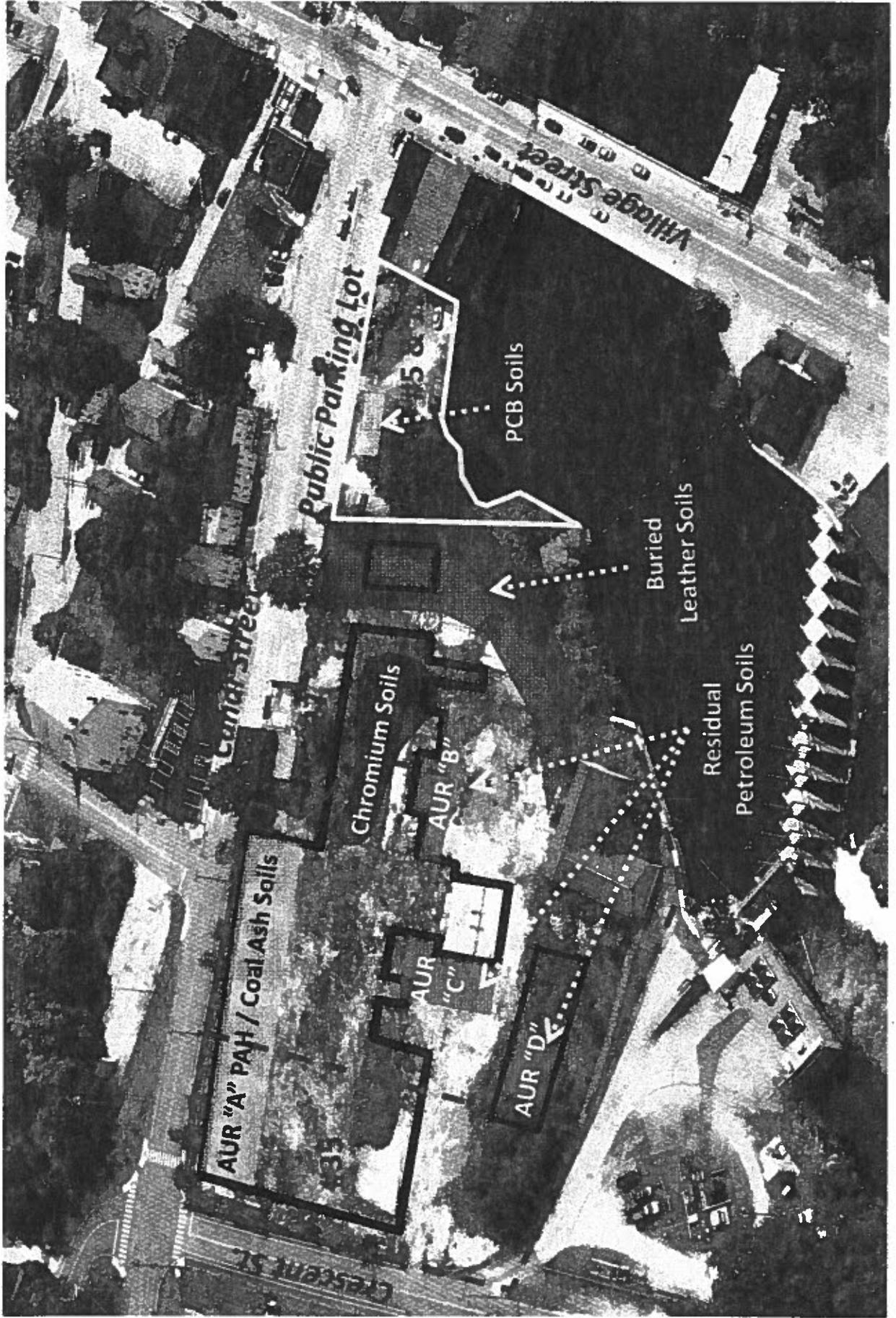
To date, the Economic Development Reserve (EDR) has been reimbursed 223,260, leaving \$1,191,500 to be recouped (including the proposed \$45,000 in supplemental EDR Funds).

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

In the year of our Lord two thousand and fourteen

Bunny
4/1/14
4-15 6-34
5-35 (C)
5-39

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

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 3 of 3

- 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

17A

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.

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

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

Page 1 of 3

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; and

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

WHEREAS, pursuant to Resolution #7515, adopted on September 8, 2003, the City repealed the Sears Block Tax Increment Finance District, together with its Development and Finance Plan, as adopted by Resolution #7205, and created a new Sears Block Tax Increment Finance District and adopted a new Development and Finance Plan pursuant to a Development Agreement with Capital Commons L.L.C. concerning redevelopment of certain property formerly known as the Sears Block, previously located at 11 South Main Street, now known as the Capital Commons Office Building, and Municipal Parking Garage located at 75 Storrs Street; and

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

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

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 SEARS BLOCK TAX INCREMENT FINANCE DISTRICT

Page 2 of 3

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

WHEREAS, on August 12, 2013, the City adopted Resolution #8685, which further modified the Development Program and Financing Plan for the Sears Block Tax Increment Financing District in order to support the installation of underground utilities for a section of South Main Street to be undertaken in conjunction with the City's Downtown Complete Streets Project, CIP #460; and

WHEREAS, the City desires to further amend the Development Program and Financing Plan for the Sears Block Tax Increment Finance District for the purpose of issuing additional bonds and notes for the acquisition of the NHES building located at 32 South Main Street and 33 South State Street, as well as expenses related thereto;

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

1. After holding a public hearing and taking public testimony, the City Council hereby finds that the Amended and Restated Sears Block Tax Increment Finance District Development and Finance Plan presented at this meeting and attached hereto, and the acquisition of the NHES building located at 32 South Main Street and 33 South State Street (and related demolition and weatherization work), serves a public purpose pursuant to NH RSA 162-K:5.

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 SEARS BLOCK TAX INCREMENT FINANCE DISTRICT**

Page 3 of 3

2. In accordance with NH RSA 162-K:6, 162-K:9, and 162-K:10, the City Council hereby amends and restates in its entirety the Sears Block Tax Increment Finance District Development Program and Financing Plan, adopted by Resolution #7515 on September 8, 2003, and amended by Resolutions #7722, #7890, #8534 and #8685 respectively, by adopting the Amended and Restated Sears Block Tax Increment Finance District Development Program and Financing Plan, dated June 9, 2014, presented at this meeting and attached hereto.
3. This resolution shall take effect upon passage.



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

Adopted by Resolution #7205 on July 9, 2001
Amended by Resolution #7515 on September 8, 2003
Amended by Resolution #7722 on April 11, 2005
Amended by Resolution #7890 on May 8, 2006
Amended by Resolution #8534 on February 13, 2012
Amended by Resolution #8685 on August 12, 2013
Amended by Resolution #XXXX on June 9, 2014

I. Introduction:

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

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

II. Statement of Objectives:

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

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

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

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

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

III. District Boundaries:

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

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

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

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

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

IV. Determination of Compliance with District Size Limitations:

In accordance with RSA 162-K:5, the following information is provided to demonstrate compliance with State Law at the time of the designation of the District in 2001. Some of this information was updated in 2012 and 2013, respectively.

Total Taxable Value of the City	\$4,321,396,542
8%	\$345,711,723
16%	\$691,423,477
Sears Block TIF	\$51,418,000
North End Opportunity Corridor TIF	\$50,223,600
Penacook Village TIF	\$11,149,600
Combined Total	\$112,792,000
Total Land Area of the City	41,100 Acres
5%	2,055 Acres
10%	4,110 Acres
Sears Block TIF	22.00 Acres
North End Opportunity Corridor TIF	67.70 Acres (Updated 2013)
Penacook Village TIF	47.09 Acres
Combined TIFs	136.79 Acres (Updated 2013)

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

V. Development Program

1. Purpose: The purpose of this section is to comply with RSA 162-K:6 by describing the general scope of public investments in infrastructure and other public facilities to be undertaken in order to support redevelopment of public and privately owned real estate within the SBTIF District.
2. Public Facilities and Infrastructure Improvements to be Constructed: Redevelopment activities within the SBTIF and associated public investment in infrastructure improvements will occur in multiple phases, as follows:
 - a. Phase I Improvements (2001-2007): Phase I investments were completed in 2007 and included the acquisition and demolition of the former Sears Block, construction of the Capital Commons Municipal Parking Garage, as well as related improvements including the Capital Commons Plaza, Pleasant Street Extension / Storrs Street Pocket Park, reconstruction of the Hills Avenue Municipal Parking Lot, together with related utility, sidewalk, highway, and streetscape improvements on South Main Street and Storrs Street, respectively. These improvements were undertaken to support redevelopment of the former Sears Block located at 11

South Main Street (now known as the Capital Commons Office Building) as well as other parcels in the area.

- b. Phase II Improvements (2013): Phase II improvements shall consist of the installation of underground electrical and telecommunications utilities from #16 - #40 South Main Street. Total area affected is approximately 750 linear feet. The purpose of these improvements is to promote redevelopment of the New Hampshire Employment Security property located at 32-34 South Main Street, as well as adjacent parcels.

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

- c. Phase III Improvements (2014): Phase III improvements shall consist of acquisition and preparation of the NH Employment Security Property located at 32-34 South Main Street and 33 South State Street for redevelopment.
- d. Other Improvements Not Financed by the SBTIF District: It should be noted that other investments in public infrastructure have occurred within the District since its inception. These have included utility, roadway, sidewalk, and streetscape improvements associated with the following private development projects: SMILE Office Building located at 49 South Main Street, Mennino Place Apartments located at 51 Storrs Street, and the so-called NH Book Bindery Redevelopment at 43-45 South Main Street.

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

- 3. Open Space Created: Redevelopment within the Sears Block Tax Increment Finance District will help to preserve open space within the City by providing opportunities for commercial and residential uses on previously developed and, in some cases, contaminated real estate, thereby relieving further development pressure on "green field" sites.

4. **Regulatory Controls Applied:** The City and all private developers undertaking development projects within the SBTIF shall be required to comply with the following laws, ordinances, rules, and regulations, as applicable:
 - City Subdivision and Site Plan Review Regulations;
 - City Code of Ordinances;
 - City of Concord Zoning Ordinance;
 - State and Federal Laws, Codes, Rules, Regulations, and Standards related to abatement of hazardous materials and environmental contamination; and,
 - Compliance with City and State Building Codes and National Life Safety Codes.

5. **Operations, Maintenance, and Administrative Costs:**
 - a. **Capital Commons Parking Garage:** Operating and maintenance costs associated with the Capital Commons Parking Garage shall be financed through the City Parking Fund. Operating and maintenance costs may be supplemented with funds from the SBTIF or other sources as needed.

 - b. **Plazas & Pocket Parks:** Operating and maintenance costs for the Capital Commons Plaza and Storrs Street pocket park shall be financed by incremental property tax revenues generated by new development within the SBTIF District. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs of the district, these costs shall become a Parking Fund or General Fund obligation as necessary.

 - c. **Sidewalks and Highways:** No new highways or sidewalks are proposed within the SBTIF District. However, existing roads and sidewalks may be reconstructed to support development activities. Because of this circumstance, the operating and maintenance costs associated with reconstructed sidewalks and highways within the SBTIF shall be financed by the City's General Fund and Parking Fund, as applicable. However, these funding sources may be supplemented or replaced by revenues generated by the SBTIF District, provided the District's gross revenues are sufficient to support all other debt service, operating costs, as well as financial contributions to contingency and capital reserve funds.

 - d. **Public & Private Utilities:**
 - i. **Drainage:** Operating and maintenance costs for drainage utilities shall be financed by incremental property tax

revenues generated within the SBTIF District associated with new development or utility enterprise / special revenue funds, as appropriate. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs for drainage utilities within the district, these costs shall become a Parking Fund or General Fund obligation as necessary.

- ii. Water & Sewer: Operating and maintenance costs for water and sanitary sewer utilities shall be financed by the City's Water or Sewer Enterprise Funds, as applicable.
 - iii. Telephone, Cable Television, & Communications Utilities: Operating and maintenance costs for these utilities shall be the responsibility of the private corporations associated therewith.
- e. Administration and Public Safety: Costs associated with administration of the District, as well as public safety serving new development within the District, shall be financed by incremental property tax revenues generated within the SBTIF District associated with new development. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs of the district, these costs shall become a Parking Fund or General Fund obligation as necessary.

The District shall, at the City Council's discretion, be charged an annual administrative fee to support staff time and related overhead expenses associated with managing the SBTIF District.

- f. Records and Reports: The City will maintain records of financial activity of the District in accordance with Generally Accepted Accounting Principles. The City will include the financial reporting requirement in the Comprehensive Annual Financial Report (CAFR).
6. Relocation and Displacement: It is not anticipated that businesses or residences will need to be acquired or relocated in order to construct municipal facilities or infrastructure improvements to be undertaken in accordance with this Development Program and Finance Plan. However, in the event of relocation of businesses or residences due to facilitate construction of municipal facilities or infrastructure improvements, the City shall follow the Uniform Relocation Act of 1970, as amended, unless otherwise waived by displaced parties.

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

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

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

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

VI. Financing Plan

1. Purpose: The purpose of this section is to comply with RSA 162-K:9 by describing the capital, operating, and maintenance costs of infrastructure and other public facilities constructed to support redevelopment of public and privately owned real estate within the SBTIF District.
2. Capital Costs: Capital investments in infrastructure and public facilities will be undertaken in multiple phases during the duration of the SBTIF District's existence. The following is a description of capital costs for various infrastructure improvements undertaken by Phase within the SBTIF.
 - a. Phase I Improvements (2001-2007): Phase I improvements consisted of the construction of the Capital Commons Parking Garage and related improvements. Phase I improvements were completed in 2007.

Phase I Capital Investment Summary

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

- b. Phase II Improvements (2013): Phase II improvements shall consist of the installation of 750 linear feet of underground utilities in the vicinity of #16 - #40 South Main Street. The total capital cost of this effort is \$2.5 million, including design and contingency. Costs of repairing / reconstructing sidewalks, roadways, and streetscape amenities associated with the installation of these utilities shall be financed by the City's Downtown Complete Street Project (CIP #460).
 - c. Phase III Improvements (2014): Phase III Improvements shall consist of acquisition of the NH Employment Security building, as well as potential weatherization and/or demolition of the structure, and related holding costs. Estimated costs are set forth as follows:
 - i. Property Acquisition, including due diligence and holding costs: \$1,900,000
 - ii. Building Weatherization, as well as certain holding costs: \$190,000
 - iii. Building Demolition: \$325,000.
3. Sources of Revenue for Development Program Costs: The following is a summary of revenues to finance capital investments for all phases of improvements.

Funding Sources: Capital Improvements

	Resolution # 7102 August 14, 2000	Resolution # 7270 January 14, 2002	Resolution # 7304 August 11, 2003	Resolution # 7305 August 11, 2003	Resolution # 7721 April 11, 2006	Resolution # 7891 May 8, 2006	Resolution # 8531 January 9, 2012	Resolution # 8686 August 12, 2013	Resolution # June 9, 2014	Total
Equity										
Economic Development Reserve Fund	\$250,000	\$800,000		\$1,100,000		\$700,000				\$2,850,000
Parking Fund			\$300,000			\$250,000				\$550,000
Grants										
USHUD EDI Grant				\$482,840						\$482,840
Bonds*										
Sears Block TIF										
Supported Taxable										
Tax Exempt					\$663,500		See Note		\$2,415,000	\$3,098,500
Parking Lease					\$2,368,500		See Note	\$2,500,000		\$4,868,500
Supported Taxable										
Tax Exempt					\$883,000		See Note			\$883,000
Parking Fund					\$3,040,000		See Note			\$3,040,000
Supported Taxable										
Tax Exempt					\$799,500		See Note			\$799,500
General Fund					\$2,386,500		See Note			\$2,386,500
Supported Taxable										
Tax Exempt						\$2,281,000				\$2,281,000
Total	\$250,000	\$800,000	\$300,000	\$1,582,840	\$10,161,000	\$3,231,000	Not Applicable	\$2,500,000	\$2,415,000	\$21,239,840

* Excludes changes in taxable and tax exempt allocations approved by Resolution 8531. Specifically, in May 2012, the City converted approximately \$2,505 million in tax exempt debt previously issued in 2005 and 2007, respectively, in order to convert 91 hourly public parking spaces in the Capital Commons Municipal Parking Garage to lease status to support redevelopment of private

4. Estimated Annual Debt Service and Operating Costs for the District: Please see Exhibit 2 for a summary of anticipated revenues and expenditures for the SBTIF District.
5. Duration of the Program's Existence: The Sears Block Tax Increment Finance District shall exist until the purposes for which it has been created are fulfilled. Specifically, the District shall continue to exist until such time as:
 - a. The repayment or legal defeasance of all debt service supported by the District;
 - b. Repayment of all reserve funds contributions from the Economic Development Reserve, and Parking Fund used to finance the development program;
 - c. Capitalization of a Capital Reserve Fund, in such amounts determined by City Council, to support future repair and reconstruction of SBTIF improvements; and,
 - d. Passage of the appropriate resolutions by City Council to officially dissolve the District.

As of the date of this amendment (June 2014), it is anticipated that permanent debt service for Phase II and III improvements may not be issued until City FY2021. The specific terms of said debt service will be finalized at the time of issuance. However, said debt could be issued with a 20 year term, thereby extending the expiration date for the District to City FY2042 +/- . That said, the actual expiration date of the District will be driven by the amount of new incremental development and associated property tax revenues. The District pro forma, included as Exhibit 2, anticipates this date might be expedited to FY2035 depending upon various assumptions included therein concerning future development within the District.

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

It is anticipated that permanent debt service associated with Phase II and III improvements shall not be fully repaid until City FY2042. Therefore, property tax revenues associated with incremental assessed value created in the District from new development may not be available to the Concord School District, Merrimack County, or the State of New

Hampshire until 2042. However, based upon assumptions incorporated into the District's pro forma (included as Exhibit 2), it is anticipated that this date may be expedited to FY2035.

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

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

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

- a. Public improvements within the District, without limitation;
- b. Additional debt service which might be incurred as a result of converting any portion of the taxable or tax exempt Sears Block TIF District, Parking Fund, Parking Lease, or General Fund supported General Obligation Bonds previously issued to finance design and

construction of improvements within the District. Support of said debt service can be in the form of a financial transfer from the Sears Block TIF Fund to the Parking Fund or City's General Fund, as required.

8. Annual Allocation of Captured Value:

- a. In the event any annual Tax Increment Revenues from the Tax Increment District that, together with any unexpended balances of such revenues from prior years, exceed the amount necessary annually to meet 1) current debt service payments on the portion of the bonds designated in the Amended and Restated Sears Block TIF Plan as payable from Tax Increment Revenues, 2) costs of maintenance and operation of the Capital Commons Municipal Parking Garage in excess of available revenues produced from such facility and 3) debt service payments on the Bonds to be due in the next fiscal year shall be used to reimburse the following funds of the City for Capital Commons Municipal Parking Garage project costs, or debt service related thereto, heretofore, or hereafter paid from such funds, plus interest unless otherwise approved by the City Council.
 - i. The Parking Fund, to reimburse any equity (cash) contributions to finance public facilities and infrastructure improvements or to support debt service on bonds issued for the Capital Commons Parking Garage project.
 - ii. The General Fund, to reimburse any past or current payments from said Fund required for debt service on bonds issued for the project due to insufficient tax increment revenues or parking lease revenues, as applicable.
 - iii. The Economic Development Reserve Fund (including the Downtown Economic Development Reserve Fund), to reimburse any contributions by said Fund to support capital improvements or maintenance activities.
 - iv. Capitalization of a contingency fund, or enhancement of the District's unrestricted fund balance, to support debt service, as well as operating and maintenance expenses in the event of potential reductions in property tax revenue associated with property tax abatements for incremental real estate development within the District.
- b. In the event the District generates sufficient captured assessed value (and associated incremental property tax revenues) resulting

in a surplus of such incremental tax revenues after satisfying the District's annual debt service, operating expenses, and contingency fund obligations set forth within items i-iv above, the City may also:

- i. Create a capital reserve fund to support future repair or replacement of infrastructure and public improvements constructed within the District, including, but not limited to the Capital Commons Municipal Parking Garage; or,
- ii. Release a portion of the District's captured assessed value or associated "surplus" property tax revenues to the City's General Fund, as well as the Concord School District, Merrimack County, and State of New Hampshire, as applicable.

VII. District Administration

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

VIII. Section VI Advisory Board Responsibilities

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

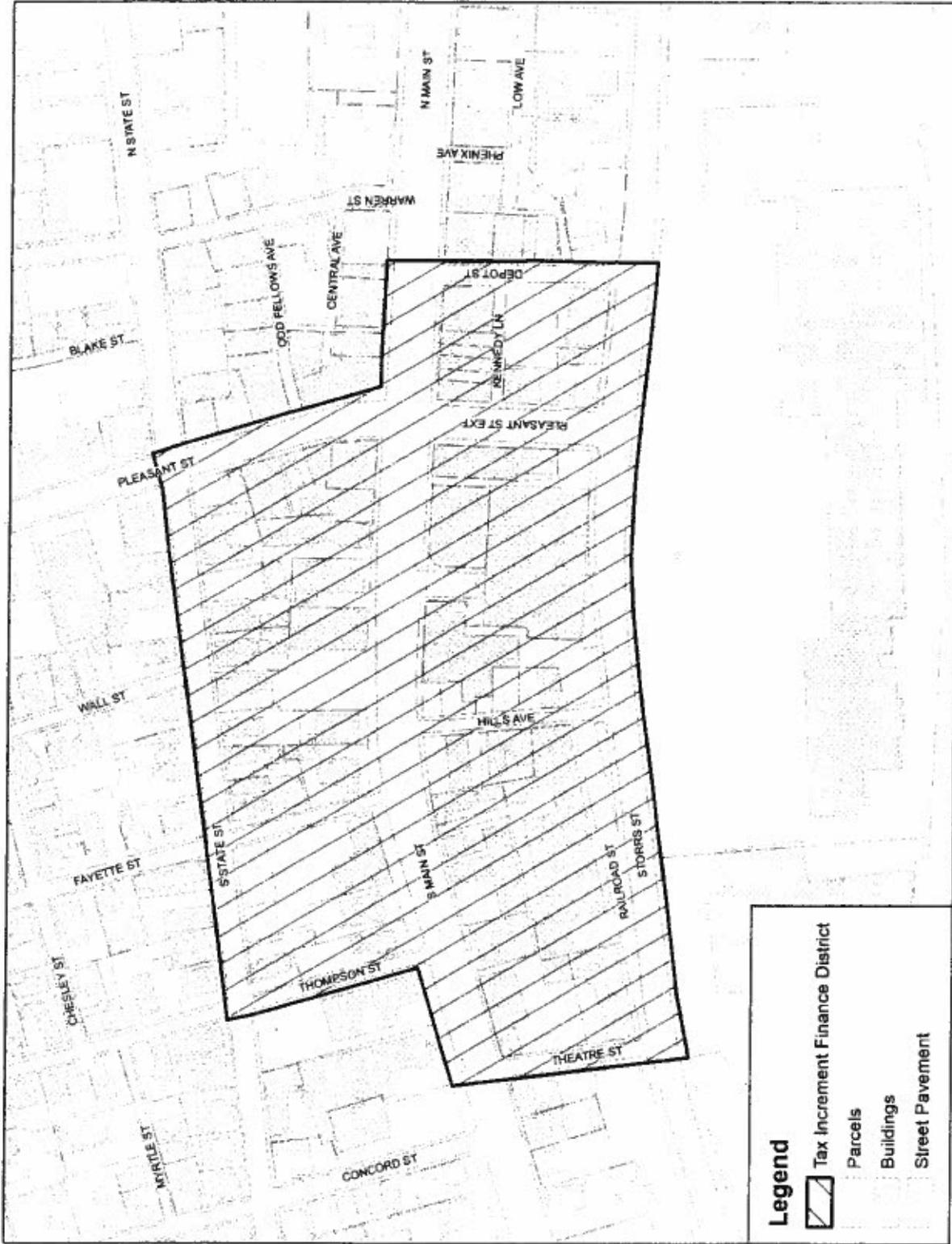
The Advisory Board shall have thirty (30) days to appeal any decision of the District Administrator to City Council for review and appropriate action.

The Advisory Board shall advise the governing body and the District Administrator on implementation of the development program, as well as maintenance and operations of the District until defeasance of all bonds and notes supported by the SBTIF and a vote by the City Council to dissolve the District.

List of Exhibits

- 1) Exhibit 1: Map of Sears Block TIF Geography.
- 2) Exhibit 2: Sears Block TIF District Financial Pro Forma

EXHIBIT 1: Sears Block TIF District Geography



**SBTIF Pro Forma: NH Employment Security Acquisition
Fund Balance Pro Forma
June 9, 2014 Amendment**

TIF Year	YEAR 9	YEAR 10	YEAR 11	YEAR 12	YEAR 13	YEAR 14	YEAR 15	YEAR 16	YEAR 17	YEAR 18
City Fiscal Year (FY)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Tax Rate	7/1/2013 - 6/30/2014	7/1/2014 - 6/30/2015	7/1/2015 - 6/30/2016	7/1/2016 - 6/30/2017	7/1/2017 - 6/30/2018	7/1/2018 - 6/30/2019	7/1/2019 - 6/30/2020	7/1/2020 - 6/30/2021	7/1/2021 - 6/30/2022	7/1/2022 - 6/30/2023
	\$25.58	\$26.09	\$26.61	\$27.15	\$27.69	\$28.24	\$28.81	\$29.38	\$29.97	\$30.57
ASSESSED VALUE										
TIF Captured Assessed Value - Existing Development	\$20,876,019	\$24,600,119	\$24,600,119	\$24,600,119	\$27,907,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119
Assessed Value - NHES Redevelopment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL ASSESSED VALUE	\$20,876,019	\$24,600,119	\$24,600,119	\$24,600,119	\$27,907,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119
REVENUES										
Property Tax Revenues - Existing Development	\$534,009	\$641,856	\$654,694	\$667,787	\$912,620	\$930,872	\$949,490	\$968,480	\$987,849	\$1,007,606
Investment Income	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Property Taxes - NHES Redevelopment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$11,988	\$12,228	\$12,473
TOTAL REVENUE	\$534,009	\$641,856	\$654,694	\$667,787	\$912,620	\$930,872	\$949,490	\$980,468	\$1,000,077	\$1,020,079
EXPENDITURES										
Existing Debt Service - Subtotal	\$516,157	\$502,648	\$493,971	\$486,783	\$726,364	\$715,538	\$709,196	\$699,683	\$692,867	\$686,901
Reserve Fund Repayments & Contributions	\$227,000	\$270,000	\$96,000	\$96,000	\$0	\$0	\$0	\$0	\$0	\$0
Operating Expenses Subtotal	\$8,500	\$8,925	\$9,371	\$9,840	\$10,332	\$10,848	\$11,391	\$11,960	\$12,558	\$13,186
TIF District Administrative Fee	\$16,976	\$17,825	\$18,716	\$19,652	\$20,634	\$21,666	\$22,749	\$23,887	\$25,081	\$26,335
TOTAL - EXISTING EXPENDITURES	\$788,633	\$799,398	\$618,058	\$612,274	\$757,330	\$748,053	\$748,336	\$735,531	\$730,507	\$726,623
Proposed New Expenditures										
NHES Bond (BAAS For First 5 Years)	\$0	\$0	\$21,123	\$23,348	\$28,910	\$32,247	\$37,809	\$42,488	\$47,170	\$51,865
Underground Utilities (BAAM For First 5 Years)	\$0	\$0	\$23,738	\$26,238	\$32,488	\$36,238	\$42,488	\$48,738	\$55,000	\$61,250
TOTAL - PROPOSED NEW EXPENDITURES	\$0	\$0	\$44,861	\$49,586	\$61,397	\$68,484	\$80,296	\$91,226	\$102,170	\$113,115
Net Operating Income (Revenues Less Expenditures)	(\$24,624)	(\$17,541)	(\$8,225)	\$5,513	\$33,892	\$114,335	\$125,858	(\$155,071)	(\$122,623)	(\$89,901)
NOI as % of Total Revenue	-43.94%	-26.54%	-1.26%	0.89%	10.31%	12.31%	13.29%	-14.20%	-10.58%	-7.15%
Fund Balance Calculation										
Previous Year	\$523,861	\$289,237	\$131,696	\$123,470	\$129,398	\$223,290	\$337,625	\$463,483	\$319,575	\$209,180
Projected FY Year End Surplus / (Deficit)	(\$234,624)	(\$157,541)	(\$8,225)	\$5,513	\$93,892	\$114,335	\$125,858	(\$143,908)	(\$110,395)	(\$77,429)
Available Fund Balance	\$289,237	\$131,696	\$123,470	\$129,398	\$223,290	\$337,625	\$463,483	\$319,575	\$209,180	\$131,751







CITY OF CONCORD

TJA

REPORT TO MAYOR AND THE CITY COUNCIL

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

DATE: March 27, 2014

SUBJECT: Sears Block Tax Increment Financing District Amendments
NH Employment Security Acquisition

Recommendations:

- Accept the following report;
- Set the attached resolution amending and restating the Sears Block Tax Increment Finance District Development Program and Financing Plan for public hearing on May 12, 2014, **but delay City Council action until June 9, 2014 in accordance with RSA 162-k:4;** and,
- Set the attached resolution authorizing the issuance of bonds and notes in the amount of \$1,900,000 for acquisition of real estate located at 32 South Main Street and 33 South State Street, known as the NH Employment Security Site, and related expenses for public hearing on May 12, 2014, **but delay City Council action until June 9, 2014 in accordance with RSA 162-k:4;** and,
- Set the attached resolution authorizing the issuance of bonds and notes in the amount of \$190,000 for preservation and weatherization of buildings located at 32 South Main Street and 33 South State Street, known as the NH Employment Security Site, for public hearing on May 12, 2014, **but delay City Council action until June 9, 2014 in accordance with RSA 162-k:4;** and,
- Set the attached resolution authorizing the issuance of bonds and notes in the amount of \$325,000 for demolition of buildings located at 32 South Main Street and 33 South State Street, known as the NH Employment Security Site, for public hearing on May 12, 2014, **but delay City Council action until June 9, 2014 in accordance with RSA 162-k:4.**

Background:

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

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

Activities within SBTIF are governed by the District's Development Program and Financing Plan. These documents have been modified periodically since the SBTIF's inception in 2001. Most recently, the SBTIF was amended in August 2013 to support construction of underground utilities as part of the Downtown Complete Streets Project.

Since its enactment in 2001, public investments financed by the SBTIF (such as the Capital Commons Garage and related improvements), have leveraged the development or redevelopment of 350,000SF of privately owned buildings totaling \$40.2 million, as well as the attraction of several new businesses to the City including Red River Theatres, O's Steak & Seafood, Live Juice, Northeast Credit Union, Penn Mutual, and Centrix Bank. In addition, development within the SBTIF has offered several existing downtown businesses such as Gibson's Bookstore, League of NH Craftsmen, Bittware, and several other professional offices, the opportunity to grow while remaining downtown.

Discussion:

The primary purpose of the current proposed amendments to the SBTIF Development Program and Financing Plan is to finance acquisition of the NH Employment Security Property located at 32 South Main Street and 33 South State Street, as well as weatherization or demolition of the existing building. Details are as follows:

- 1) **NH Employment Security (NHES) Site:** The NHES property is a 0.74+/- acre property, which features a 22,700SF building and 75 +/- space surface parking lot. The property is owed by the State of New Hampshire. The existing building consists of two structures, which were erected in 1927 and 1958, respectively. The property is located within the Sears Block Tax Increment Finance District (SBTIF).

In 2012, the State of New Hampshire announced that it would vacate this property as part of an effort to consolidate four NHES offices to the former Tobey Building located on Fruit Street. Since early 2013, the City and State of New Hampshire have worked cooperatively to market the site to prospective developers. This effort included a Request for Proposals (RFP to solicit developers for the property. Proposals were received from two developers on May 15, 2014. Both were subsequently rejected by the City Council on March 10, 2014.

From an economic development prospective, the NHES is important for the following reasons:

- a) At 0.74 acres, it is one of the last large parcels located on Main Street available for a sizable redevelopment project;
- b) The property is situated on the "dog leg" portion of South Main Street, making it a highly visible focal point;

- c) The property's highest and best and full development potential has not been achieved by current development at the site;
- d) Redevelopment of the site, through a public / private partnership, could further the various economic development goals, such as tax base expansion, preservation and creation of employment opportunities, as well as creation of market rate housing.

For these reasons, the City Administration recommends the City purchase and prepare the property for redevelopment. The cost to acquire the property, as well as related holding costs for a 5 year period, is \$1.9 million, as detailed in the table below. It is important to note that an appraisal completed in June 2011 determined that the property's fair market value was \$1.75 million. The negotiated sale price for the property is \$1.575 million (10% less than the appraised value, and the minimum the State can accept without additional legislative approval).

<u>Item</u>	<u>Amount</u>	<u>Notes</u>
Purchase Price	\$1,575,000	Asking price was \$1.75 million
Environmental Due Diligence / Oversight	\$26,000	Environmental Site Assessments & Hazardous Building Materials Survey
Closing Costs	\$7,500	Title Search, Deed Prep, Title Insurance.
Capitalized Interest - BANs for 5 Years	\$100,000	Per First Southwest Email 01/31/2014
Cost of Issuance (5 Years)	\$50,000	Per First Southwest Email 01/31/2014
Parking Lot Snow Removal	\$45,804	FY2015 - FY2020
Miscellaneous Parking Lot Improvements	\$5,000	Signage, Striping, Etc.
Parking Kiosks	\$17,000	Purchase & Installation for public use
Landscaping / Lawn Care	\$34,010	FY2015 - FY2020
Water / Sewer Availability Charges	\$10,500	FY2015 - FY2020
Miscellaneous & Contingency	\$28,500	Marketing, Developer Negotiations, & Contingency.
<u>Subtotal</u>	<u>\$1,899,313</u>	<u>Round to \$1.9 Million</u>

A copy of the purchase and sales agreement is attached to this report. The agreement must first be approved by the City Council. Should the City Council approve the attached agreement, it would then be submitted to Governor and Executive Council for review and approval, likely in late June or early July. Closing would occur by September 19, 2014.

2) Demolition or Weatherization of Existing Building: Upon acquisition of the property, the City will have two basic options for managing the existing building; weatherization or demolition. A discussion of these options is as follows.

a. Option 1: Weatherization:

i. Weatherization Overview: This option would entail “moth balling” the existing building in order to preserve it for potential future redevelopment by a private developer. In order to leave the building in the best condition possible, it is important that major building systems are either decommissioned or otherwise modified to prepare them for extended periods of vacancy and winter temperatures. This process would include, but not be limited to, the following:

1. Gas and water service to the property would likely be terminated. Electricity would be left on to ensure the fire alarm system remained operational, as well as to provide power to the air conditioning system to allow for limited summer operations to keep the system in sellable condition.
2. The plumbing system would be fully decommissioned. All sinks and toilets would be removed, and supply lines drained and weatherized with glycol.
3. All ground level windows would be boarded up to maintain security and prevent vandalism. Boarding would be painted black to minimize negative aesthetic affects for abutting properties.
4. Locks on all exterior doors would be changed.
5. The fire alarm system would be modified to be code compliant for a vacant building (changing smoke alarms for heat alarms, and potentially modifying the fire alarm panel so it will remain functional in freezing temperatures)
6. The forced hot water heating system would be drained and winterized.
7. Temporary heat would be installed for the building’s mechanical room and elevator control room. A heating system would also be installed for the elevator’s hydraulic system.

The estimated cost of this effort is \$190,000, including 5 years of holding costs, excluding staff time to monitor the building (estimated at 1.5 hours / week for 5 years for a total of \$19,500). Please see the table below for more details.

Capital Improvements	Budget	Notes
Board Up Windows / Doors	\$10,750	All ground level windows & doors boarded with painted plywood
Change Locks	\$1,500	All exterior door
Fencing	\$3,250	Fence window well area along back of 1958 building (approx. 65')
Remove Toilets & Sinks, Cap Supply & Drain Lines, Winterize with Glycol	\$5,000	Approx. 30 fixtures.
Drain & cap floor drains	\$1,000	
Install Temporary Heat - Mechanical Room	\$2,000	
Install Temporary Heat - Elevator Machine Room	\$1,000	
Install Temporary Heat - Elevator Hydraulic System	\$3,500	
Drain FHW Heat & Glycol	\$10,000	
Fire Alarm Modifications	\$13,500	Change 35 smoke alarms to heat sensors & potential changes to alarm panel
Alarm for Sump Pump	\$500	Install alarm on sump pump in basement
<u>Subtotal</u>	<u>\$52,000</u>	
<u>Contingency</u>	<u>\$10,400</u>	<u>20%</u>
<u>Total</u>	<u>\$62,400</u>	
Operating Costs	Budget	Notes
Gas	\$0	Assumes use of temp electric heaters
Electric (for fire alarm, sump pump, minimal lighting, and exercising A/C system)	\$98,820	FY2015 - FY2020;
Insurance	\$7,151	FY2015 - FY2020
Elevator Inspections	\$10,000	FY2015 - FY2020
Fire Alarm / Sump Pump Monthly Monitoring & Annual Inspections	\$10,000	FY2015 - FY2020
Annual A/C Start-Up & Shut Down	\$5,000	FY2015 - FY2020
<u>Subtotal</u>	<u>\$115,971</u>	
<u>Contingency</u>	<u>\$11,597</u>	<u>10%</u>
<u>Total</u>	<u>\$127,568</u>	
<u>Total Capital + Operating Costs</u>	<u>\$189,968</u>	<u>Round to \$190,000</u>

ii. Weatherization Rationale:

1. One interested developer has suggested that the existing building could be incorporated into a larger development project.
2. In the long-term, retaining and maintaining the existing building may make it easier for the City to quickly divest of the property should efforts to pursue a more ambitious redevelopment project fail.

b. Option 2: Demolition of NH Employment Security Building:

- i. Demolition Overview: The second option is to demolish the existing building. Upon removal of the building, the foundation hole would be back filled and lawn established on an interim basis until such time as a redevelopment project moved forward.

The estimated cost for this effort would be approximately \$325,000, including contingency, as detailed below, based on previous experience with other similar projects and reasonable assumptions about such items like lead paint and asbestos. However please note that this is a preliminary estimate and may need to be revisited upon completion of a hazardous building materials survey, which will be undertaken as part of the City's forthcoming due diligence process. Further, it might be possible to secure grants from the USEPA to help defray costs of hazardous building materials abatement. Offsetting revenues from such grants have not been included for the purpose of this estimate.

<u>Demolition</u>	<u>Amount</u>	<u>Notes</u>
Demolition	\$272,400	22,700SF @ \$12 /SF.
Bid Specs / Oversight	\$8,800	Nobis Engineering Proposal
<u>Subtotal</u>	<u>\$281,200</u>	
Contingency	\$42,180	15%
Cost of Issuance	\$2,000	
<u>Total</u>	<u>\$325,380</u>	<u>Round to \$325,000</u>

- ii. Rationale: Although structurally sound and in reasonably good condition, demolition of the building would be appropriate for the following reasons.
1. The building is only 22,700SF and therefore does not maximize the full development potential or highest and best use of 0.74 acre lot.
 2. The building is a "mish-mash" of conflicting architectural styles (1927 colonial revival and 1958 modern). Staff is skeptical that the building could be re-faced in such a way to successfully meld these conflicting styles such a way that would result in a high-

quality, aesthetically attractive building which complements the downtown's historic character.

3. Should the existing building remain unoccupied for an extended period of time, it may become an attractive nuisance and target for vandals.
 4. Removing the building may make the property more attractive to developers looking to undertake a large-scale, signature development project.
- c. Staff Recommendation: Staff recommends that the City hold a public hearing on both the weatherization and demolition resolutions. In the event the City Council elects to proceed with weatherization, City Administration recommends that the demolition resolution be tabled. Doing so would allow the City to forgo the TIF amendment process, thereby allowing for funds to be appropriated expeditiously should the need arise.
- 3) Interim Use of the NHES Property: Should the City acquire this property, City Administration recommends that the property be used on an interim basis as follows:
- a. Short Term: During construction of the Complete Streets Project, the property should be used for construction staging. The property's central location immediately adjacent to the work zone, coupled with its large, flat parking lot would make it ideal for a staging location.
 - b. Long Term: Once the Complete Street Project is finished, the 75 space parking lot should be used for public parking. At this juncture, staff recommends managing these spaces with parking kiosks.

These interim uses may help to discourage vandalism and other undesirable activity.

- 4) Development Program and Financing Plan: In order to proceed with appropriation of funds, the City must amend the SBTIF's Development Program and Financing Plan in accordance with RSA 162-K. This document describes proposed development plans for the District, as well as public improvements required to promote development activities. The document also includes a summary of funds required to support public investments, as well as financial pro forma detailing anticipated revenues and expenditures for the SBTIF.

Acquisition of the property, as well as potential weatherization or demolition of the existing building, would be financed with general obligation bonds supported by the SBTIF District.

Because the process to find a developer with a suitable concept for the property may take 5 years, possibly longer, Development Program and Financing Plan contemplates using short-term, inexpensive Bond Anticipation Notes (BANs) for 5 years (i.e. FY2016 through FY2020).

Assuming the sale of the property by the end of FY2020, permanent financing (if required) in amount needed to cover the City's net investment in the property that are not otherwise covered by proceeds from the sale to a private developer, would be issued in FY2021.

- 5) SBTIF Advisory Board Recommendation: As of the date of this report, the SBTIF Advisory Board had not met to review this proposal. However, staff will meet with the Advisory Board prior to the public hearing on May 12th to discuss this proposal. The Advisory Board's recommendation will be reported to the City Council via a separate memorandum.

Summary: Staff recommends the following course of action:

- 1) Approve the attached resolution amending and restating the SBTIF Development Program and Financing Plan.
- 2) Authorize the City Manager to execute the proposed Purchase & Sales Agreement to acquire the NHES property
- 3) Approve the attached resolution in the amount of \$1.9 million to acquire the NHES property located at 32-34 South Main Street and 33 South State Street.
- 4) Hold public hearings for the \$190,000 weatherization resolution and \$325,000 demolition resolution and make a decision on which action to pursue. If weatherization is preferred, staff recommends that the demolition resolution be tabled in the event such funds are needed in the future.

PURCHASE AND SALES AGREEMENT

This **PURCHASE AND SALES AGREEMENT** ("Agreement") is made as of the _____ day of _____, 2014 by and between the State of New Hampshire, Department of Employment Security having a principal place of business at 32 South Main Street, Concord, New Hampshire 03301 (referred to as the "Department" or 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 at #32-34 South Main Street and 33 South State Street, Concord, New Hampshire (the "Premises"), City Assessing Department Parcel Map 34 Block 3 Lot 3 and Map 34 Block 3 Lot 2.

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

- I. The Seller owns certain real estate located at 32-34 South Main Street and 33 South State Street, Concord, New Hampshire consisting of 0.75 +/- acres of land (combined), a 23,700SF +/- office building, and 75 space parking lot, as further described herein;
- II. The Seller is divesting the Premises due to the consolidation and relocation of certain Department Offices to the so-called Tobey Building at the Governor Hugh Gallen Office Park, 45 South Fruit Street, Concord, New Hampshire.
- III. The State anticipates relocating all operations from 32-34 South Main Street to the Tobey Building in the spring of 2014.
- IV. The City of Concord is afforded the ability to acquire the Premises in accordance with RSA 4:40, I.
- V. The City, subject to the contingencies set forth within this Agreement, desires to acquire the Premises from the Seller for the purposes of future redevelopment in order to promote tax base expansion and job creation.
- VI. 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 of record totaling approximately 0.75+/- acres of land, featuring a single building 23,700SF +/-, as shown on the attached plan titled "Exhibit 1".
- 1.2. **Purchase Price:** The City shall acquire the Premises for the sum of ONE MILLION FIVE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$1,575,000) 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 by certified check, bank check or Federal wire transfer to the Seller at Closing and conveyance of the Premises to the Buyer.
- 1.5. **Access to Premises:** The Seller hereby grants permission to the Buyer, its employees, representatives, consultants, and agents authorization 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. All times and dates for such access shall require the prior approval by the Seller such approval not to be unreasonably withheld.

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.

Unless otherwise arranged, the Parties hereby agree that all due diligence activities requiring access to the Premises, such as, but not limited to environmental due diligence and/or anything requiring inspection of building materials, shall not occur until such time as the State has vacated the Premises.

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 State of New Hampshire Department of Employment Security, 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 State of New Hampshire Department of Employment Security for damage arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the City, State of New Hampshire Department of Employment Security, or their employees. This indemnification shall survive the expiration or early termination of this contract."

- 1.6. **Closing:** In recognition of the State's schedule to vacate the Premises and relocate to the Tobey Building, flexibility for the exact date of closing is required. Therefore, the Parties agree that a Closing shall occur no sooner than July 1, 2014 and no later than September 19, 2014, unless otherwise mutually agreed by the Parties.

The Parties expressly agree that the Closing date is contingent upon the State vacating the Premises by May 31, 2014 in order to allow the City sufficient time to undertake environmental due diligence, including laboratory turnaround time for the analysis soil, water, and hazardous building materials samples taken in conjunction with said due diligence. In the event the State is delayed in vacating the Premises, the Parties shall work to mutually extend the Closing date to allow the City sufficient time to complete its due diligence activities but in no event shall such extension be longer than the time period the City would have otherwise had to complete due diligence had the Seller not experienced delays in vacating the Premises, unless otherwise mutually agreed by the Parties.

The Parties agree that a Closing shall not occur 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 subject to:
 - a) Easements, liens restrictions and/or encumbrances of record or any other matters of record in existence at the time of the Closing accepted and approved by the City; and
 - b) Provisions of building and zoning laws in effect at the time of the Closing.
- 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 no later than 30 days 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 five (5) business days prior to the Closing.
- 1.10. **Transfer Taxes and Recording Fees:** In accordance with New Hampshire State Law RSA 78-B:2, both the Seller and Buyer are exempt from the Real Estate Transfer Tax.
- 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. 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 substantially the same condition as the date of execution of this Agreement free and clear of all tenants and third parties, and personal property belonging to the Seller or tenants. Further, the Parties agree that the emergency generator located on the Premises shall not be considered a fixture to be conveyed with the Premises but rather shall be removed by the Seller prior to the date of the closing. The Seller shall assume all responsibility and costs associated therewith, if any.
- 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 commissioned for the Premises, or may otherwise have in its possession.

The Parties also acknowledge that the Seller has provided the Buyer with a copy of environmental site assessments and other related reports and data previously completed by the Seller for the Premises:

- a. Environmental Site Assessment New Hampshire Department of Employment Security 32 South Main

Street, Concord NH prepared by Aires Engineering
April 1990.

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 which 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 prior to date of Closing.

The Seller shall provide the Buyer (or its agents, employees, consultants, contractors, and representatives) reasonable access to the Premises after the Seller has vacated the Premises 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 may also perform a "hazardous building materials" survey of the Premises to identify lead paint, asbestos, PCB, or mercury containing materials. 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.

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 Seller shall execute all documents required by the Buyer and the USEPA 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, and the estimated cost to the Buyer to abate, remediate, remove, monitor, or otherwise manage said hazardous materials / substances in-situ is greater than \$37,500 as determined by the Buyer's Environmental Consultants, the Buyer shall have the following options, as follows:

- 1.16.3.1. Negotiate with the Seller in order to reduce the purchase price of the Premises as appropriate to reflect the environmental condition of the property; or,
- 1.16.3.2. Terminate this Agreement in which case this Agreement shall be null and void, and of no further force or effect; or,
- 1.16.3.3. 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, 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 and this Agreement shall thereupon be void and of no further force or effect. In the event of casualty, the Buyer and the Seller agree to hold each other harmless from

any claim for any costs, damages, liabilities, or financial losses it may incur.

- 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 due to City's use of the Sears Block Tax Increment Financing District to acquire the Premises.
 - 1.20. **Provisions of RSA 4:40:** The Parties hereby agree to the following provisions concerning divestment of surplus State owned real estate:
 - 1.20.1. In addition to the purchase price discussed herein the Buyer shall also pay to the Seller at the time of closing an administrative fee in the amount of One Thousand One Hundred Dollars (\$1,100.00) pursuant to RSA 4:40.
 - 1.21. **Property Retained by the Seller:** The Seller shall retain the Kohler 350120/208 volt emergency electric generator located at the Premises. The Seller shall have the unit disconnected and removed from the Premises at its sole expense prior to the Closing. The Seller shall also have any repairs to the electric panels and wiring completed after removal of the unit so as electricity can be safely used at the Premises. Further, damage to any other portion of the property from removal of the generator shall be repaired to the Buyer's satisfaction.
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. 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. 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 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 which would cost \$37,500 or more to remove, abate, remediate, or monitor on site, 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 Sears Block Tax Increment Finance ("SBTIF") District and Funding Appropriation by City Council:** This Agreement is specifically contingent upon the City Council conducting public hearings and obtain the necessary votes for the purpose of:

2.4.1. Amending and re-adopting the Sears Block Tax Increment Finance District Development Program and Finance Plan in accordance with RSA 162-K in order to provide funding to support acquisition of the Premises and related expenses thereto;

2.4.2. Appropriation of funds from the SBTIF 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, the Seller may elect to terminate this Agreement following which this Agreement shall be null and void, and of no further force or effect.

3. REPRESENTATIONS AND WARRANTIES

3.1. Representations and Warranties of the Buyer. The City hereby represents and warrants that:

- 3.1.1. 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.
- 3.1.2. 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.
- 3.1.3. 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.
- 3.1.4. 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.

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

- 3.2.1. 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 subject to the Seller seeking and obtaining final approval by Governor Hassan and the Executive Council pursuant to RSA 4:40. This Agreement will, upon execution and delivery thereof by the Seller and upon approval by Governor Hassan and the Executive Council, constitute valid, legal and binding obligations of the Seller enforceable against the Seller in accordance with the respective terms thereof.

- 3.2.2. 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.
- 3.2.3. 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.
- 3.2.4. 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.

4. GENERAL PROVISIONS

- 4.1. **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.

- 4.2. **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.
- 4.3. **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.
- 4.4. **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.
- 4.5. **Exhibits.** All exhibits referred to in this Agreement are hereby incorporated by reference and expressly made a part hereof.
- 4.6. **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.
- 4.7. **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.
- 4.8. **Consent to Jurisdiction and Venue.** The Buyer and Seller submits to the jurisdiction of the courts of the State of New Hampshire and the courts from which an appeal from such trial venue may be taken or other relief may be sought for purposes of any action or proceeding arising out of this Agreement or any related agreement. 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.
- 4.9. **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.

- 4.10. **Survival of Agreement.** The agreements, covenants, indemnities, representations and warranties contained herein shall survive the execution and delivery of this Agreement.
- 4.11. **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.
- 4.12. **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.
- 4.13. **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.
- 4.14. **Time of the Essence.** The Parties agree that time is of the essence in performance of their respective obligations under this Agreement
- 4.15. **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.
- 4.16. **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, including but not limited to the requirement that the agreement be approved by Governor Hassan and the Executive Council pursuant to RSA 4:40 prior to the Seller being required and/or authorized to convey the property to the City.

- 4.17. **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.
- 4.18. **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 Tax Map of 32-34 South Main Street and Surrounding Properties (undated)

[The remainder of this page left blank intentionally]

Executed as a sealed instrument this _____ day of _____, 2014.

BUYER

CITY OF CONCORD

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

SELLER

STATE OF NEW HAMPSHIRE

By: _____ Date: _____

Printed: _____
Duly Authorized

**STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK**

In _____, on the _____ day of _____, 2014, 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

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

In _____, on the _____ day of _____, 2014, before me, personally appeared George N. Copadis, Commissioner of the New Hampshire Department of Employment Security, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he executed said instrument for the purposes therein contained as his free and voluntary act and deed.

Justice of the Peace/Notary Public



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CITY OF CONCORD

In the year of our Lord two thousand and fourteen

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6-30

RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) FOR ACQUISITION OF THE NEW HAMPSHIRE EMPLOYMENT SECURITY PROPERTY LOCATED AT 32 SOUTH MAIN STREET AND 33 SOUTH STATE STREET WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT

Page 1 of 2

The City of Concord resolves as follows:

WHEREAS, On July 9, 2001 the City approved Resolution #7205, which established the Sears Block Tax Increment Finance District (SBTIF), which was subsequently amended by Resolutions #7515, #7722, #7890, #8534, and #8685; and

WHEREAS, the SBTIF exists for the purpose of making strategic investments in certain areas of downtown Concord, customarily in the form of real estate acquisition and infrastructure improvements, to encourage redevelopment of blighted, abandoned, and underutilized properties to achieve economic development goals such as preservation and expansion of employment opportunities, expansion of the property tax base, as well as beautification of public and private properties; and

WHEREAS, the City desires to acquire the New Hampshire Employment Security ("NHES") property located at 32 South Main Street and 33 South State Street on an interim basis for the purpose of preparing the property for future conveyance to a private developer for the purposes of redevelopment; and

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

WHEREAS, this resolution authorizes the issuance of bond and notes, therefore a two-thirds vote of the City Council is required for passage;

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

- 1) The City Manager is hereby authorized to enter into a Purchase and Sales Agreement with the State of New Hampshire for the acquisition of the New Hampshire Employment Security property located at 32 South Main Street and 33 South State Street.

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) FOR ACQUISITION OF THE NEW HAMPSHIRE EMPLOYMENT SECURITY PROPERTY LOCATED AT 32 SOUTH MAIN STREET AND 33 SOUTH STATE STREET WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT

Page 2 of 2

- 2) The sum of\$1,900,000
be and is hereby appropriated as follows:

Capital Projects General

SBTIF NH Employment Security Acquisition.....\$1,900,000

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

Capital Projects General

General Obligation Bonds.....\$1,900,000

- 4) The City Treasurer, with approval of the City Manager, is authorized to issue up to \$1,900,000 in bonds and notes of the City of Concord under RSA 162-K: 8, Chapter 280 of the Acts of 2000, and/or the Municipal Finance Act, it being the expectation of the City to pay the debt service costs on such bonds and notes from Tax Increment Revenues as designated and further described in the Amended Sears Block TIF Plan.
- 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) Sums as appropriated shall be expended under the direction of the City Manager.
- 7) The useful life of the improvements is expected to be in excess of 25 years.
- 8) This resolution shall take effect upon its passage.



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Sears Block Tax Increment Finance District Advisory Board

DATE: April 29, 2014

SUBJECT: NH Employment Security Acquisition

Recommendation:

Accept this report.

Background:

The Sears Block Tax Increment Finance (SBTIF) District Advisory Board was established by Resolution #7740 on May 9, 2005. 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 SBTIF Advisory Board is comprised of Sarah Chaffee, Paula Harris, Rosemary Heard, John Hoyt, Jason LaCombe, and Eric Reingold. The Board presently has one vacancy.

Discussion:

The Advisory Board met on April 28, 2014 for the purpose of reviewing the City Administration's proposal to utilize the SBTIF to finance purchase of the NH Employment Security Building located at 32-34 South Main Street, as well as potential weatherization or demolition of the existing building, as further described in a staff report to the Mayor and City Council dated March 26, 2014.

The Advisory Board had an in-depth discussion of the advantages and disadvantages of potentially acquiring the property, as well as the proposed financing plan and long-term redevelopment goals of the property. The Board also discussed potential alternatives, which would allow the City to achieve its redevelopment goals while not taking ownership of the property. The Board also discussed the City Administration's proposed strategy to divest of the property within 5 years. The Board also discussed the potential opportunity costs associated with this proposal vis-à-vis other potential development opportunities within the TIF District. Lastly, the board also discussed the advantages and disadvantages of weatherizing or demolishing the existing building, as well as potential interim uses of the property should the City acquire the site.

Based upon those discussions, the Advisory Board respectfully offers the following recommendations to the City Council regarding this proposal:

1. Acquisition of NHES: That the City Council appropriate \$1.9 million in Sears Block TIF District supported bonds and notes to acquire the NH Employment Security site. The Advisory Board believes that the long-term economic development benefits which could result from redevelopment site are good cause for the City to directly control the process to secure a private developer for the property. The Board also noted that the City has a good history of success with similar projects (such as Capital Commons, Horseshoe Pond, and the Penacook Family Physicians projects).
2. NHES Weatherization / Demolition Options: The Advisory Board chose to make no recommendation at the present time about potential weatherization or demolition of the existing building, but wished to revisit this issue if and when an acquisition is completed.
3. Underground Utilities: Lastly, the Board reaffirmed its previous recommendation that the City Council move forward with installation of underground utilities on South Main Street between the Concord Food Co-Op and Thompson Street as part of the forthcoming Complete Streets Project. Installation of these utilities would be financed by the Sears Block TIF District. (The City Council approved \$2.5 million on bonds and notes supported by the SBTIF on August 12, 2013 by passage of Resolution #8686).

The Advisory Board believes that installation of underground utilities will be important in making the NHES site attractive to potential developers; especially if it is the City's goal to secure a redevelopment project of similar caliber as others recently completed on South Main Street.

Further, the Advisory Board reiterated its concern that should the City forgo installation of utilities now, but need to undertake installation sometime in the future to support redevelop, this would result in significant additional cost due to the need to remove and replace large sections of the newly constructed portions of South Main Street, including new sidewalks and streetscape improvements.

Bonenfant, Janice

6-36

From: Brent Todd <brenttoddconcord@gmail.com>
Sent: Thursday, May 22, 2014 9:25 AM
To: Bonenfant, Janice
Subject: Fwd: Purchase of State Property

Jan

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

From: <mrussell@mcao.net>
Date: Thu, May 22, 2014 at 7:28 AM
Subject: Purchase of State Property
To: brenttoddconcord@gmail.com

Mr. Todd,

My name is Mike Russell and I am one of you constituents as I live out on Runnells Rd. I have wanted you to know that as a tax payer for the City of Concord I am AGAINST the purchasing the property on South Main St. My concern is that we are going to be spending a large sum of money to buy a building that need asbestos abatement and who knows what else.

Have we not learned our lessons with the mistake of the eye sore that is in our/your back yard, the tannery site. How much money have we dumped into that site just so we can ride by and see a pile of rubble. NICE WAY TO ENTER THE VILLAGE!

I do not want to see that happen again, it is time that the City of Concord get out of the real estate business. I have been told that we are going to buy this building and pay an additional three hundred thousand to tear it down. I would like answers to the following:

Does the building have asbestos and or lead paint that we need to deal with?

What is the cost of the abatement?

Has there been a pre sale inspection done?

Is that going to be released to the public to ease our concerns?

Are the plans to tear it down?

What is the cost to tear it down so that we can have a vacant lot?

I realize that this property does not and has not paid taxes. How long will it take to recoup the money that we spend on this project, does it really make sense.

Thank you,

Mike Russell
32 Runnells Road
Concord, NH 03303



CITY OF CONCORD

6-36

TJA

REPORT TO MAYOR AND THE CITY COUNCIL

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

DATE: May 28, 2014

SUBJECT: Supplemental Report: Sears Block Tax Increment Financing District Amendments / New Hampshire Employment Security Building Acquisition

Recommendations:

Accept the following report.

Background:

The purpose of this report is to respond to public testimony offered during the May 12, 2014 public hearing relative to the City's proposed purchase of the New Hampshire Employment Security Building.

Discussion:

1. **TIF Statute & "Public Use" Provision:** During the May 12, 2014 public hearing the Council heard testimony which suggested that the City's proposed plan to use the Sears Block Tax Increment Finance District to acquire the New Hampshire Employment Security (NHES) property is not consistent with the purpose of RSA 162-K, the state law which sets the guidelines for Tax Increment Finance Districts. The individual expressed concern that the purchase of the NHES property does not constitute a "public use" as defined in RSA 162-K, which provides in part that a "public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities."

Notwithstanding the expressed concern, the term "public use" as defined in RSA 162-K, only applies when a municipality takes a property by eminent domain. Further, it is important to note that the term "public use" does not apply to a municipality's acquisition of "real property . . . through negotiation." RSA 162-K:6, III (b).

The City Administration's proposal is to acquire the NHES property through negotiation with the State of New Hampshire, which if completed, the City expects will result in private development, increased tax revenues and increased employment opportunities. Because eminent domain would not be used to acquire this property with the Sears Block TIF District, the "public use" provisions of RSA 162-K:2, IX-a, are not applicable.

2. **Payment In Lieu of Taxes**: The Council also heard public testimony that suggested that the City negotiate a “payment in lieu of taxes” (PILOT) development agreement with a preferred developer for the NHES property, thereby allowing the City to reduce property taxes for the new development to a stipulated sum as negotiated by the City and the developer.

It is important to note that State law only permits municipalities to enter into PILOT Agreements for 1) properties owned by tax-exempt entities; or 2) alternative energy generation facilities.

The City Administration anticipates the property will likely be redeveloped and owned by a for-profit developer as a mixed use project featuring commercial and residential uses. Under this scenario it is unlikely the project would qualify for a PILOT agreement.

CITY OF CONCORD

Burr
4-1-14
5-35 (F)
5-42
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In the year of our Lord two thousand and fourteen

RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF ONE HUNDRED NINETY THOUSAND DOLLARS (\$190,000) FOR WEATHERIZATION OF THE NEW HAMPSHIRE EMPLOYMENT SECURITY BUILDING LOCATED AT 32 SOUTH MAIN STREET AND 33 SOUTH STATE STREET WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT

Page 1 of 2

The City of Concord resolves as follows:

WHEREAS, On July 9, 2001 the City approved Resolution #7205, which established the Sears Block Tax Increment Finance District (SBTIF), which was subsequently amended by Resolutions #7515, #7722, #7890, #8534, and #8685; and

WHEREAS, the purpose of the SBTIF is to finance strategic investments in infrastructure and real estate in order to leverage private investment in redevelopment projects and other economic development activities within Downtown Concord; and

WHEREAS, the City desires to weatherize and preserve the existing 22,700 SF building located at the New Hampshire Employment Security ("NHES") property located at 32 South Main Street and 33 South State Street in order to retain the building for potential future redevelopment; and

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

WHEREAS, this resolution authorizes the issuance of bond and notes, therefore a two-thirds vote of the City Council is required for passage;

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

- 1) The sum of\$190,000
be and is hereby appropriated as follows:

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF ONE HUNDRED NINETY THOUSAND DOLLARS (\$190,000) FOR WEATHERIZATION OF THE NEW HAMPSHIRE EMPLOYMENT SECURITY BUILDING LOCATED AT 32 SOUTH MAIN STREET AND 33 SOUTH STATE STREET WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT

Page 2 of 2

Capital Projects General

SBTIF NH Employment Security Weatherization.....\$190,000

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

Capital Projects General

General Obligation Bonds.....\$190,000

- 3) The City Treasurer, with approval of the City Manager, is authorized to issue up to \$190,000 in bonds and notes of the City of Concord under RSA 162-K: 8, Chapter 280 of the Acts of 2000, and/or the Municipal Finance Act, it being the expectation of the City to pay the debt service costs on such bonds and notes from Tax Increment Revenues as designated and further described in the Amended Sears Block TIF Plan.
- 4) The discretion of the fixing of dates, maturities, rates of interest, form and other details of such bonds and notes (including whether such bonds or notes shall be issued on a tax exempt or taxable basis) and providing for the sale is hereby delegated to the City Treasurer.
- 5) Sums as appropriated shall be expended under the direction of the City Manager.
- 6) The useful life of the improvements is expected to be five (5) years.
- 7) This resolution shall take effect upon its passage.

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

*Form
4-1-12/
5-35 (G)
5-43
6-38*

RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF THREE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$325,000) FOR DEMOLITION OF THE NEW HAMPSHIRE EMPLOYMENT SECURITY BUILDING LOCATED AT 32 SOUTH MAIN STREET AND 33 SOUTH STATE STREET WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT

Page 1 of 2

The City of Concord resolves as follows:

WHEREAS, On July 9, 2001 the City approved Resolution #7205, which established the Sears Block Tax Increment Finance District (SBTIF), which was subsequently amended by Resolutions #7515, #7722, #7890, #8534, and #8685; and

WHEREAS, the purpose of the SBTIF is to finance strategic investments in infrastructure and real estate in order to leverage private investment in redevelopment projects and other economic development activities within Downtown Concord; and

WHEREAS, the City desires to demolish the existing 22,700 SF building located at the New Hampshire Employment Security ("NHES") property located at 32 South Main Street and 33 South State Street in order to prepare the property for future redevelopment; and

WHEREAS, on the date hereof, the City Council has adopted the Amended and Restated Sears Block Tax Increment Development Program and Financing Plan (the "Amended Sears Block TIF Plan") to, among other things, include additional debt service costs for the demolition of said building and related expenses and/or improvements; and

WHEREAS, this resolution authorizes the issuance of bond and notes, therefore a two-thirds vote of the City Council is required for passage;

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

- 1) The sum of\$325,000 be and is hereby appropriated as follows:

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF THREE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$325,000) FOR DEMOLITION OF THE NEW HAMPSHIRE EMPLOYMENT SECURITY BUILDING LOCATED AT 32 SOUTH MAIN STREET AND 33 SOUTH STATE STREET WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT

Page 2 of 2

Capital Projects General

SBTIF NH Employment Security Demolition.....\$325,000

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

Capital Projects General

General Obligation Bonds.....\$325,000

- 3) The City Treasurer, with approval of the City Manager, is authorized to issue up to \$325,000 in bonds and notes of the City of Concord under RSA 162-K: 8, Chapter 280 of the Acts of 2000, and/or the Municipal Finance Act, it being the expectation of the City to pay the debt service costs on such bonds and notes from Tax Increment Revenues as designated and further described in the Amended Sears Block TIF Plan.
- 4) The discretion of the fixing of dates, maturities, rates of interest, form and other details of such bonds and notes (including whether such bonds or notes shall be issued on a tax exempt or taxable basis) and providing for the sale is hereby delegated to the City Treasurer.
- 5) Sums as appropriated shall be expended under the direction of the City Manager.
- 6) The useful life of the improvements is expected to be in excess of twenty-five (25) years.
- 7) This resolution shall take effect upon its passage.

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION REPURPOSING THIRTEEN THOUSAND THREE HUNDRED FIFTY DOLLARS (\$13,350) FROM COMPLETED AND UNEXPENDED CITY HALL SLATE ROOF REPAIR (CIP #65) TO SUPPORT IMPROVEMENTS TO MEMORIAL FIELD (CIP #557).

The City of Concord resolves as follows:

WHEREAS, the improvements currently underway at Memorial Field need additional funding of \$13,350 to complete the ongoing project to repair water problems, drainage and access improvements (CIP #557); and

WHEREAS, the City Hall Slate Roof Repair project (CIP #65) was completed and a balance of more than \$13,350 remains unexpended; and

WHEREAS, the Director has identified the need to complete work on this project; 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\$13,350 be and is hereby repurposed as follows:

General Capital Fund
 General Services
 Memorial Field Facilities Improvements (CIP #557).....\$13,350

- 2) Funding for the project is available as follows:

General Capital Fund
 General Services
 Repurpose unspent City Hall Slate Roof Repairs (CIP #65).....\$13,350

- 3) Sums as repurposed shall be expended under the direction of the City Manager.

- 4) The useful life of this project is greater than 20 years.

- 5) This resolution shall be effective upon its passage.



CITY OF CONCORD

TEA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Philip H. Bilodeau, P.E., Deputy Director General Services Department
DATE: May 7, 2014
SUBJECT: Resolution repurposing \$13,350 dollars from the 2013 City Hall Roof Project (CIP #65) to fund Memorial Field Facilities Improvement (CIP #557)

Recommendation

The Department recommends acceptance of this report.

Background

The City Hall Roof project was completed over several construction seasons. Work was accomplished on the slate roof area including the installation of permanent snow guards. Flat roof areas were treated with a rubber membrane. The chimney was repaired along with fixed ladders to gain access to all levels of the roof. The smoke hatches over the Audi stage were refurbished to meet present day fire and life safety codes.

Work at Memorial Field included reconstruction of the parking lot, refurbishment of the Doane Diamond press box and access and drainage improvements. It was recognized that the paved areas approaching the field had deteriorated over time. Pavement replacement in these areas was considered critical to the completion of the improvements. A contract extension was negotiated to include this work.

Discussion

It was recommended by the staff and confirmed by the administration to complete the work on the paved areas in conjunction with the refurbishment of the Doane Diamond Press Box project to repair water problems, drainage and make access improvements.

Resolution No.

11-40 5-58 3-39
 12-37 6-53 1-16
 1-42 7-40
 2-56 8-65 2-33(I)
 3-45 9-37 2-42
 4-48 10-35 4-39
 5-45 6-42

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

170

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Stephen Henninger, Assistant City Planner
DATE: December 20, 2012
SUBJECT: Amendment to Mapped Lines of Future Streets – Storrs Street South

Recommendation

The Planning Board, after holding a public hearing on December 19, 2012, voted unanimously to forward the proposed revision of mapped lines of future streets to the City Council. The Board is requesting that the City Council direct the Planning Board to certify the mapped line of a future street pursuant to Article 16-3-6 Mapping of Future Streets, of the Code of Ordinances, and RSA 674:11, Amendments to Official Map, for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

Prior to directing the Planning Board to certify the mapped street, the City Council will need to hold its own public hearing, send notice of the hearing by certified mail "to all owners over whose lands the proposed streets will cross," and publish the hearing notice in the newspaper.

Please see the attached map showing the location of the proposed 50' wide mapped line of future streets extending from the intersection of Theatre Street and Storrs Street, southerly adjacent to the NH main line railroad line, underneath the Water Street Bridge to Gas Street, then southerly from Gas Street to Langdon Avenue.

Background

This new road extending through the old Boston and Maine railroad yards southerly to the South Concord Industrial park has been planned for many decades. The yards and the South Concord Industrial park have languished as an underused and deteriorating brownfields site since prior to the 1960's.

The area has been begun a turnaround and several new developments have been completed including a new maintenance facility and headquarters for Concord Coach (an inter-city

bus company), Evolution Rock (a fitness center and climbing gym), and renovations to the J & S Leasing property.

The construction of Concord Steam Power Plant and cogeneration facility southerly of Langdon Avenue is planned for construction in 2013.

The City facilitated the extension of this new road in 1998-9 by increasing the length of the Water Street Bridge as part of the I-93 Exit 13 reconstruction project to allow for one bay under the bridge for the NH Main Line Railroad and one-bay for the Storrs Street extension at a cost of 1.3 million dollars.

The City has acquired the rights to develop Langdon Avenue as a public street from South Main Street to the NH Main Line Railroad (B & M Rail Line). A small amount of additional right-of-way in front of the Concord Coach facility still needs to be secured. A recent condominium subdivision of the J& S Property has preserved a corridor for the future road north from Langdon Avenue.

Master Plan

The Planning Board in 1993, as part of the Year 2010 Master Plan Update, adopted a Future Transportation Plan showing the southerly extension of Storrs Street from Theatre Street (Chandler Street) to the vicinity of Allison Street and South Main Street.

In the "The South Concord Redevelopment Area Study – A Small Area Master Plan" adopted by the Planning Board in 1997, the current alignment shown on the attached plan was developed.

The Concord Opportunity Corridor Master Plan prepared in April of 2005 reaffirmed the location and alignment of the southerly extension of Storrs Street and the recommendations of the South Concord Redevelopment Area Study.

In the current Master Plan 2030, the Planning Board reaffirmed the location and purpose of the southerly extension of Storrs Street to facilitate the redevelopment within the southern segment of the Opportunity Corridor.

Analysis

The proposed new mapped street has been referred for decades as the southerly extension of Storrs Street. Based on E-911 mapping and addressing conventions, when this street is developed a new street name will need to be selected. In this report we will continue to identify this proposed street as the southerly extension of Storrs Street.

The southern extension of Storrs Street has a well-defined beginning, middle and end. The starting point at the intersection of Storrs Street and Theatre Street is anchored at an existing four way intersection, falls between two large industrial scale buildings, and is the

ideal location from a grade standpoint to connect back to Storrs Street. The Merrimack River bluffs along South Main Street are on average about 26' above the grade of the plain below the bluff. Langdon Avenue is located at a low point in the bluffs and has 5-6% slopes on both approaches on South Main Street and on Langdon Avenue. Other connecting points between the two locations would require significant grade changes and impacts to existing buildings. Full access at Gas Street will be a design consideration given the available right-of-way for Gas Street, grade of Gas Street at South Main Street, and site distance at the South Main Street/Gas Street intersection. The underpass designed specifically for the future road under the Water Street Bridge is the only feasible location for the street between South Main Street and the NH Main Line Railroad. This section of the NH Main Line Railroad has been designated as one of five high speed rail corridors in the country with service proposed from Boston to Montreal. New at-grade rail crossings of this line are unlikely to be approved.

The corridor could be completed in two independent phases, one section from Theatre Street to Gas Street, and the second section from Gas Street to Langdon Avenue. Improvements to Langdon Avenue and the intersection of Langdon Avenue and South Main Street will be needed to support redevelopment in the southern section.

The following properties would be affected by the proposed mapped line of future streets.

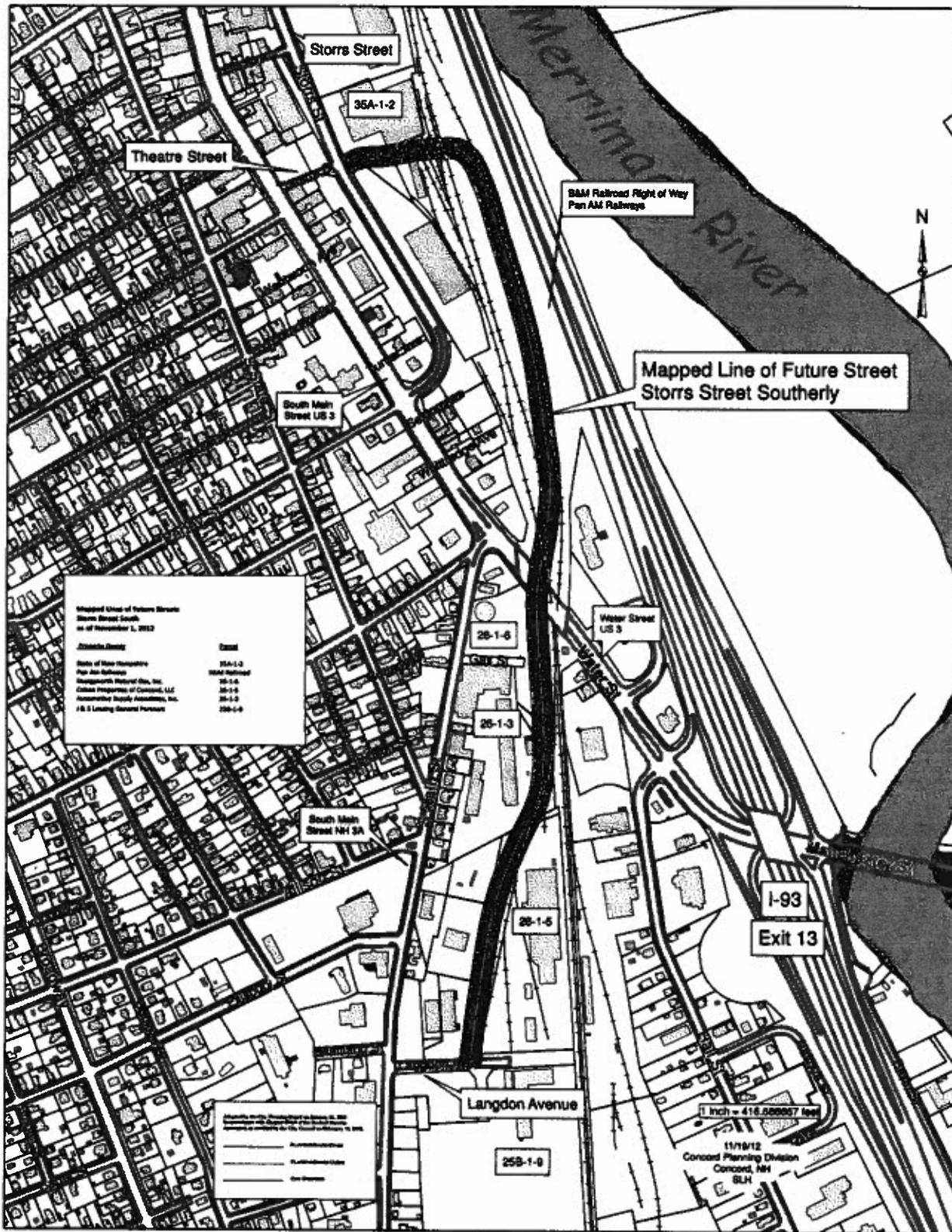
<u>Property Owner</u>	<u>Map/Lot Number</u>	<u>Address</u>
State of New Hampshire	35A-1-2	50 Storrs Street
Pan Am Railroad	B & M Railroad	Storrs Street
Energynorth North Natural Gas, Inc.	26-1-6	Gas Street
Cohen Properties of Concord, LLC	26-1-5	Gas Street
Automotive Supply Associates, Inc.	26-1-3	219-231- S. Main St
J & S Leasing General Partners	25B-1-19	287 South Main St.

There are no environmentally sensitive areas along the corridor.

For the extension of Storrs Street to be completed south of Gas Street a complete take would be required for parcel 26-1-5 owned by Cohen Properties of Concord, LLC. This 0.65 acre parcel has a total assessed value of \$87,600. No other building or structure is impacted.

The corridor is located in a Brownfield area; however recent development in this area has proceeded without major expenditures for the cleanup of either soil or ground water contamination. The Energynorth parcel (26-1-6) at Gas Street was the site of a coal-gasification plant and the source of coal tar contamination in the area. Liberty Gas, the successor to Energynorth, would be are responsible for any Brownfield remediation associated with this contamination which may be required due to construction of the new street.

Storrs Street Southern Extension Mapped Line of Future Street



Mapped Line of Future Street
Storrs Street South
as of November 1, 2012

Address Range	Zone
35A-1-2	35A-1-2
25B-1-6	25B-1-6
25B-1-3	25B-1-3
25B-1-5	25B-1-5
25B-1-0	25B-1-0

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

1 inch = 416.66667 feet

CITY OF CONCORD

11-41 8-14
12-38 9-26 (c)
1-43 9-29
2-57 10-36
3-46
4-49 5-46
6-43

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.



CITY OF CONCORD

1-9
2-45(A)
2-46
3-47
4-50
5-47
6-44

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>
Residential Uses		
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
Nonresidential Uses		
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	
Residential Uses			
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
Nonresidential Uses			
General Office	\$1.66	\$1.70	Square Foot of Floor Area
Single Tenant Office	\$1.82	\$1.88	Square Foot of Floor Area
General Light Industrial Manufacturing	\$1.06	\$1.09	Square Foot of Floor Area
	\$0.61	\$0.63	Square Foot of Floor Area
Warehousing	\$0.76	\$0.78	Square Foot of Floor Area
Quality Restaurant	\$5.43	\$5.59	Square Foot of Floor Area
High Turnover Restaurant	\$6.54	\$6.73	Square Foot of Floor Area
Fast Food Restaurant	\$20.02	\$20.59	Square Foot of Floor Area
Small Retail (0 to 5,000 sf)	\$2.49	\$2.56	Square Foot of Floor Area
Retail (5,001 to 100,000 sf)	\$4.38	\$4.51	Square Foot of Floor Area
Retail (100,001 to 300,000 sf)	\$3.55	\$3.65	Square Foot of Floor Area
Retail (greater than 300,000 sf)	\$3.24	\$3.33	Square Foot of Floor Area

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

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

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

Construction Cost Index	
Jul-00	6225
Jul-02	6605
Jul-04	7126
Jan-06	7660
Dec-06	7888
Nov-07	8092
Dec-08	8551
Dec-09	8641
Dec-10	8952
Dec-11	9172
Nov-12	9398
Dec-13	9668
	6.10%
	7.89%
	7.50%
	3.24%
	2.59%
	5.67%
	1.05%
	3.60%
	2.46%
	2.46%
	2.87%



CITY OF CONCORD

TJA

REPORT TO THE MAYOR AND CITY COUNCIL

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

Recommendations

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

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

Background

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

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

Discussion

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

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

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

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

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

1-10
2-45 (B)
2-24
3-48
4-51
5-48
6-45

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.

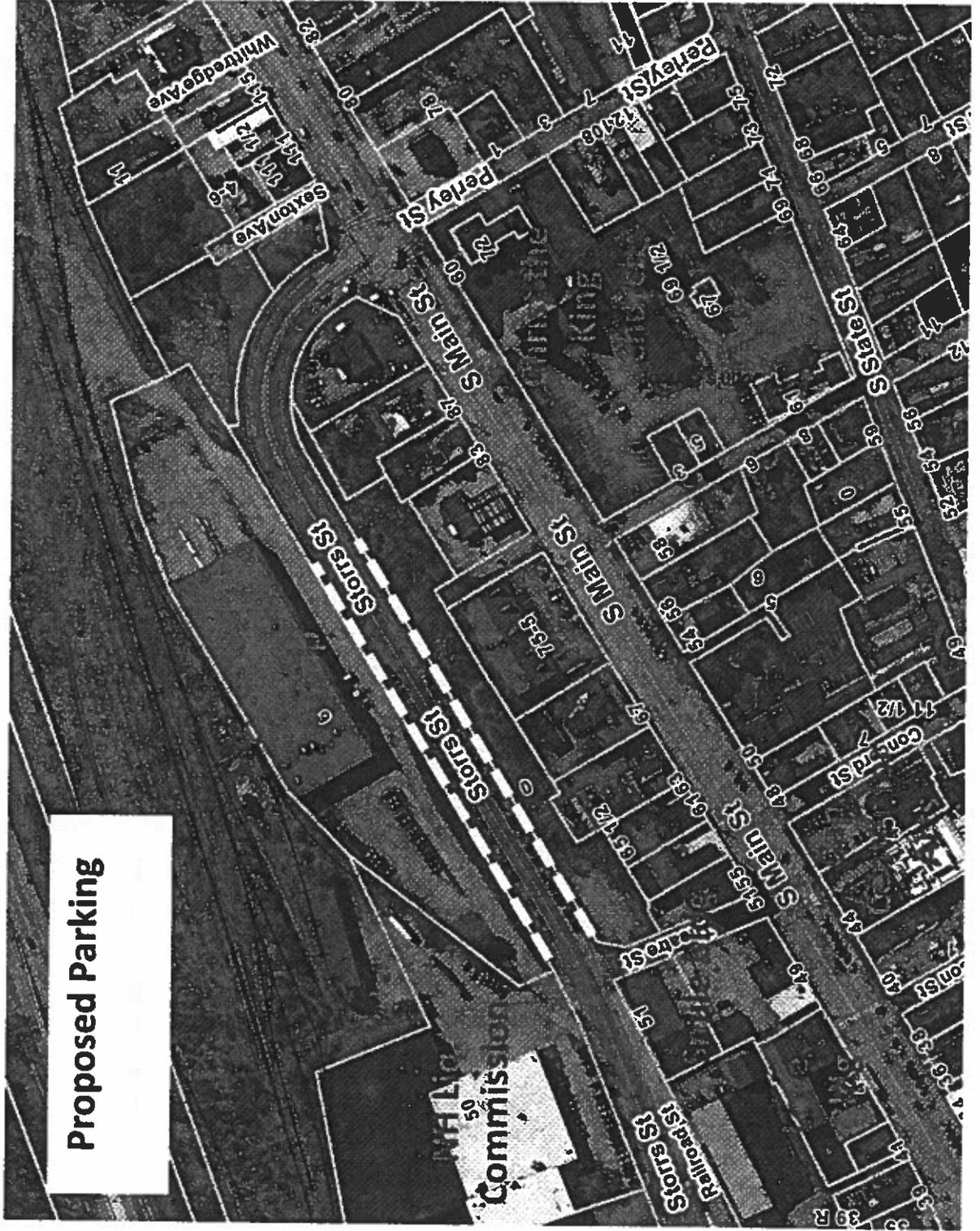
In order to implement this, the City will incur costs for new signage, pavement markings, and miscellaneous expenses. These costs shall be financed with savings from CIP 403 "Parking Vehicle Replacement". Specifically, in FY2014 the City budgeted \$30,000 in capital outlay funds to replace the Parking 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.

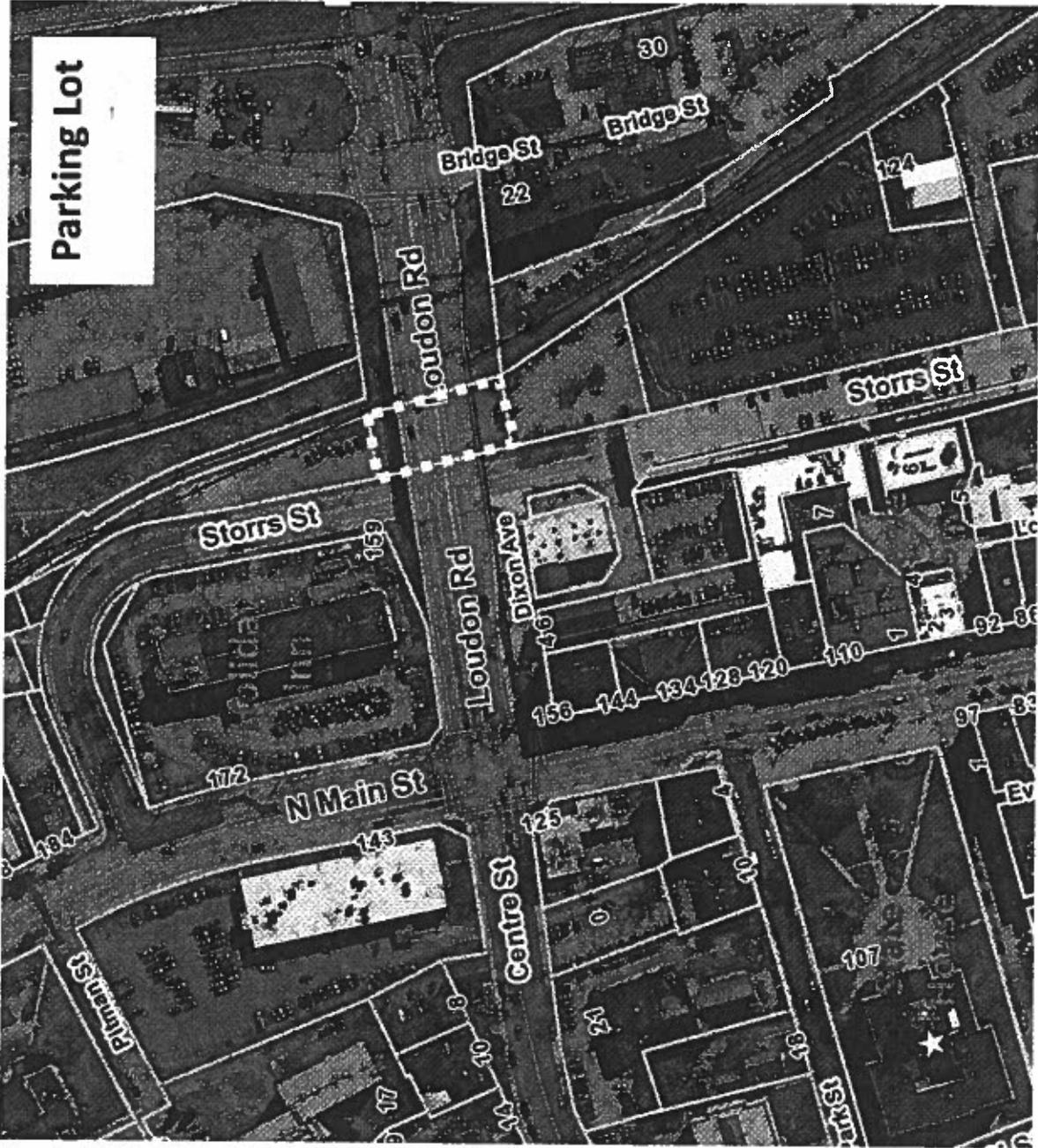


Proposed On-Street Parking
Storrs Street (South of Theatre)

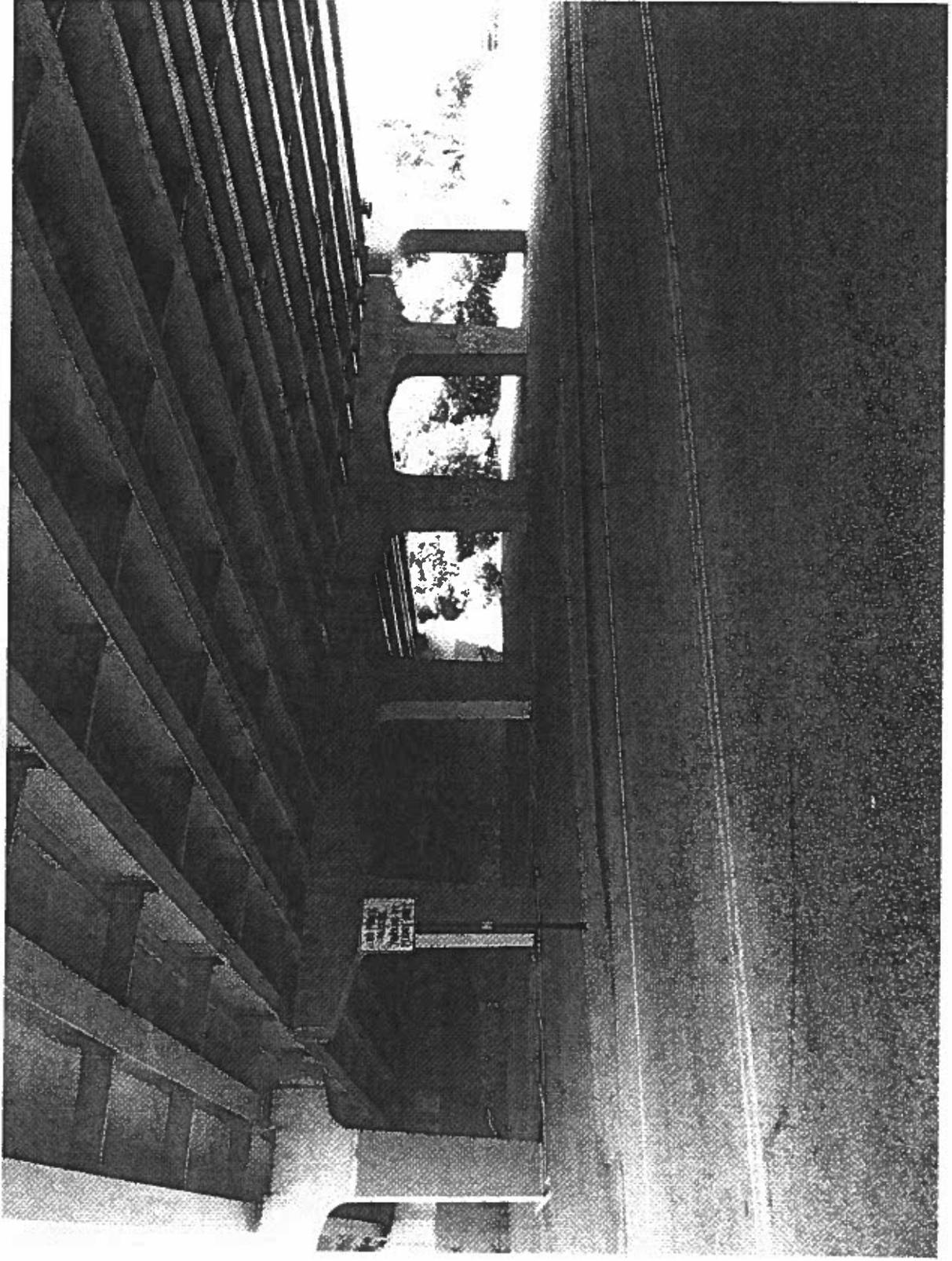


Proposed Parking

Storrs Street Parking Lot
(Beneath Centre Street Over Pass)



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

170

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

TJA



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 10th meeting, the City Council closed the public hearing and tabled this item to March 10th 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

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)

Street	Side Restricted	From	To	Position to Curb
Storrs St.	Both	Theatre St.	450' North of South Main / Perley Street Intersection	Parallel
Storrs St. (parking lot beneath Centre St. Overpass)	N/A	N/A	N/A	As Striped

SECTION II: This ordinance shall take effect on April 14, 2014.



6 Inf 1
TAA

Concord Public Library
Trustee Meeting

April 7, 2014

Present: Lisa Sands, Jeremy Clemans, Mary Beth Robinson, Inez McDermott, Elizabeth Mulholland, Marian Akey, and Interim Co-Library Director Sandi Lee

The meeting was called to order at 7:02 p.m.

Deb Baker, Adult Services Manager, met with the Trustees to report on the Public Library Association meeting, which focused on marketing ideas, program and service ideas, and supervisory/administrative ideas.

The minutes of the March 3, 2014 meeting were approved.

Acting Library Director's Report

A new PT librarian has started, and will be working on Sundays.

The Children's Room had a number of great programs during February vacation week

All DVDs and TV shows are being relabeled in expectation that it will be easier to read the labels.

Foundation Update

CPL Foundation awarded a grant to Books for Babies.

The Foundation needs new Board members.

The Foundation made several other grants including for materials for the children's play space and a pass for the Boston Museum of Science.

New Business

The Trustees considered a request to review and withdraw a book from the collection made by a member of the community. After discussing the matter, the Trustees voted to retain the item in the Library's collection.

The Trustees discussed a complaint made to the City regarding the Library's policy against sleeping. The policy exists to ensure the health and safety of the community.

The bathrooms are now locked and patrons need to request a key.

Old Business

A new trustee is expected to be approved at the City Council meeting next week.

Marian Akey will be completing her time on the Board when her term ends in June 2014.

The Community Center project continues to move forward, and the Trustees expressed an interest in continuing to determine how the library might have a presence there.

No new information on the Library's 75th Anniversary or the City's 250th Anniversary.

The next meeting is May 5, 2014. A motion to adjourn was made at 8:40 p.m.

Respectfully Submitted,
Elizabeth Mulholland,
Secretary

New Concord Public Library
Trustee Meeting

TCA

May 5, 2014

DRAFT

Present: Lisa Sands, Jeremy Clemans, Mary Beth Robinson, Megan DeVorse, Elizabeth Mulholland, Mike Alberici, Paula Miner, Inez McDermott and Interim Co-Library Director Sandi Lee.

The meeting was called to order at 7:00 p.m.

The minutes of the April 7, 2014 meeting were approved.

Library Director's Report

A PT "Sunday" librarian has been hired, and has already started working nights.

The Children's Room has been planning their April - June activities. Children's Book Week is in May, and preparations for the Summer Reading Club are well underway.

The library pages completed a straightening and organizing project on the main floor, and worked on a shelf space project.

Facebook followers continue to increase.

The Penacook branch held a children's tea party and celebrated National Library Week.

Technical Services continues to relabel all of the DVDs and TV series.

Worldshare, a new interlibrary loan website, is up and running.

A new resource called Atomic Training is available through the Library website - it offers on demand video training on hundreds of software applications.

CPL Foundation Update:

- The Foundation needs new Board members

New Business:

The budget should be public on Saturday, May 10.

A budget hearing is scheduled for Saturday, May 31.

A nominating committee was formed to nominate the Trustee Officers.

Eight Chromebooks will be available to use for internet access at the library.

Old Business:

- There is a vacant Trustee position.
- No new information is available on the NH Employment Security plans or the Tannery site.
- The Community Center Plans are on the City Council agenda for the next meeting, with the anticipation that a project consultant will be selected.
- The Concord Reads program that will happen in Spring 2015 will be tied in to the City's 250th anniversary.
- Plans for the 75th Birthday of the Library are still underway.

The next meeting is June 2, 2014. A Motion to adjourn was made at 8:08 p.m.

Respectfully submitted
Elizabeth Mulholland, Secretary

Bonenfant, Janice

6Info

From: colinvo=vanostern.com@mail.salsalabs.net on behalf of Colin Van Ostem
<colinvo@vanostern.com>
Sent: Monday, May 12, 2014 8:08 PM
To: * City Clerk
Subject: Exec Council Report

TJR

Friends,

Much of the news from last week's Council meeting came on the 3-2 approval of Bill Duncan to one of the state's seven Board of Education volunteer positions, after advocates for alternative education models and opponents of Common Core raised concerns about his nomination.

I voted in favor of confirmation because I believe we need a strong advocate for strengthening our public school system on the Board; because I think his background as a successful businessman and veteran gives him a valuable perspective; and because after speaking with him it was clear to me that he embraces Charter schools where executed in cooperation with the local school district (though, not as a replacement).

Wednesday's Governor & Council meeting also approved a number of regional issues and several with statewide impact:

IN CENTRAL NH: Extended a paperwork deadline for a previous grant to Rustic Crust in Pittsfield, in the wake of a devastating fire; rehab & drainage improvements at the Gallen State Office Park in Concord; primary care contracts for low-income citizens in need of aid; various wastewater projects; and \$1.7 mm in taxiway improvements at Concord airport (\$1.61 mm funded by a federal grant).

IN MONADNOCK & WESTERN NH: A \$500,000 grant to help Samson Manufacturing Corporation expand; completion of Phase 2 of the Silver Lake Watershed Management Plan; and purchase of new servers for the Cheshire County Sheriff's Office Regional Dispatch Center.

IN STRAFFORD CO: A new lease for the Strafford Co. Superior & Circuit Courts on County Farm Rd in Dover; primary care contracts for low-income citizens in need of aid; \$13,000 in grant funds each to protect public drinking water systems in Rochester and Rollinsford; and a contract for resurfacing the Lee traffic circle.

STATEWIDE: DEPARTMENT OF JUSTICE: A new full-time attorney in the Justice Department working on drug-related activities; and a systems management company for the recently-passed Medicaid Expansion and an information & education campaign to support it.

APPOINTMENTS: See below

The next meeting is on Wednesday May 21. If you have any questions, please don't hesitate to let me know via email at cvanostern@nh.gov or by calling me at (603) 290-5848.

Sincerely,
Colin
Executive Councilor, District 2

FULL MEETING AGENDA (or follow the links below for documentation of each item)

DETAILS BELOW:

1. DETAIL: CENTRAL NH

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DEPARTMENT OF JUSTICE

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Bonenfant, Janice

From: colinvo=vanostern.com@mail.salsalabs.net on behalf of Colin Van Ostern
<colinvo@vanostern.com>
Sent: Friday, May 23, 2014 4:59 PM
To: * City Clerk
Subject: Exec Council Report

TA B

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Marie A. Mullen, Bow, NH

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Water Council

Christopher M. Rawnsley, Antrim, NH

###



Bonenfant, Janice

From: colinvo=vanostern.com@mail.salsalabs.net on behalf of Colin Van Ostern
<colinvo@vanostern.com>
Sent: Friday, May 23, 2014 5:10 PM
To: * City Clerk
Subject: CORRECTED Exec Council Report

TJA

Friends,

Before this week's Governor & Council meeting we met at the Twitchell House, a state-owned facility run by Riverbend Community Mental Health, which helps mental health patients get the help, care, and recovery resources they need. The house, which sits on the grounds of what was once the "NH Asylum for the Insane," is a 15-bed residential treatment program – one of three in the area that allow different levels of residential care aimed at helping patients who would otherwise be institutionalized.

Friday's Governor & Council meeting also approved a number of regional projects and several with statewide impact:

IN CENTRAL NH: Provide homeless support (rent & transitional assistance) via Bellknapp-Merrimack Community Action Program; a land swap of roughly one acre among agencies in Shea State Forest in Concord; and support for local education agencies via Granite State Independent Living.

IN MONADNOCK & WESTERN NH: Provide homeless support (rent & transitional assistance) via Southwestern Community Services; a local source water protection grant in Winchester; and support for local education agencies via Monadnock Development Services.

IN STRAFFORD CO: Allow the University System of NH to refinance outstanding debt at better terms; authorize a grant for soil health efforts in Strafford Co; provide homeless support (rent & transitional assistance) via Community Action Program of Strafford County; renewed a contract with Strafford Learning Center in Somersworth for support of local education agencies.

STATEWIDE: Approved the Department of Revenue Administration to add credit card processing for state tax bills; and extended the time allowed for use of previously-awarded grants to lower energy costs and CO2 emissions, and also for a NH Retail Association energy efficiency project to support retail businesses.

APPOINTMENTS: See below

The next meeting is on Wednesday June 4. If you have any questions, please don't hesitate to let me know via email at colinvo@vanostern.com or by calling me at (603) 290-5848.

Sincerely,

Colin

Executive Councilor, District 2

FULL 05/23 AGENDA

(or follow the links below for documentation of each item)

FULL INFORMATION

1. DETAIL: CENTRAL NH

#34 Authorized to enter into agreements with the vendors as detailed in letter dated March 24, 2014, to provide Homeless Outreach Intervention Prevention services to homeless individuals and families in an amount not to exceed \$333,836. Effective July 1, 2014 or upon G&C approval, whichever is later, through June 30, 2015. **100% Federal Funds.**

#47 Authorized, with the Department of Health and Human Services (DHHS), to exchange management responsibilities for State land parcels of approximately equal acreage located in Concord, NH, said parcels consisting of approximately 0.89 acres of Russell Shea State Forest land to be annexed to the abutting DHHS Russell Farm parcel at 84 Iron Works Road in exchange for approximately 1.03 acres of the DHHS Russell Farm parcel to be annexed to the abutting Russell Shea State Forest. No Funding.

#73 Authorized a renewal option to a sole source contract with Granite State Independent Living, Concord, NH, (originally approved by G&C on 5-1-13, item #82), to continue to develop and provide training and technical assistance to local education agencies in their region under the State Personnel Development Grant, in an amount not to exceed \$146,000. (2) Further Authorized to exercise a renewal option on this contract for one additional fiscal year. Effective July 1, 2014 through June 30, 2016. **100% Federal Funds.**

2. DETAIL: MONADNOCK REGION

#34 Authorized to enter into agreements with the vendors as detailed in letter dated March 24, 2014, to provide Homeless Outreach Intervention Prevention services to homeless individuals and families in an amount not to exceed \$333,836. Effective July 1, 2014 or upon G&C approval, whichever is later, through June 30, 2015. **100% Federal Funds.**

#36 Authorized to enter into agreements with the vendors as detailed in letter dated April 21, 2014, to provide Shelter Plus Care Program services to homeless individuals and families in an amount not to exceed \$593,876. Effective upon G&C approval. **100% Federal Funds.**

#57 Authorized to award a Local Source Water Protection grant to the Town of Winchester, NH, in the amount of \$2,900 to complete a project to protect public drinking water systems. Effective upon G&C approval through May 31, 2015. **100% Federal Funds.**

#68 Authorized a renewal option to a **sole source** contract with Monadnock Development Services, Keene, NH, (originally approved by G&C on 4-3-13, item #66), to continue to develop and provide training and technical assistance to local education agencies in their region under the State Personnel Development Grant, in an amount not to exceed \$134,000. (2) Further Authorized to exercise a renewal option on this contract for one additional fiscal year. Effective July 1, 2014 through June 30, 2016. **100% Federal Funds.**

3. DETAIL: STRAFFORD COUNTY

#5 Authorized to accept and place on file the Report and Findings of Councilor Colin Van Ostern with regard to a certain project in participation with University System of New Hampshire, Lee, NH.

#19 Authorized to enter into a grant with Strafford County Conservation District, Dover, NH, in the amount of \$18,000 for the Strafford and Rockingham County Soil Health Initiative – Yoeman’s Plow, in Stafford and Rockingham Counties. Effective upon G&C approval through April 30, 2016. **100% Other Funds – State Conservation Committee.**

#34 Authorized to enter into agreements with the vendors as detailed in letter dated March 24, 2014, to provide Homeless Outreach Intervention Prevention services to homeless individuals and families in an amount not to exceed \$333,836. Effective July 1, 2014 or upon G&C approval, whichever is later, through June 30, 2015. **100% Federal Funds.**

#72 Authorized a renewal option to a **sole source** contract with Strafford Learning Center, Somersworth, NH, (originally approved by G&C on 3-20-13, item #68), to continue to develop and provide training and technical assistance to local education agencies in their region under the State Personnel Development Grant, in an amount not to exceed \$134,000. (2) Further Authorized to exercise a renewal option on this contract for one additional fiscal year. Effective July 1, 2014 through June 30, 2016. **100% Federal Funds.**

4. STATEWIDE PROJECTS AND POLICIES

#3 Authorized, for the benefit of the Department of Revenue Administration, to enter into a **sole source** amendment of the existing agreement between DoIT and First Data Government Solutions, formerly GovConnect, Cincinnati, OH, (originally approved by G&C in May of 2002), to allow credit card payments to the Meals and Rentals Tax, Business Tax, and Interest and Dividends Tax types to the NH e-File Web Application, by increasing the amount by \$74,880 from \$1,508,440 to \$1,583,320. Effective upon G&C approval through June 30, 2015. **100% General Funds.**

#27 Authorized to amend an award of grant funds to TRC Energy Services, a division of TRC Environmental Corporation, (originally approved by G&C on 12-19-12, item #39), in the amount of \$5,000,000, for the purpose of lowering energy costs and reducing CO2 emissions, by extending the completion date from June 30, 2014 to June 30, 2015. No Additional Funding. **100% Greenhouse Gas Emissions Reduction Funds.**

#28 Authorized to amend an award of grant funds to the NH Retail Association (originally approved by G&C on 12-8-10, item #71), for the purpose of partnering with The Jordan Institute to expand its 2009 Energy Efficiency program designed for retail businesses, by extending the end date from June 30, 2014 to December 31, 2014. No Additional Funding. **100% Greenhouse Gas Emissions Reduction Funds.**

5. DETAIL: APPOINTMENTS AND NOMINATIONS

*(* = District 2 Resident)*

New Nominations by Governor Hassan:

Agricultural Advisory Board

John E. Moulton, Meredith, NH

State Board of Auctioneers

Gregory J. Peverly, Northfield, NH*

Business Finance Authority

Matthew H. Benson, Concord, NH*

Community College System of New Hampshire Board of Trustees

Robert A. Duhaime, Manchester, NH

Stephen Guyer, Gilford, NH

Jeremy Hitchcock, Manchester, NH

Paul J. Holloway, Rye, NH

John T. Stevens, Gilford, NH

Enhanced 911 Commission

Patrick Robinson, Manchester, NH

Judicial Council

Kimberley Casey, East Kingston, NH

Assistant Commissioner of the Department of Transportation

David J. (Jeff) Brillhart, Concord, NH*

Commission to Study Uniform Laws

Russell F. Hilliard, Portsmouth, NH

Board of Veterinary Medicine

Simon George, Deerfield, NH

Confirmed by the Council:

Appellate Board

Susan Ender, Rye, NH

Department of Cultural Resources Director of the Division of the Arts

Virginia Lupi, Corning, NY

Commissioner of the Department of Environmental Services

Thomas S. Burack, Hopkinton, NH*

Department of Environmental Services Director of the Water Division

Eugene J. Forbes, Burlington, VT

Executive Branch Ethics Committee

Alan W. Johnson, Penacook, NH*

Family Mediator Certification Board

I. Terry Sturke, Concord, NH*

Higher Education Commission

Thomas C. Gilligan, New London, NH

Housing Finance Authority

Steven W. Ensign, New London, NH

Stephanye Schuyler, Portsmouth, NH

Merrimack River Valley Flood Control Commission

George M. Bald, Somersworth, NH*

George C. Cummings, Webster, NH*

Board of Nursing

Roberta A. Petrin, Rochester, NH*

Personnel Appeals Board

Norman J. Patenaude (d), Portsmouth, NH

Charla B. Stevens (d), Bedford, NH

Telecommunications Planning and Development Advisory Committee

Sarah N. Pletcher, Hanover, NH

Waste Management Council

Rudy Bazelmans, Nashua, NH

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LEINF3

1A A

RECEIVED

MAY 16 2014

CITY OF CONCORD
MAY 16 2014

May 14, 2014

City of Concord
41 Green Street
Concord, N.H. 03301

Re: Check \$190,368.65

Dear Council Members:

Please find enclosed Comcast's Franchise Fee payment for the first quarter of 2014. If you have any questions regarding these payments, please feel free to contact me at 603-224-1871, ext. 202.

Sincerely,

Bryan Christiansen
Manager of Government Relations

40



COMCAST FINANCIAL AGENCY CORPORATION
 A Comcast Cable Communications Group Company
 1701 JFK Boulevard
 Philadelphia, PA 19103-2838

14062499

PAGE: 1 of 1

DATE: May 1, 2014
 CHECK NUMBER: 510517234
 AMOUNT PAID: \$190,368.65



00189 CKS LA 14123 - 0510517234 NNNNNNNNNNN 3215100005009 X393A1 C
 CONCORD CITY OF NH
 41 GREEN STREET
 OFFICE OF THE MAYOR
 CONCORD NH 03301



VENDOR NUMBER: 154624

VENDOR: CONCORD CITY OF NH

INVOICE NO.	INVOICE DATE	ACCOUNT NUMBER	DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
157221	03/31/14		305385-Concord NH	\$0.00	\$190,368.65
			TOTALS	\$0.00	\$190,368.65

PLEASE DETACH BEFORE DEPOSITING CHECK



COMCAST FINANCIAL AGENCY CORPORATION
 A Comcast Cable Communications Group Company
 1701 JFK Boulevard
 Philadelphia, PA 19103-2838

CHECK NUMBER 510517234

56-1544
441

May 1, 2014

*** VOID AFTER 180 DAYS ***

PAY TO THE ORDER OF: CONCORD CITY OF NH
 41 GREEN STREET
 OFFICE OF THE MAYOR
 CONCORD, NH 03301

CHECK AMOUNT
\$190,368.65

EXACTLY *****190,368 DOLLARS AND 65 CENTS

JPMorgan Chase Bank, N.A.
 Columbus, OH



Catherine Proffitt

Authorized Signature

⑈ 510517234⑈ ⑆044115443⑆

675528343⑈



System Name: Comcast of Maine/New Hampshire, Inc.
 Email: Patrick_Moore@cable.comcast.com
 Phone: 610-650-2999

Vendor ID:	154624
Contract Name:	Concord NH
Statement Period:	Jan - Mar, 2014
Payment Amount:	\$190,368.65
Statement Number:	157221
CUID:	None
System ID:	8773-2000-1560

CONCORD CITY OF NH
 41 GREEN STREET
 OFFICE OF THE MAYOR
 CONCORD, NH, 03301

This statement represents your payment for the period listed above.

Revenue Category	Amount
Expanded Basic Video Service	\$1,340,870.66
Limited Basic Video Service	\$679,011.49
Digital Video Service	\$683,261.79
Pay	\$284,149.94
PPV / VOD	\$143,360.84
Video Equipment	\$8,307.45
Digital Video Equipment	\$137,950.79
Video Installation / Activation	\$31,625.71
Franchise Fees	\$198,544.52
PEG Fees	\$15,968.38
Guide	\$749.89
Other	\$14,954.23
Late Fees	\$10,750.40
Write-offs / Recoveries	(\$11,817.34)
Ad Sales	\$251,410.55
Home Shopping Commissions	\$18,150.60
Total	\$3,667,369.71
Franchise Fee %	5.00 %
Franchise Fee	\$190,368.65

To the best of my knowledge and belief, the above is a true and correct statement for the accounting of the gross revenues received by this corporation for the period.

Patrick Moore

 Pat Moore
 Analyst

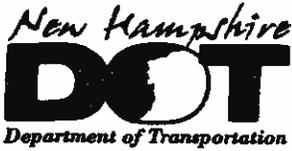


61nf4

TA



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Commissioner's Office
Tel: 271-3734

May 9, 2014



Mayor Jim Bouley & City Council
City of Concord
City Council Chambers
41 Green St.
Concord, NH 03301

Steve Ives, Chair
Town of Loudon
Board of Selectmen
P.O. Box 7837
Loudon, NH 03307

Robert Steenson, Chair
Board of Selectmen
Town of Canterbury
PO Box 500
Canterbury, NH 03224

Re: New Hampshire Motor Speedway (NHMS) Traffic Monitoring Program

Dear Mayor Bouley, Selectman Ives, and Selectman Steenson:

NHDOT performs several supporting activities related to major NHMS events, including traffic monitoring in and around communities that are most impacted by event traffic. NHDOT has monitored major event traffic levels at approximately 40 count locations ranging from major highways (I-93, I-393, etc.) to several local roadways.

The Traffic Control Committee composed of NHDOT, NHMS, and other state and local representatives continues to meet monthly from April through October of each year. Every season brings improvements to the traffic control plans and increased capacity and efficiency to the major roads, thereby reducing traffic on local roads. The data demonstrates that local road traffic volumes have been fairly consistent with most locations experiencing either a decreasing trend or maintaining a consistent traffic volume for each race.

After reviewing traffic data for the past 10 years, the NHDOT proposes to discontinue the following count stations, beginning with the July 13, 2014 NASCAR Sprint Cup Series race:

Concord

- Hoit Road west of NH 132
- Hoit Road west of Shaker Road
- Regional Drive

Canterbury

- West Road west of NH 132
- NH 132 north of West Road
- Center Road east of NH 132
- Baptist Road west of Shaker Road
- Shaker Road north of Baptist Road
- Shaker Road north of Asby Road junction
- Asby Road at Shaker Road

Loudon

- Chichester Road east of NH 106
- NH 129 west of NH 106
- NH 129 east of NH 106
- Pleasant Street east of NH 129
- Lower Ridge Road east of McKenzie Road

Concord/Canterbury

- NH 132 at Concord/Canterbury town line

Concord/Loudon

- Oak Hill Road at Concord/Loudon town line

Canterbury/Loudon

- Shaker Road at Canterbury/Loudon town line

NHDOT strongly believes that a more refined data collection program will not diminish public safety in and around your communities closest to NHMS. Future counts could be requested at prior locations or other areas as warranted. Please feel free to contact me directly at 603-271-1486, should you have any questions or concerns.

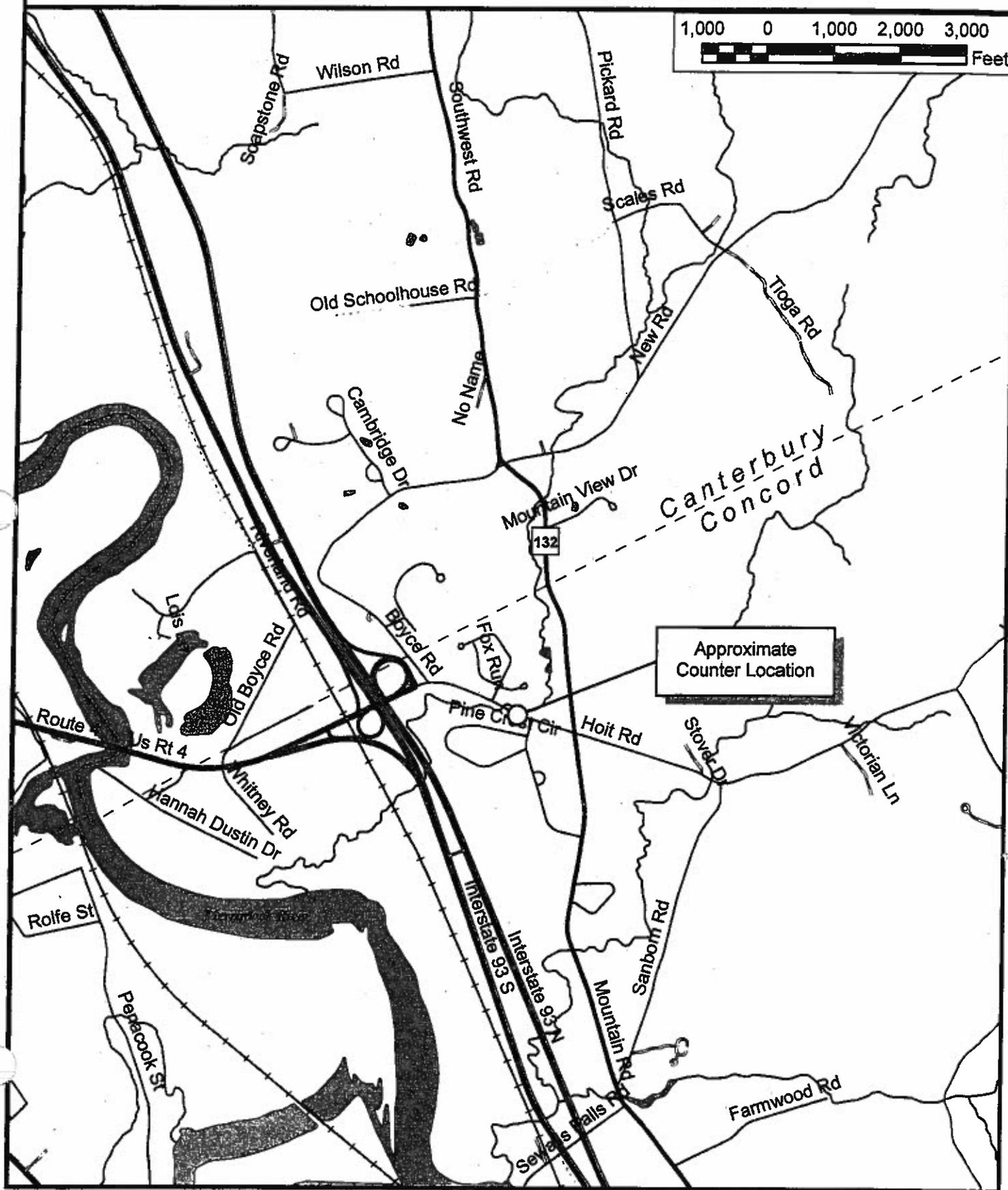
Sincerely,

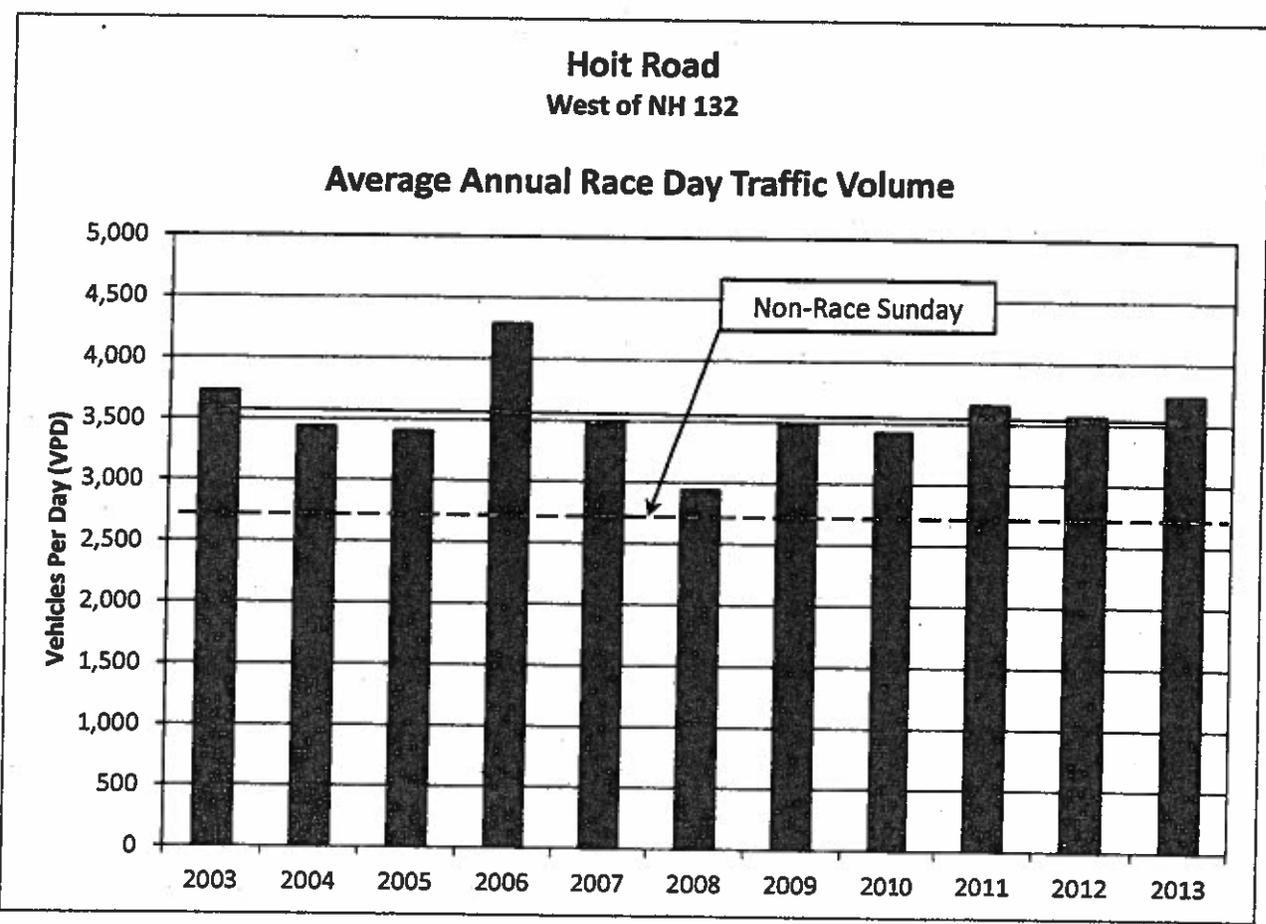
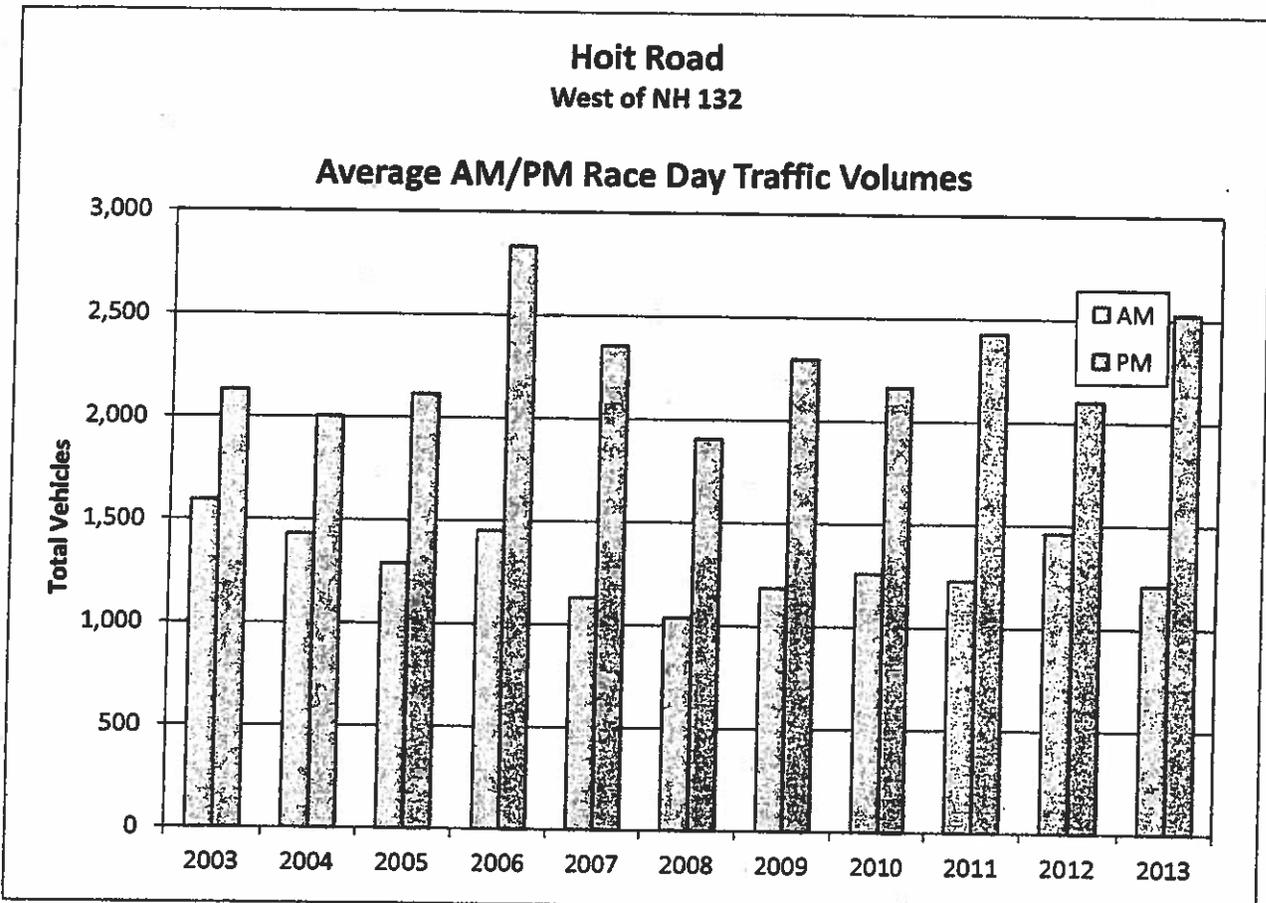


David M. Rodrigue, P.E.
Assistant Director of Operations

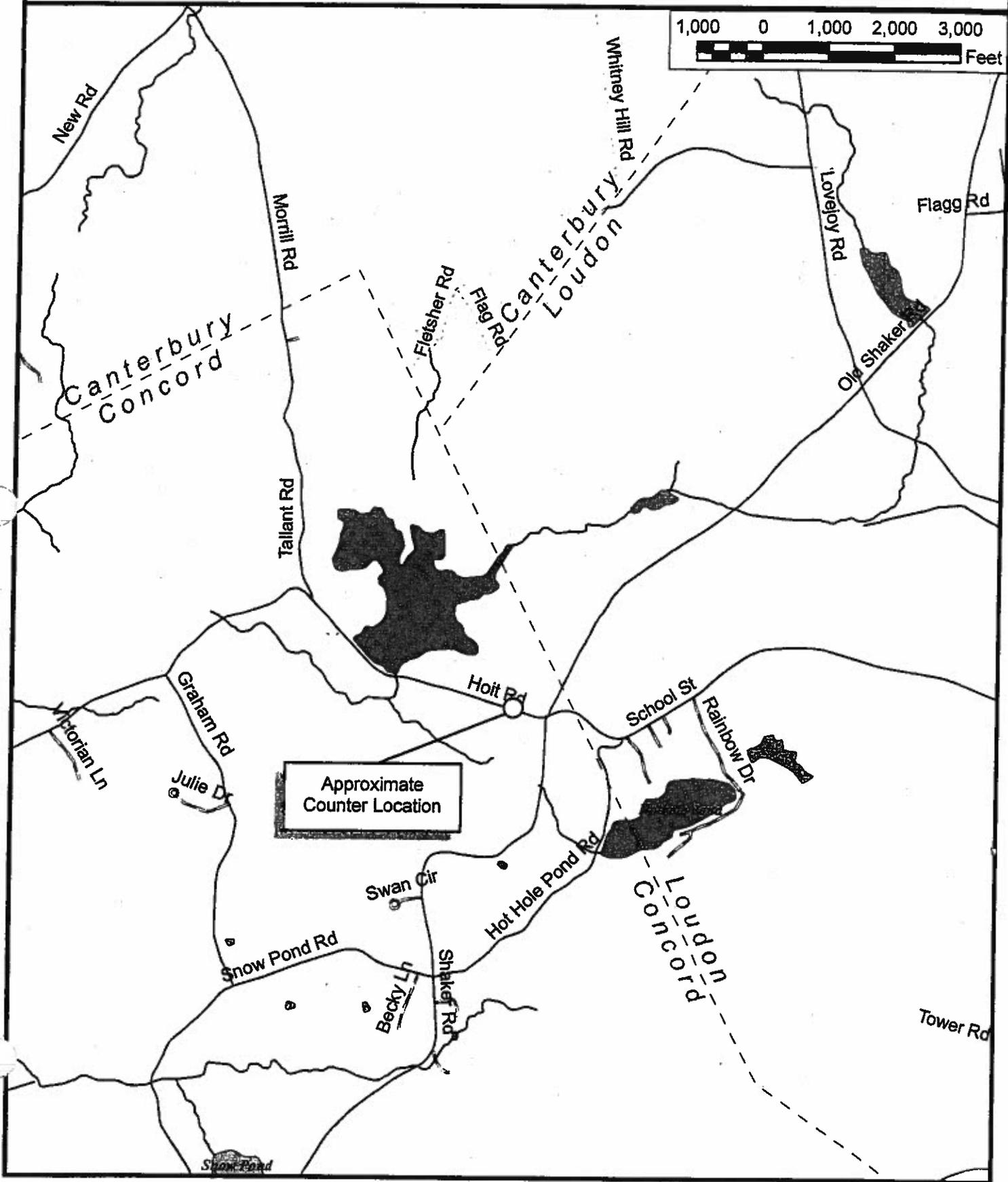
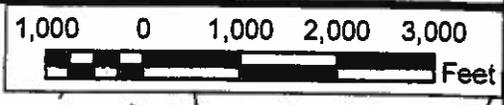
Encl.

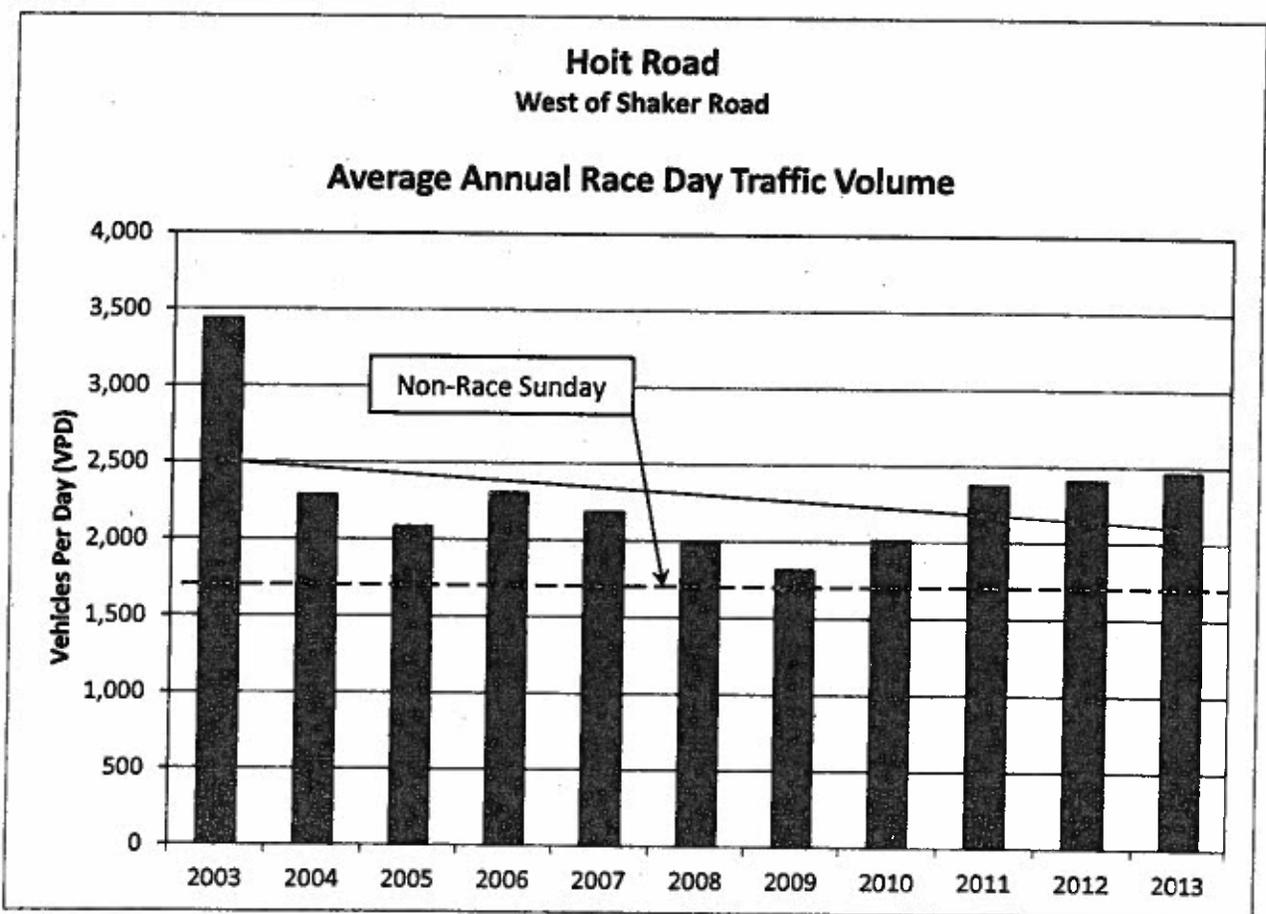
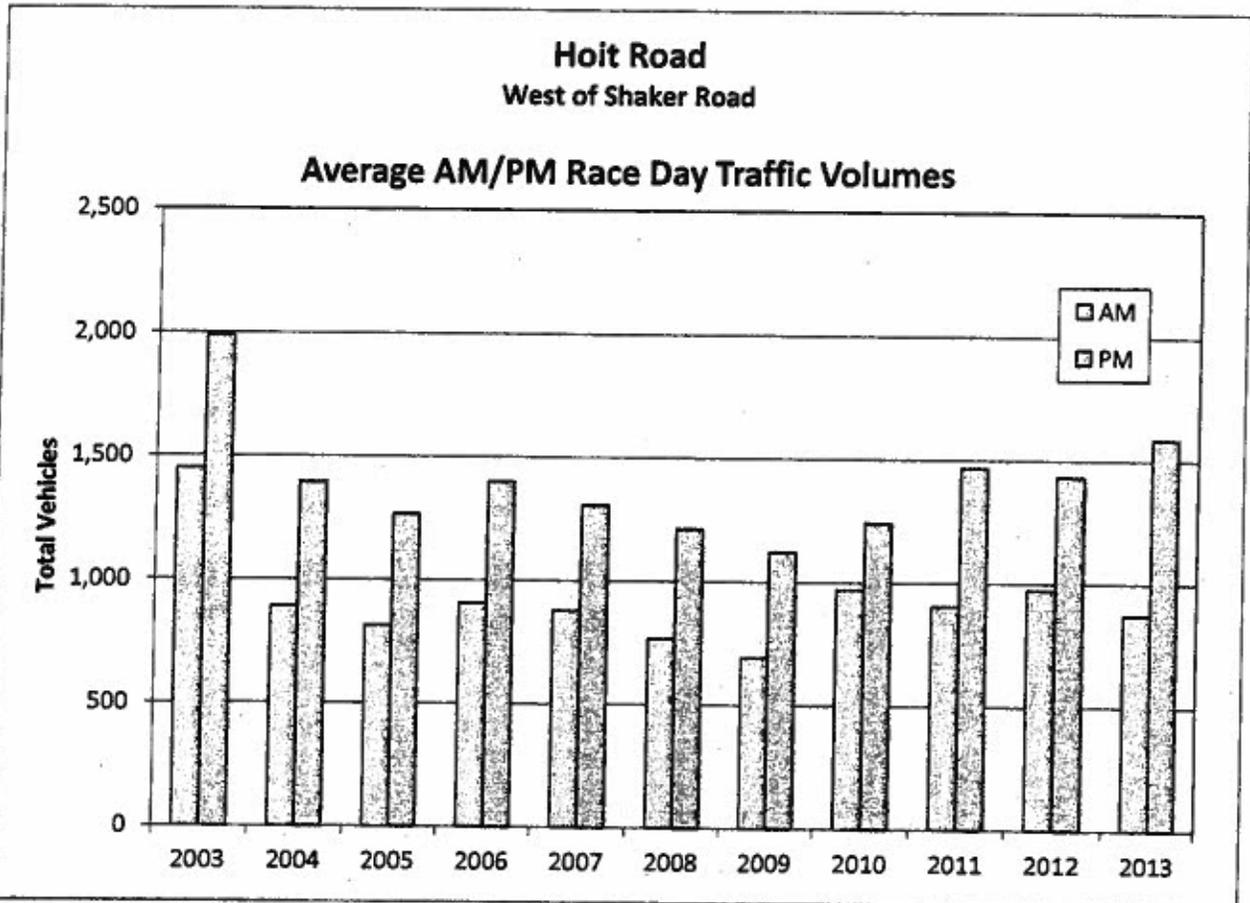
HOIT ROAD WEST OF NH 132



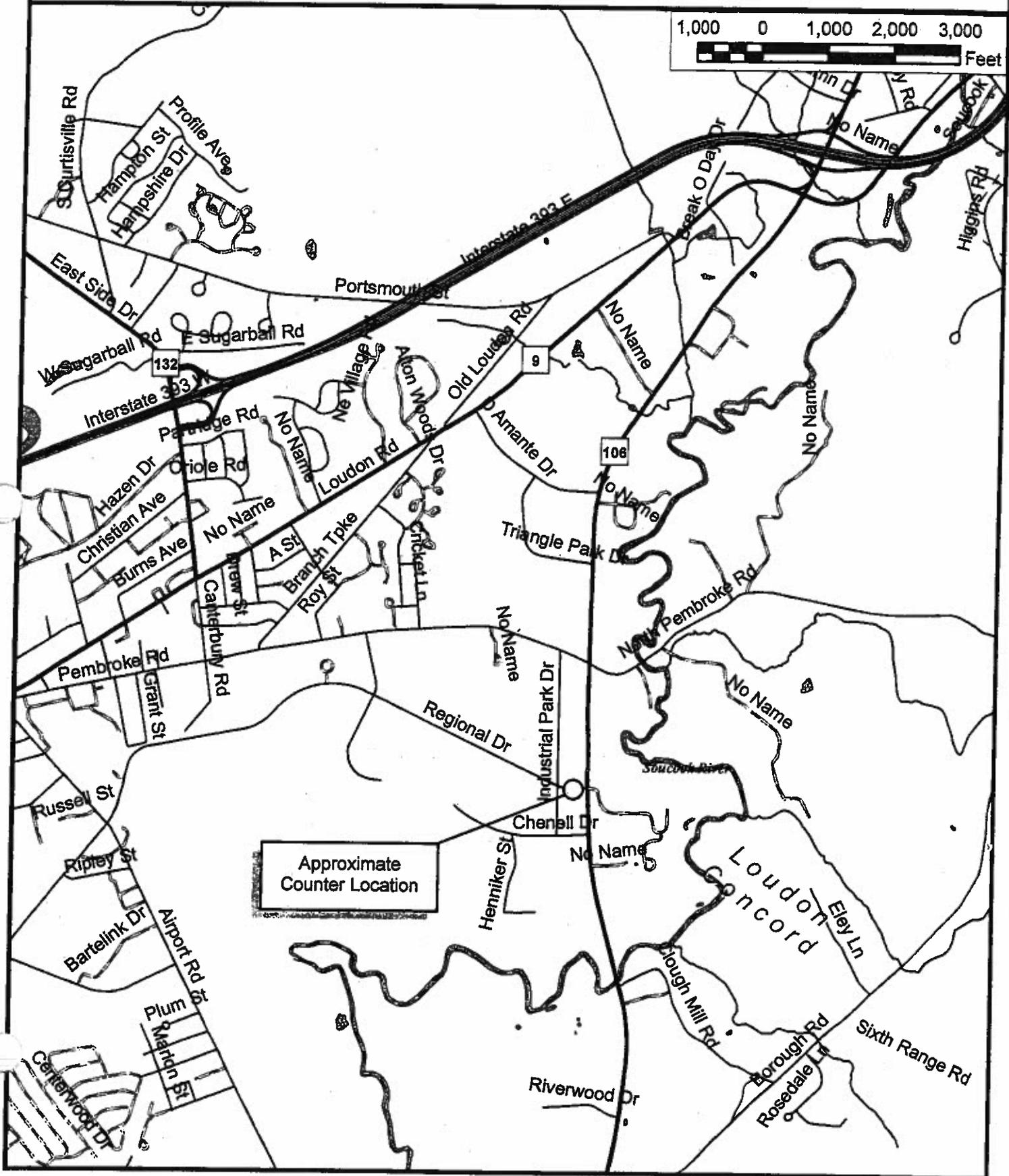
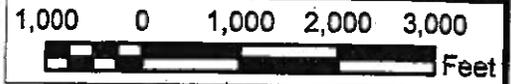


HOIT ROAD WEST OF SHAKER ROAD



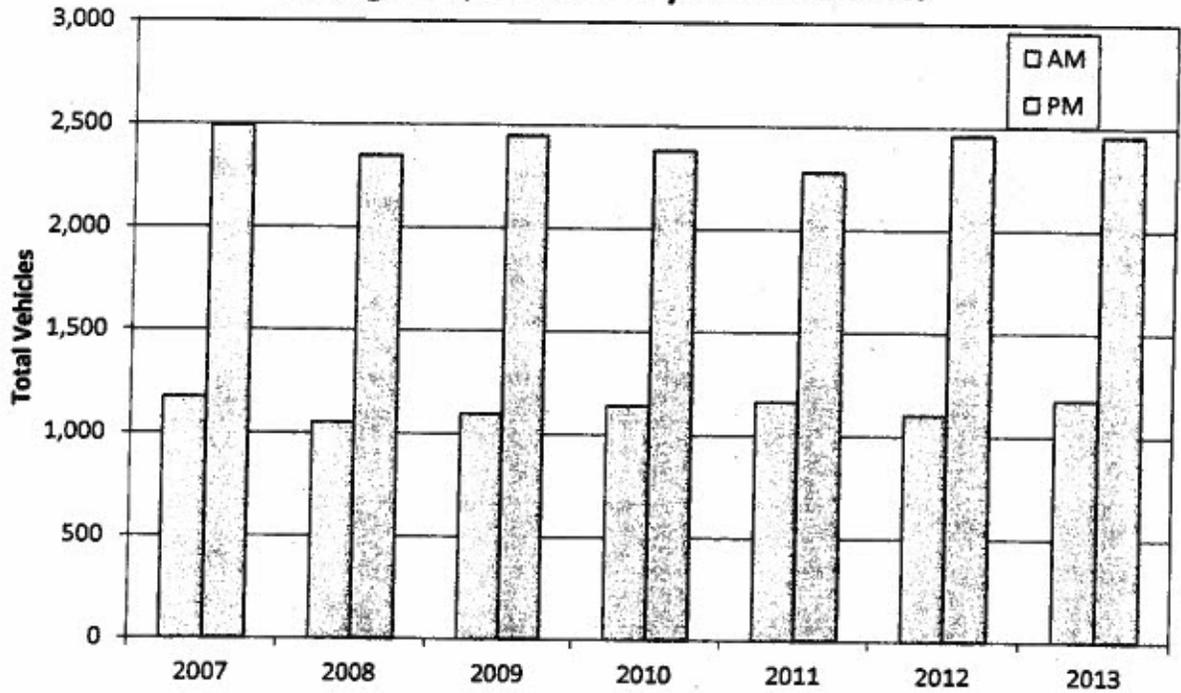


REGIONAL DRIVE WEST OF NH 106



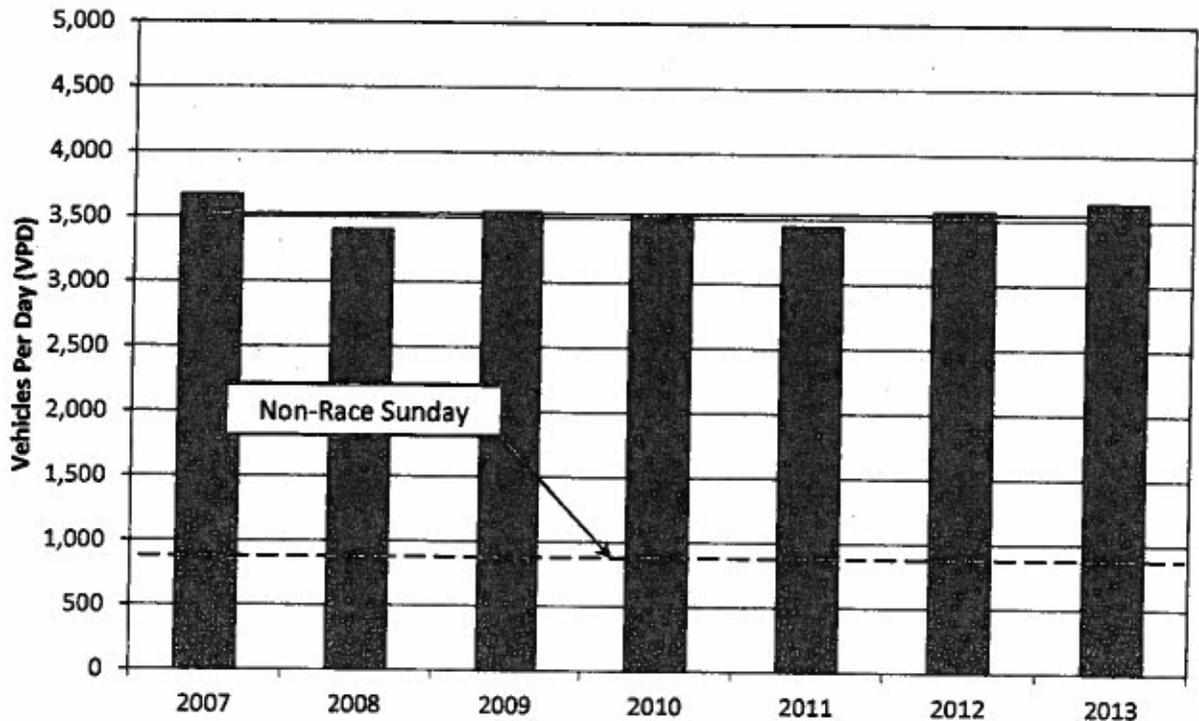
**Regional Drive
West of Route 106**

Average AM/PM Race Day Traffic Volumes

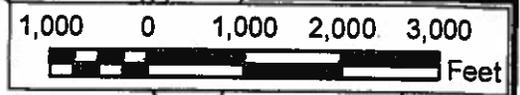


**Regional Drive
West of Route 106**

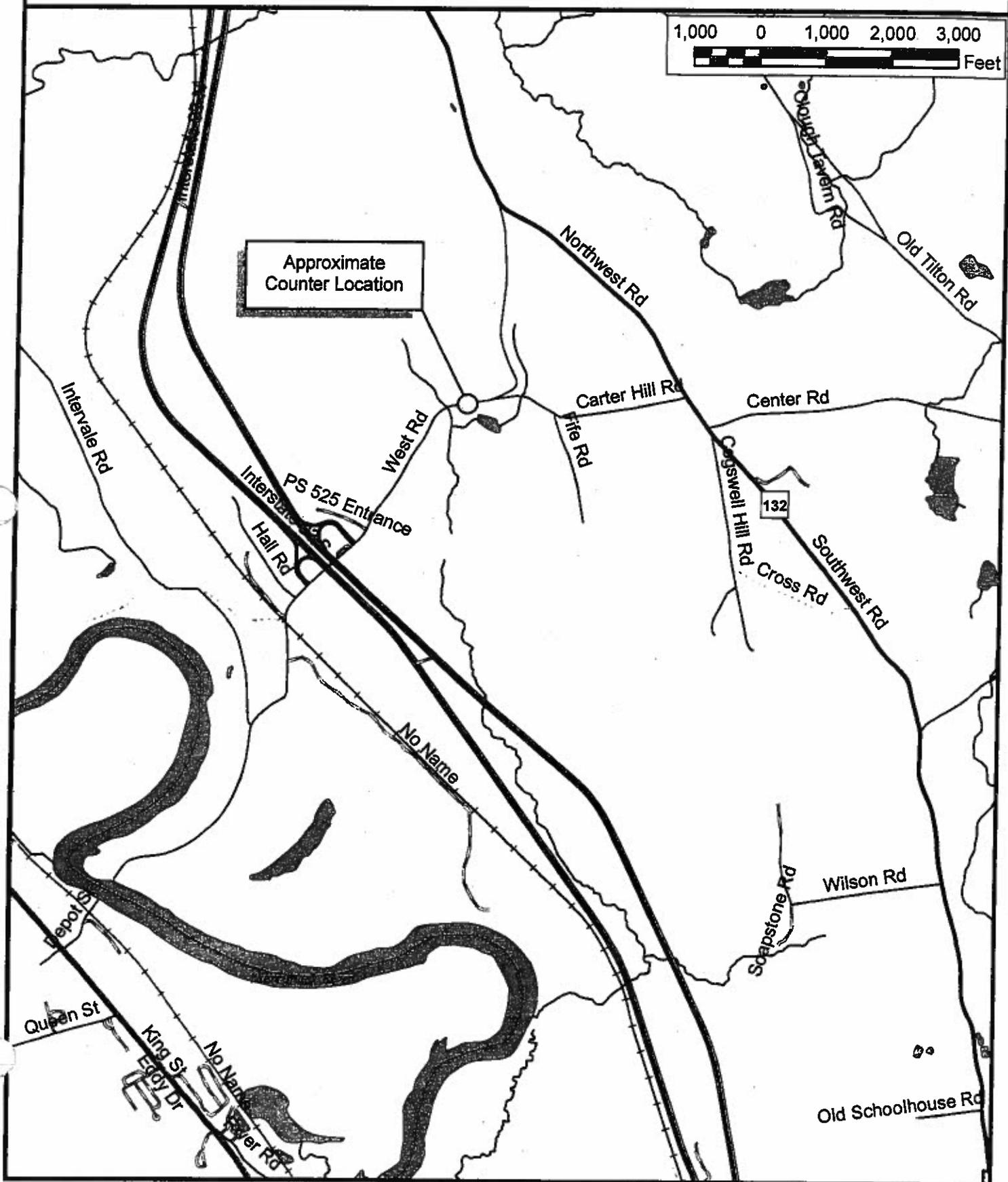
Average Annual Race Day Traffic Volume

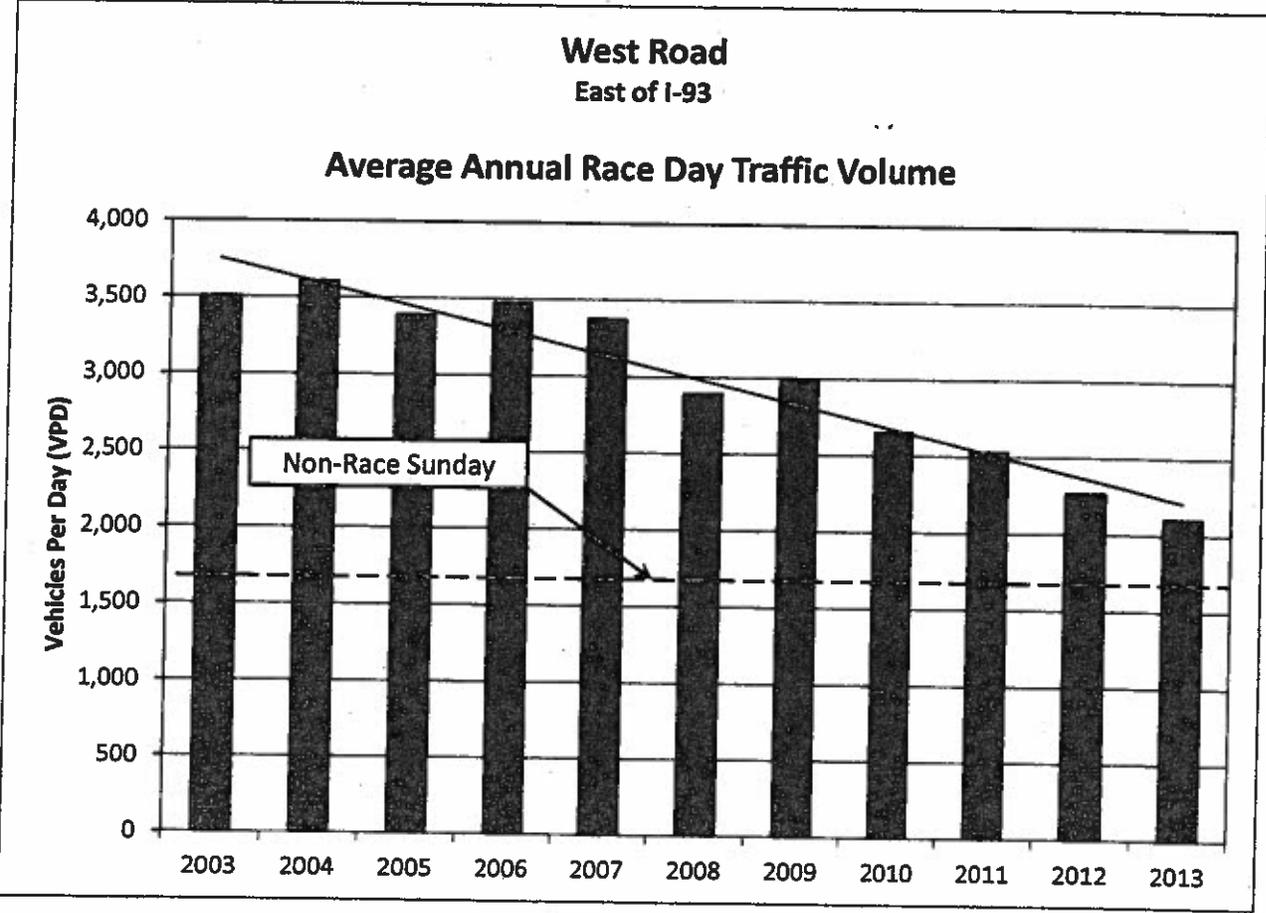
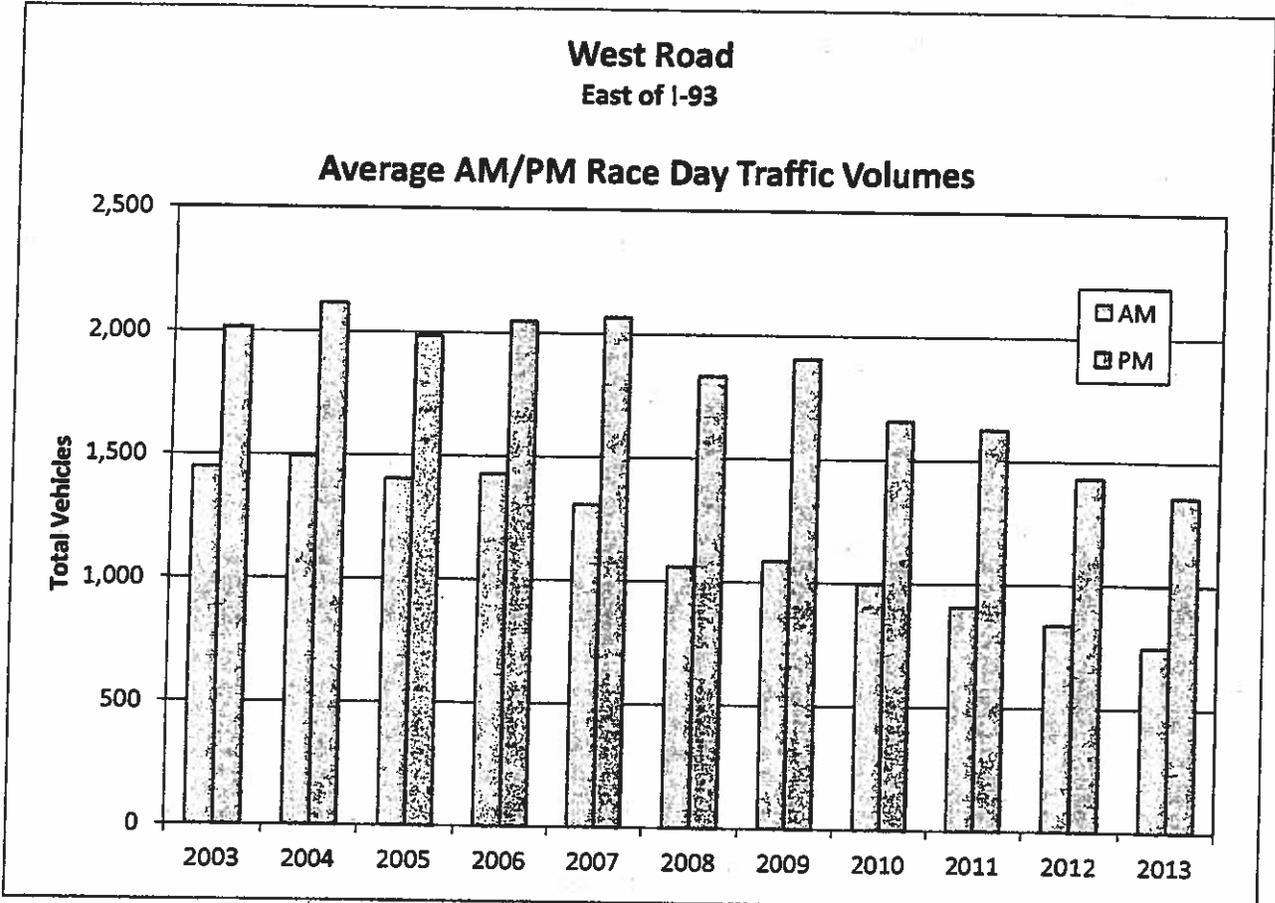


WEST ROAD EAST OF I-93

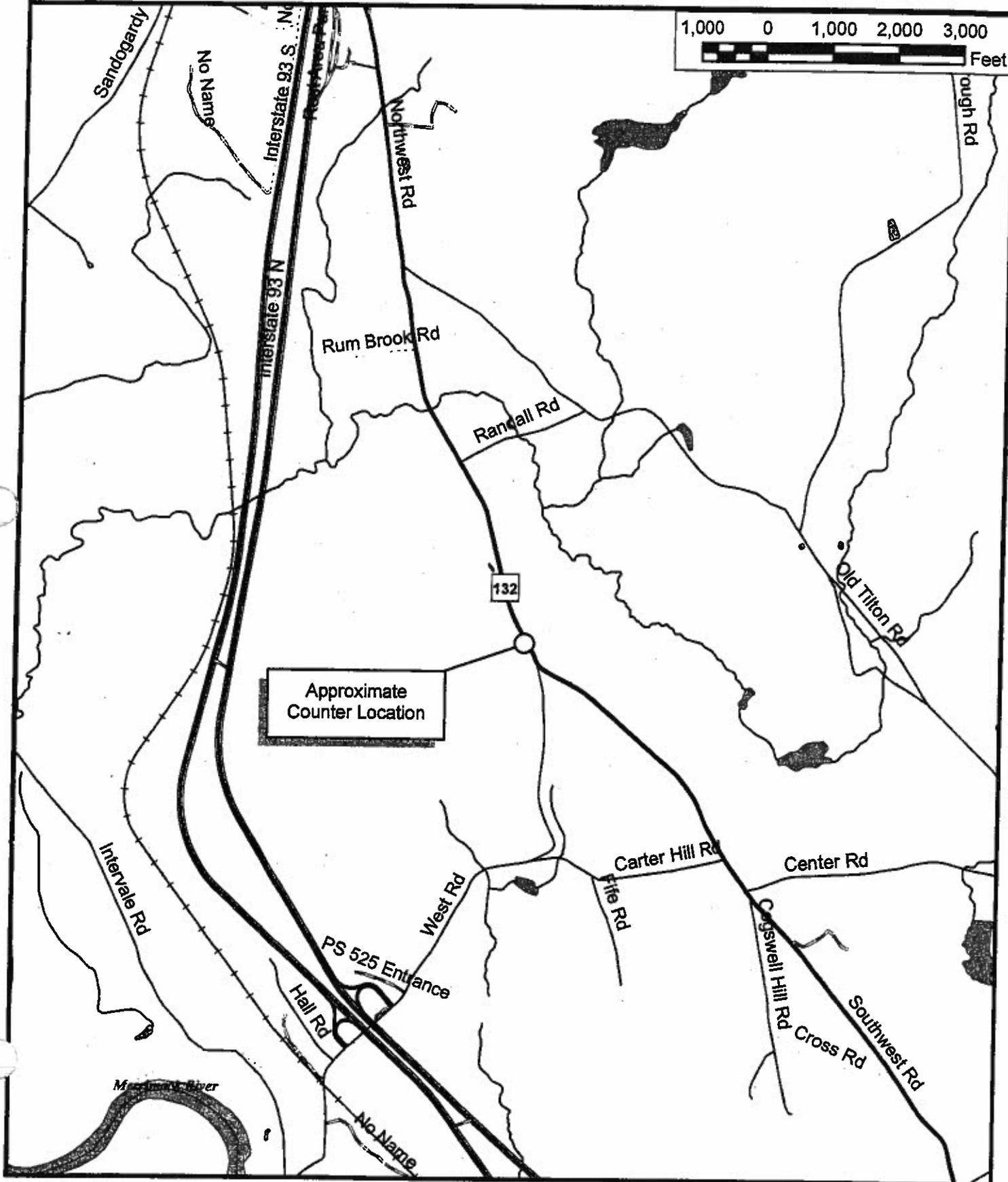
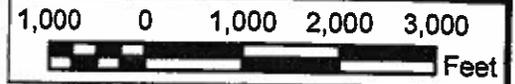


Approximate
Counter Location



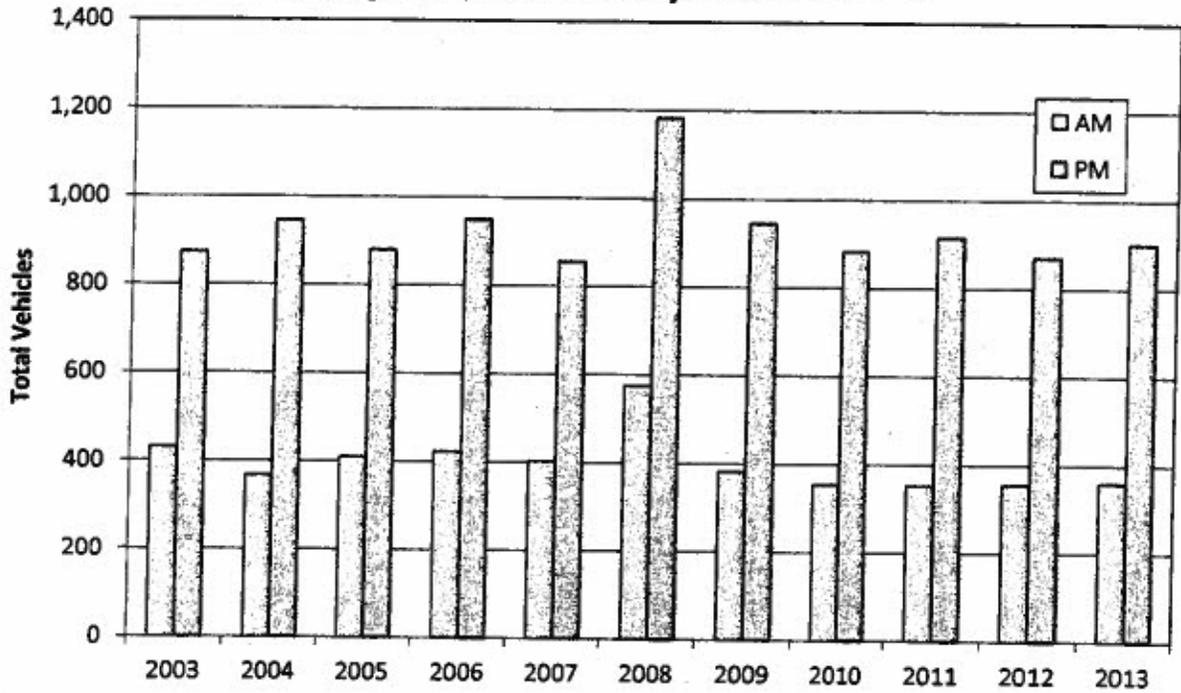


NH 132 NORTH OF WEST ROAD



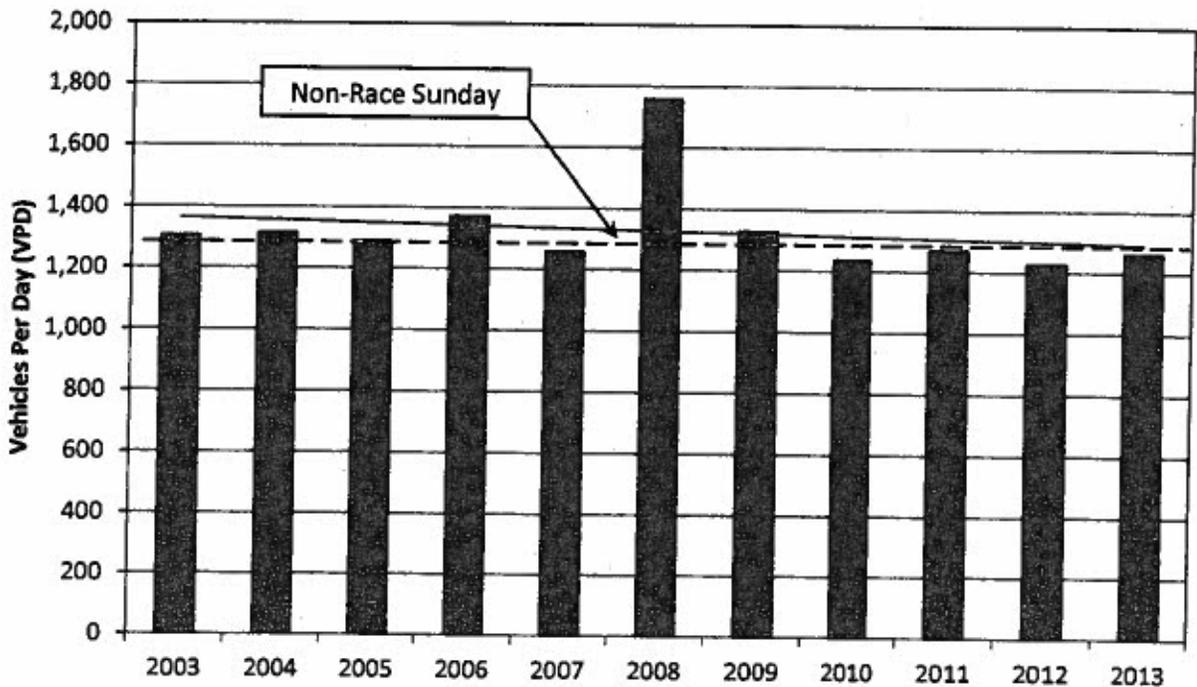
NH 132
North of West Road

Average AM/PM Race Day Traffic Volumes

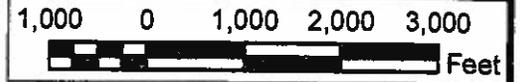


NH 132
North of West Road

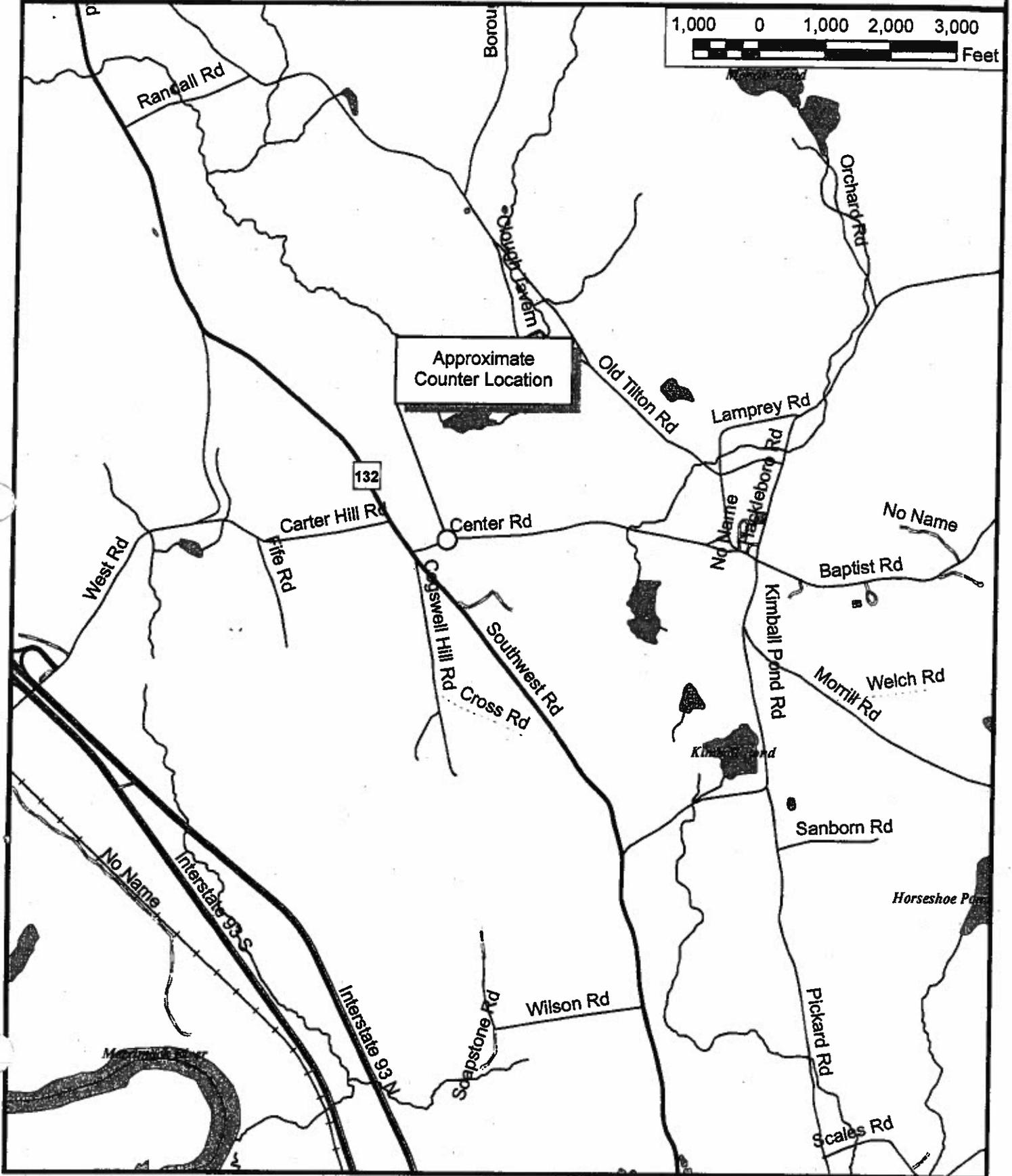
Average Annual Race Day Traffic Volume



CENTER ROAD EAST OF NH 132

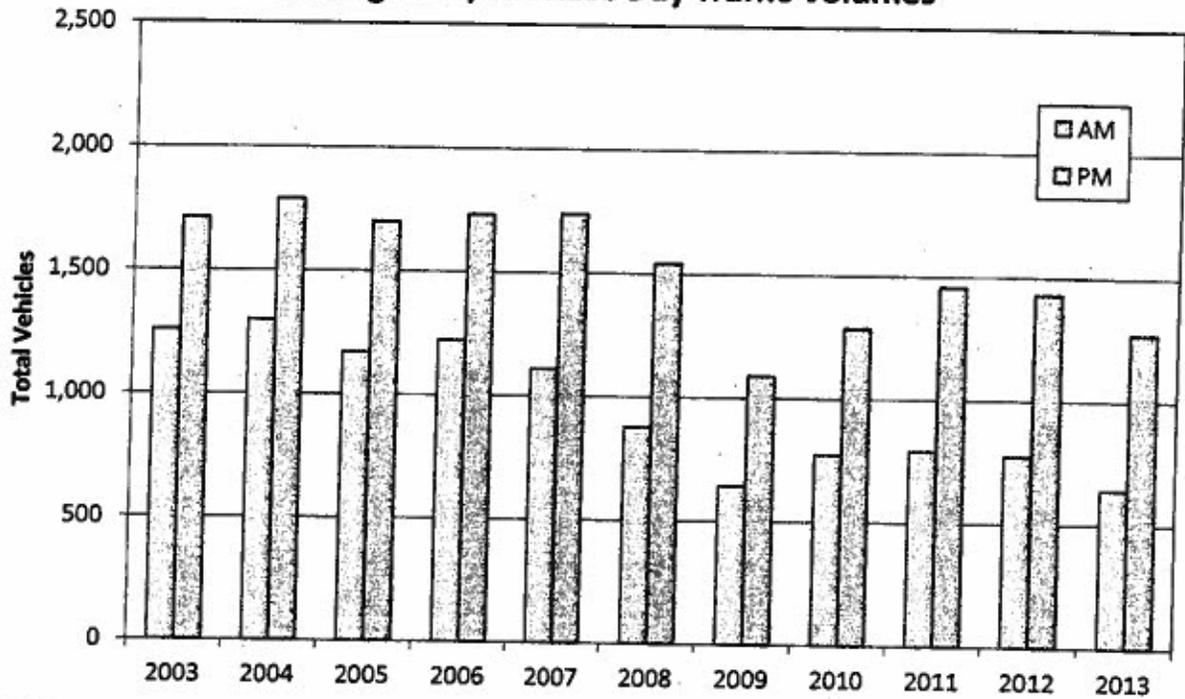


Approximate
Counter Location



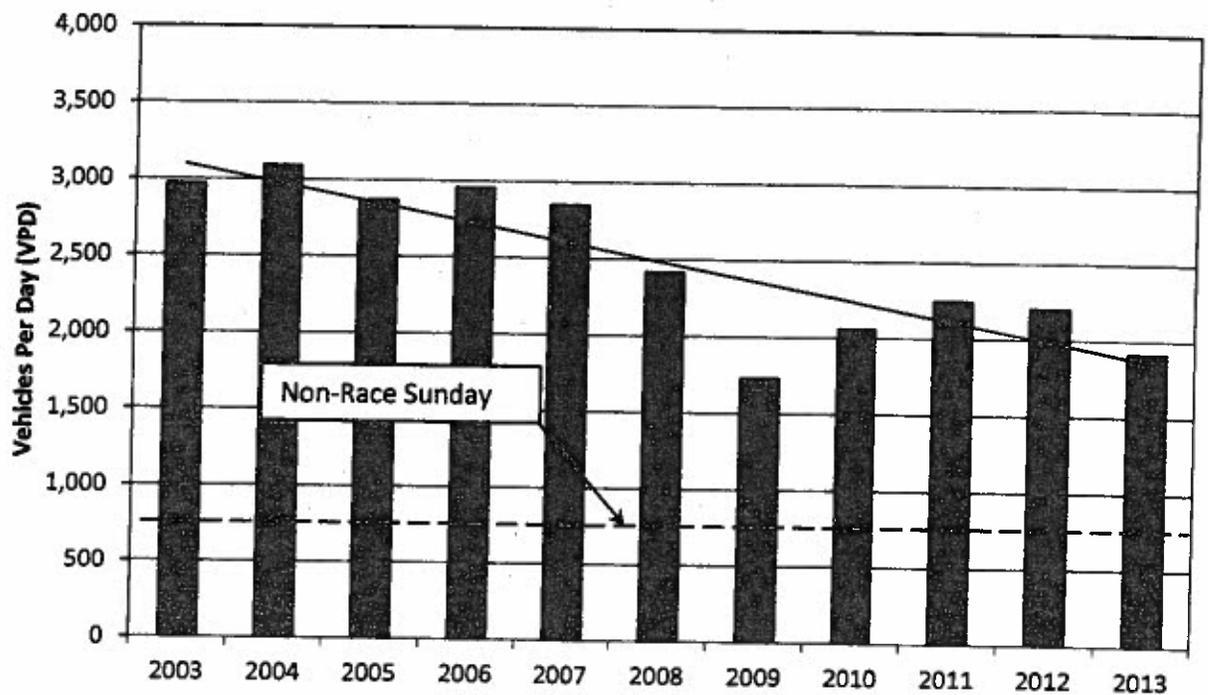
**Center Road
East of NH 132**

Average AM/PM Race Day Traffic Volumes

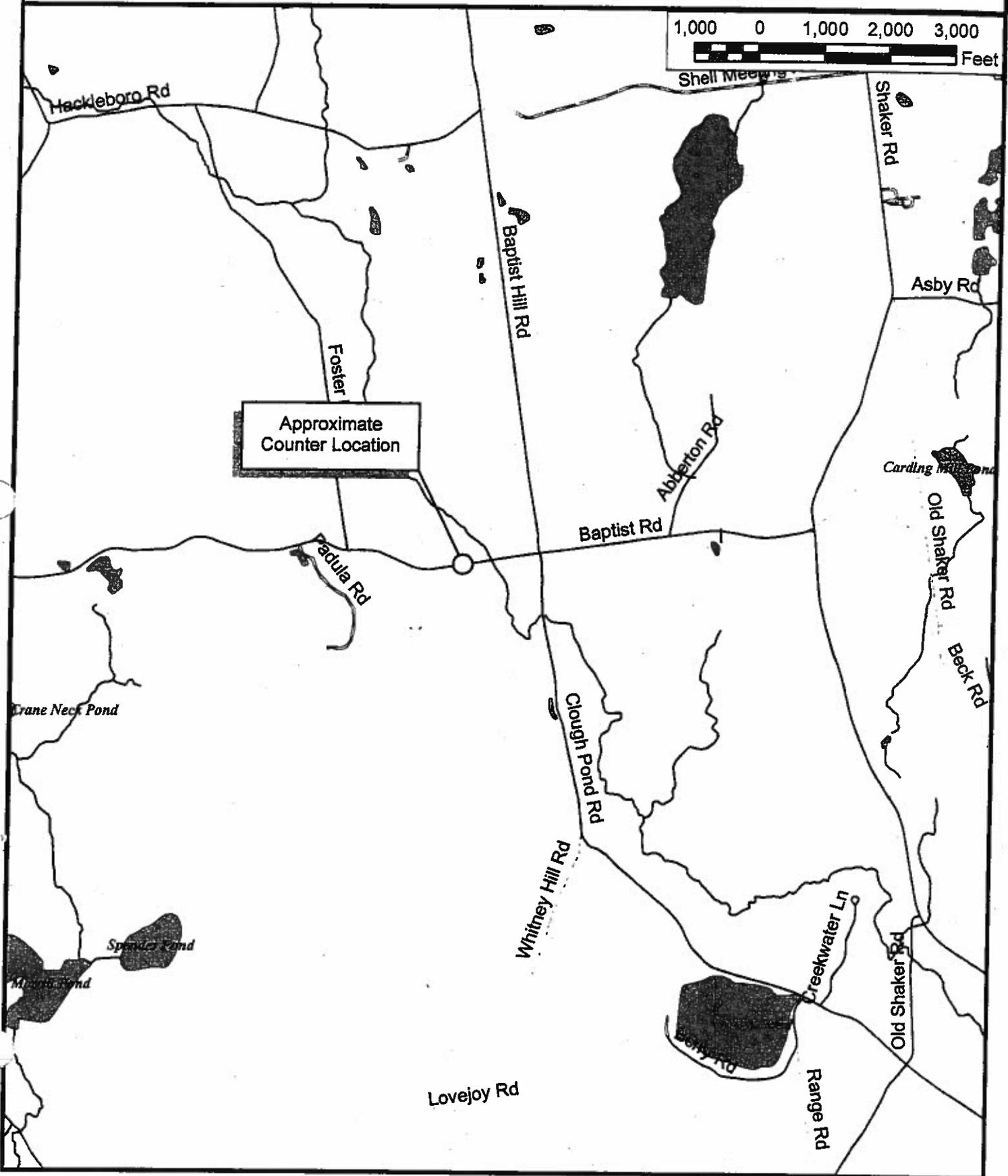
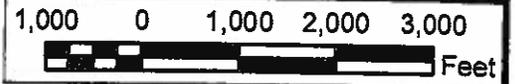


**Center Road
East of NH 132**

Average Annual Race Day Traffic Volume

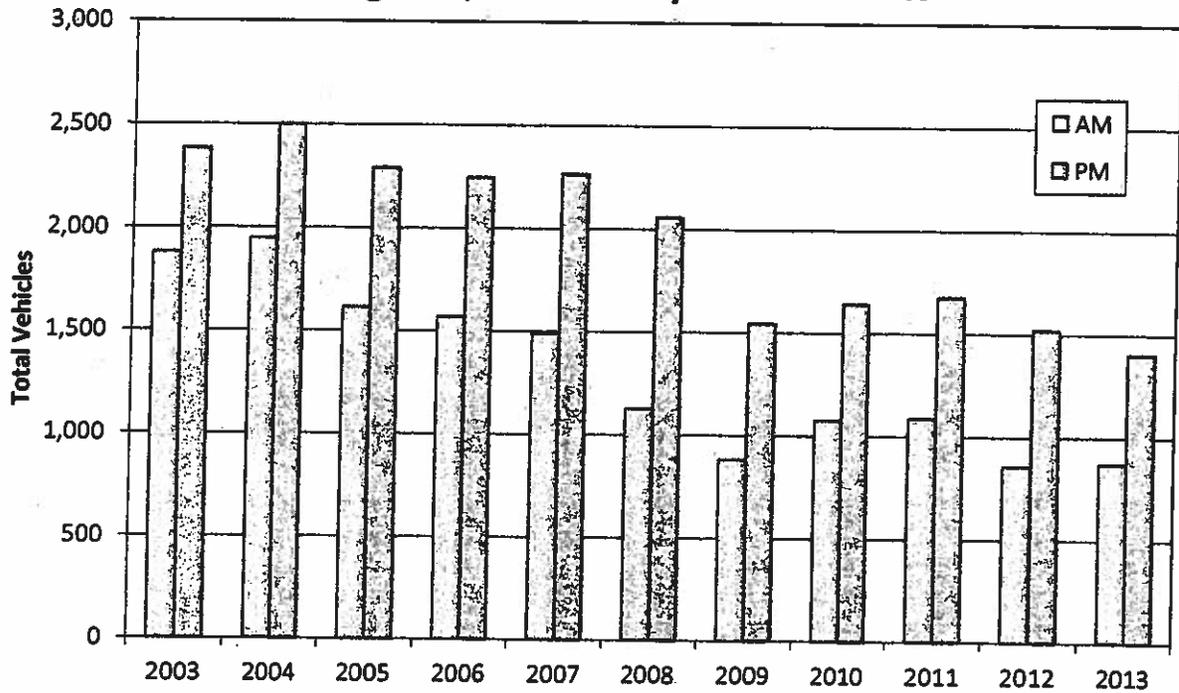


BAPTIST ROAD WEST OF SHAKER ROAD



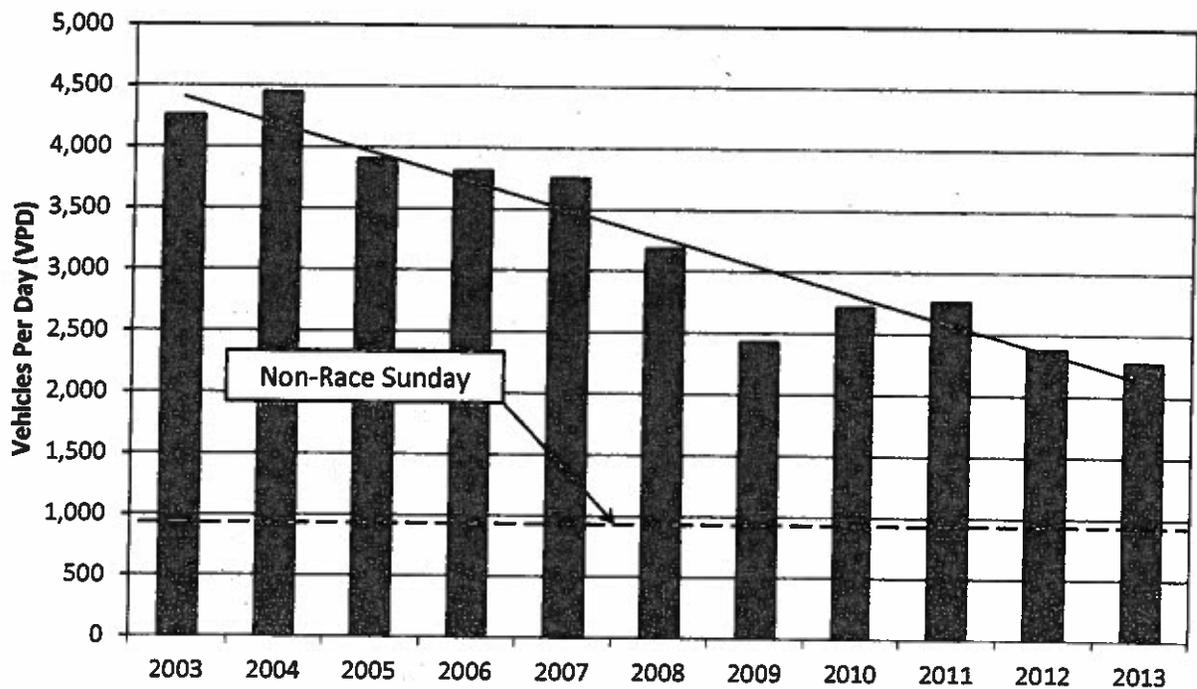
**Baptist Road
West of Shaker Road**

Average AM/PM Race Day Traffic Volumes

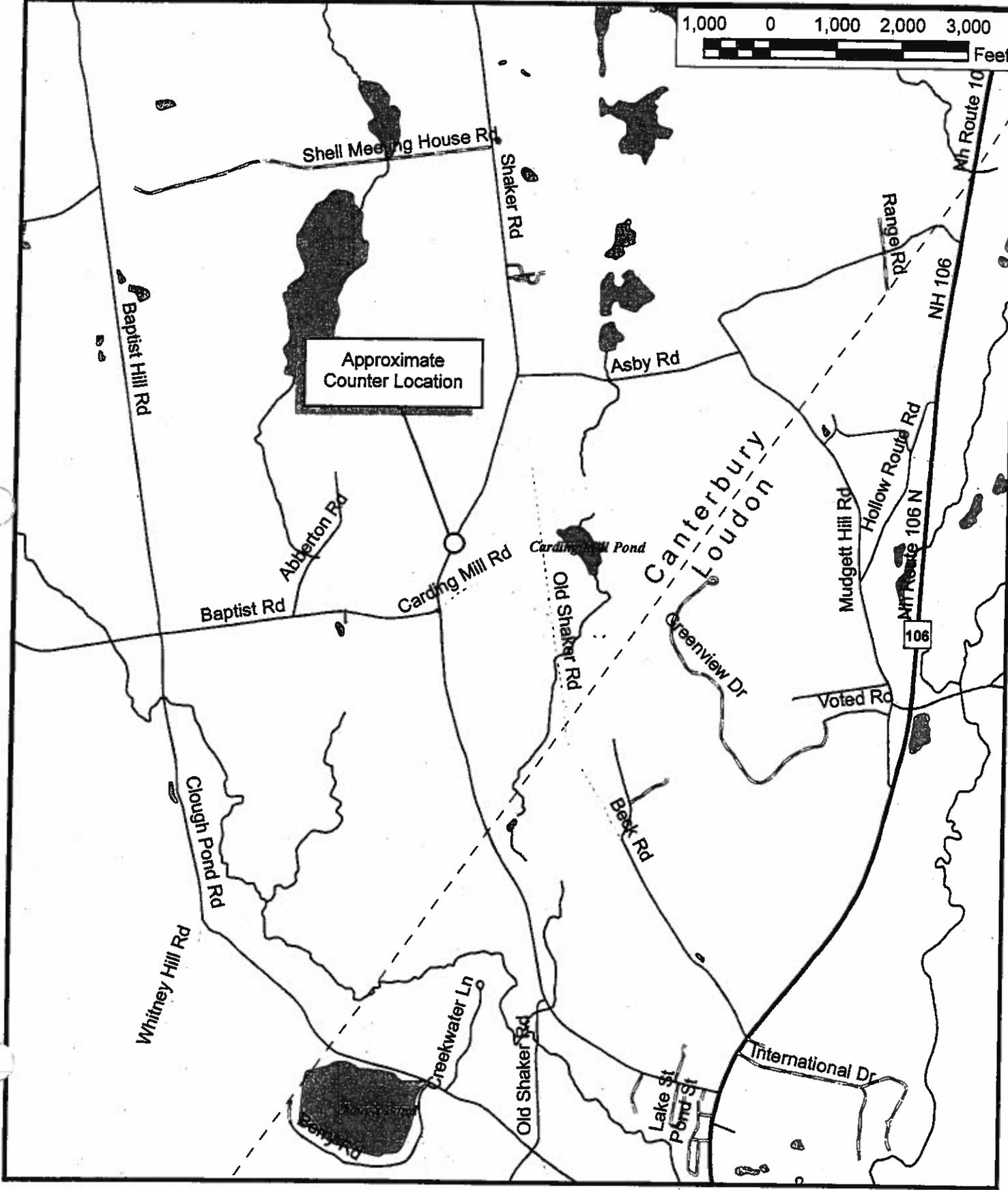
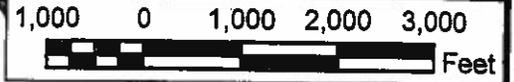


**Baptist Road
West of Shaker Road**

Average Annual Race Day Traffic Volume

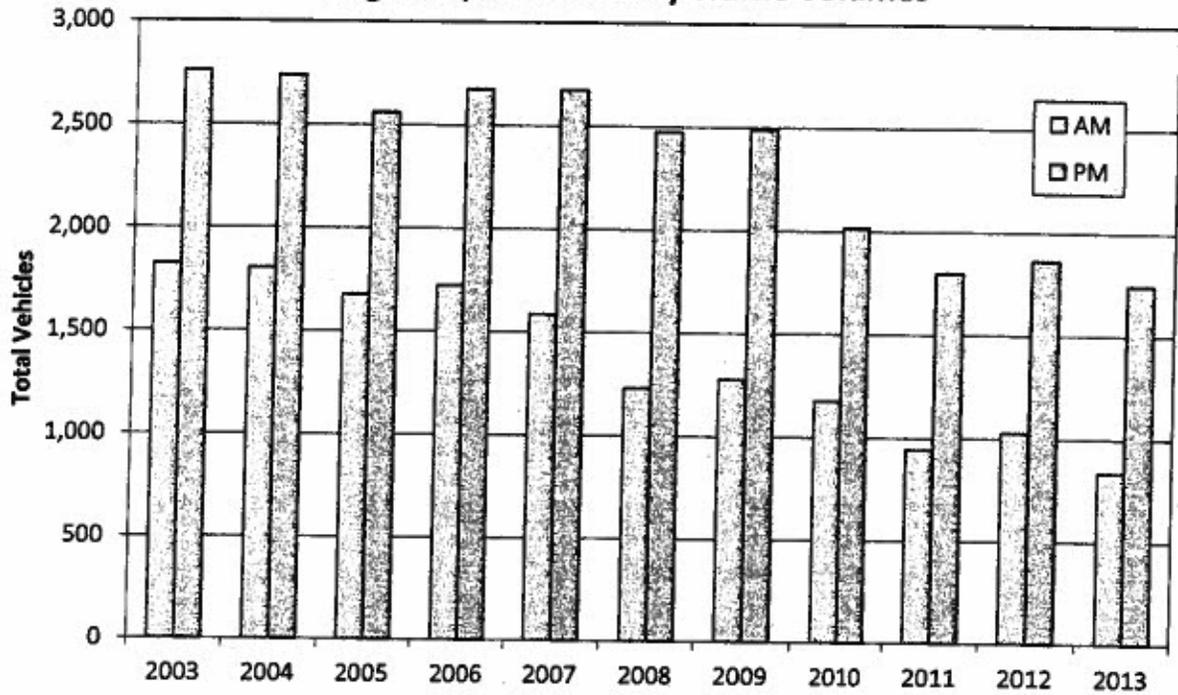


SHAKER ROAD NORTH OF BAPTIST ROAD



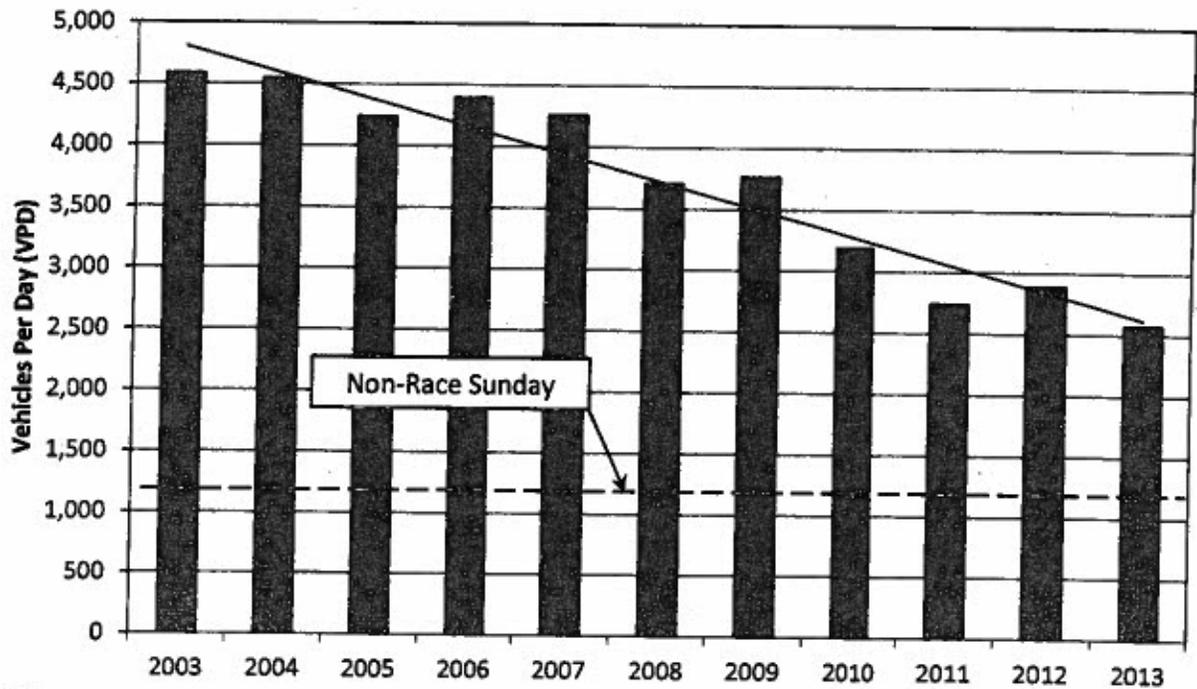
**Shaker Road
North of Baptist Road**

Average AM/PM Race Day Traffic Volumes

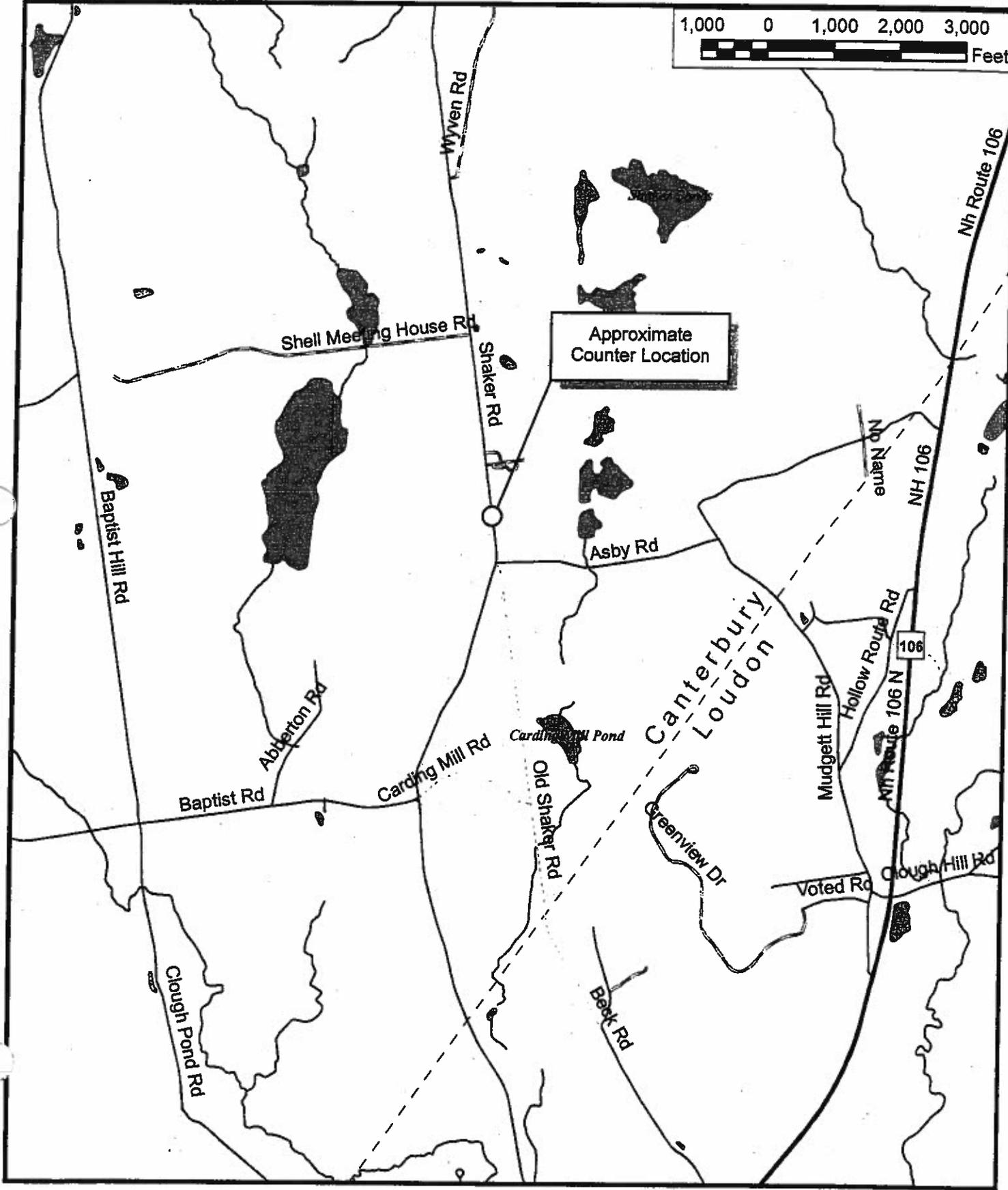
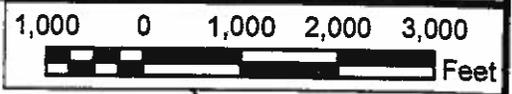


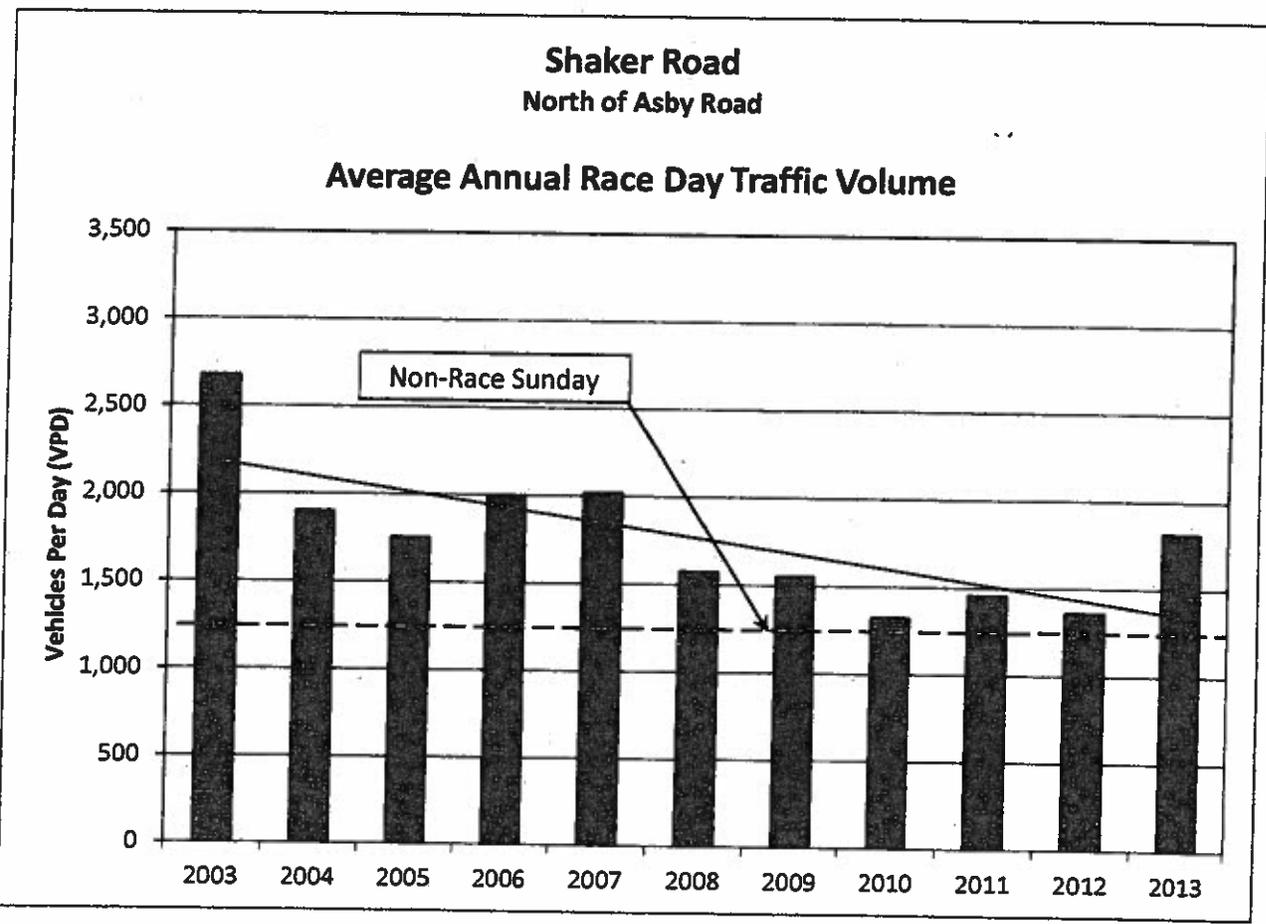
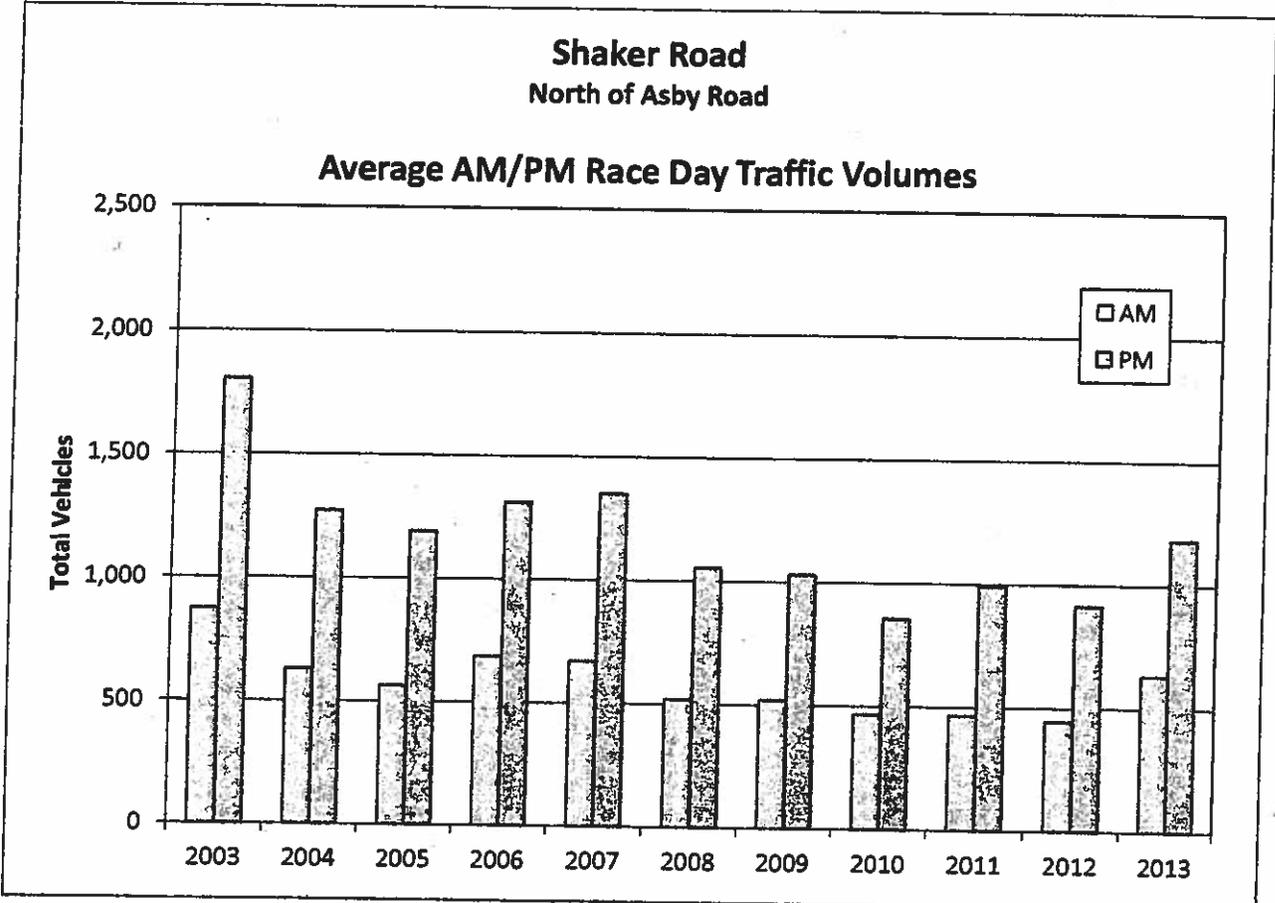
**Shaker Road
North of Baptist Road**

Average Annual Race Day Traffic Volume

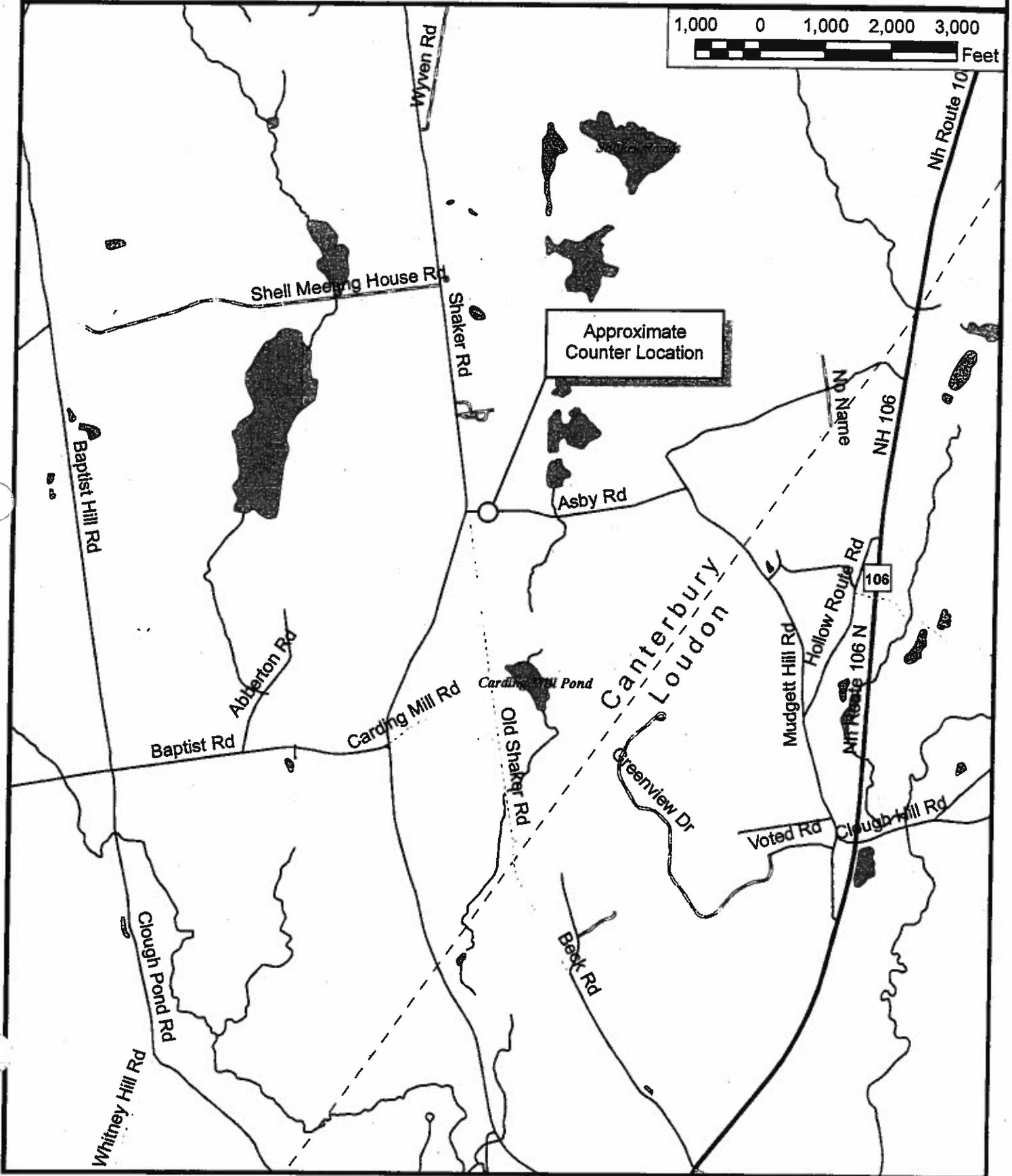
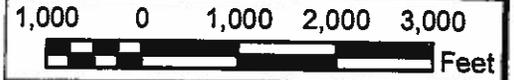


SHAKER ROAD NORTH OF ASBY ROAD



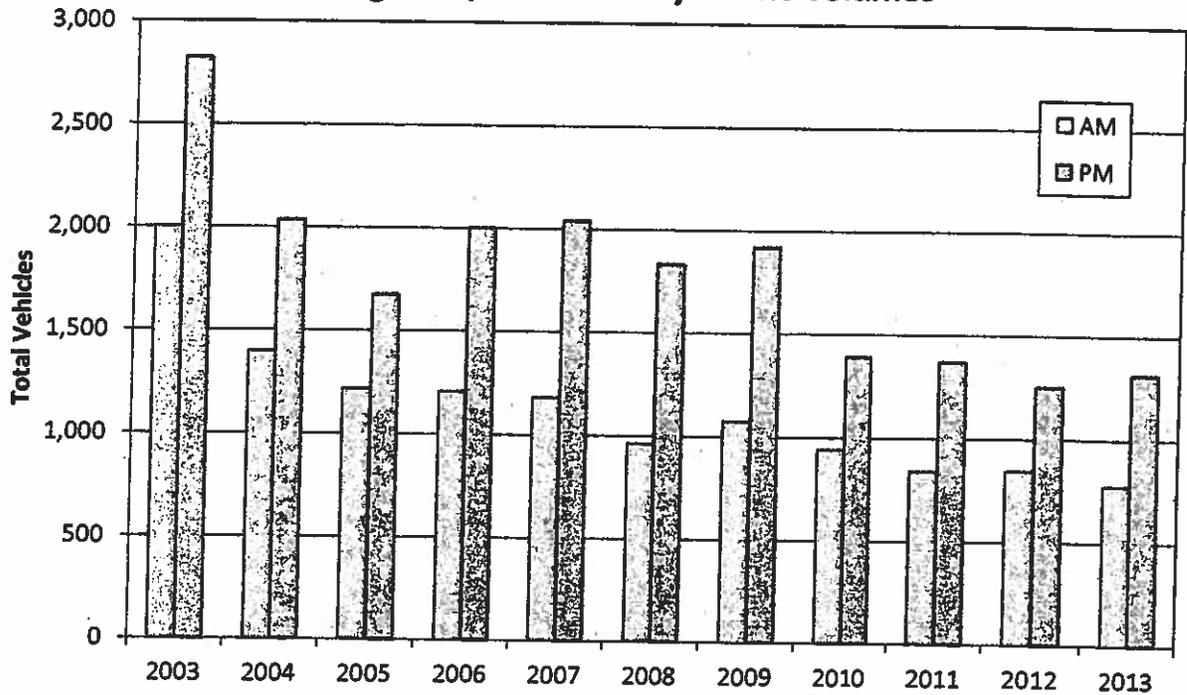


ASBY ROAD AT SHAKER ROAD



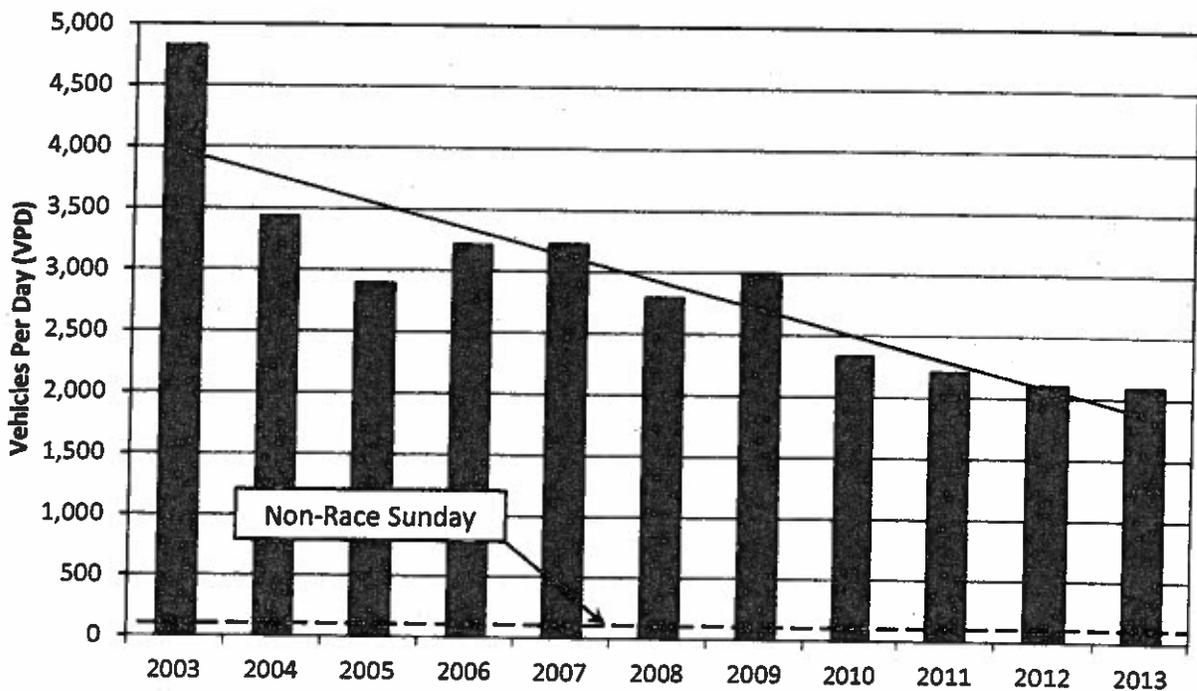
**Asby Road
At Shaker Road**

Average AM/PM Race Day Traffic Volumes

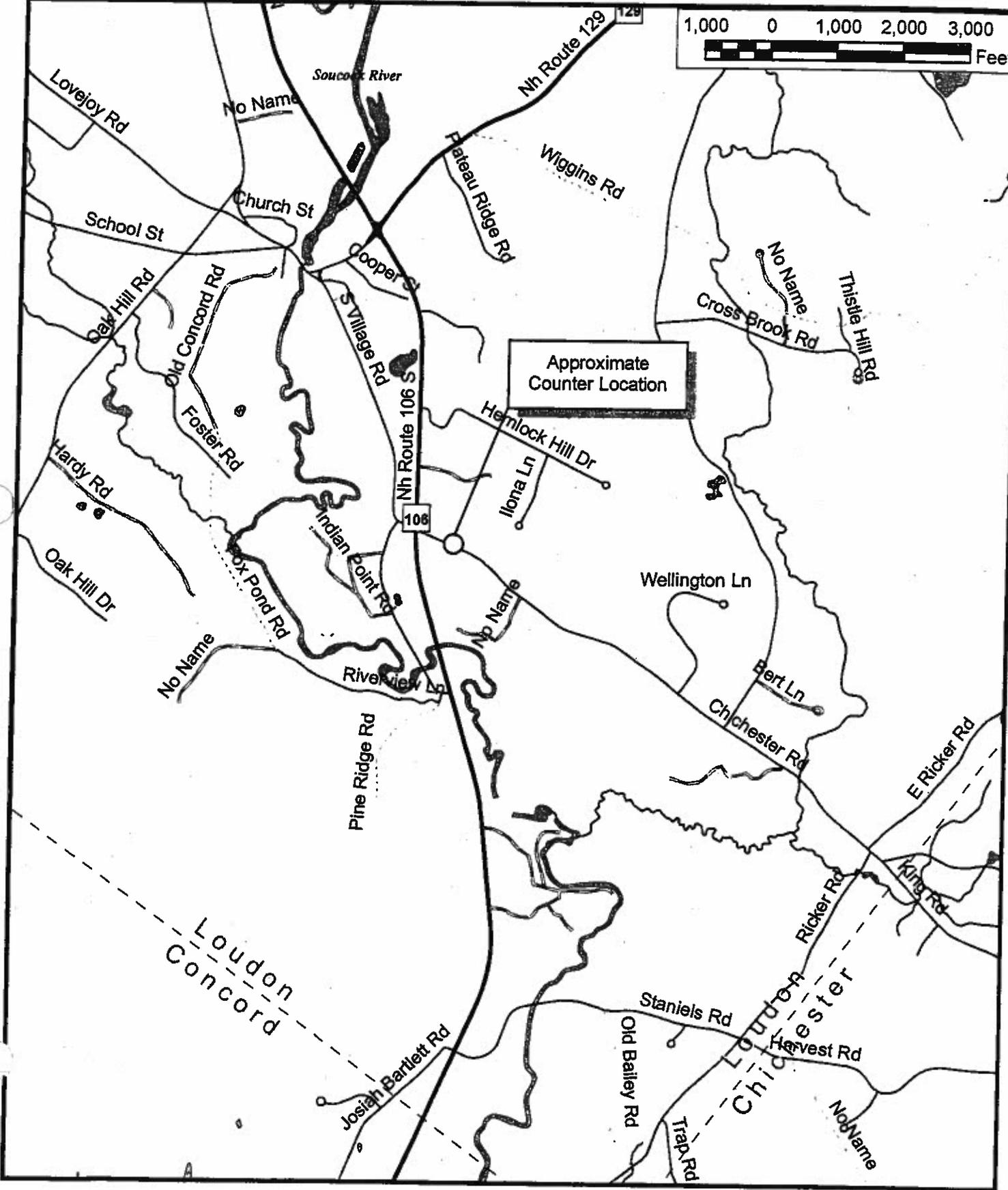
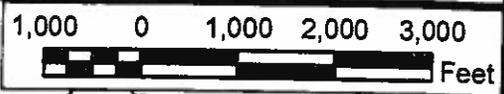


**Asby Road
At Shaker Road**

Average Annual Race Day Traffic Volume

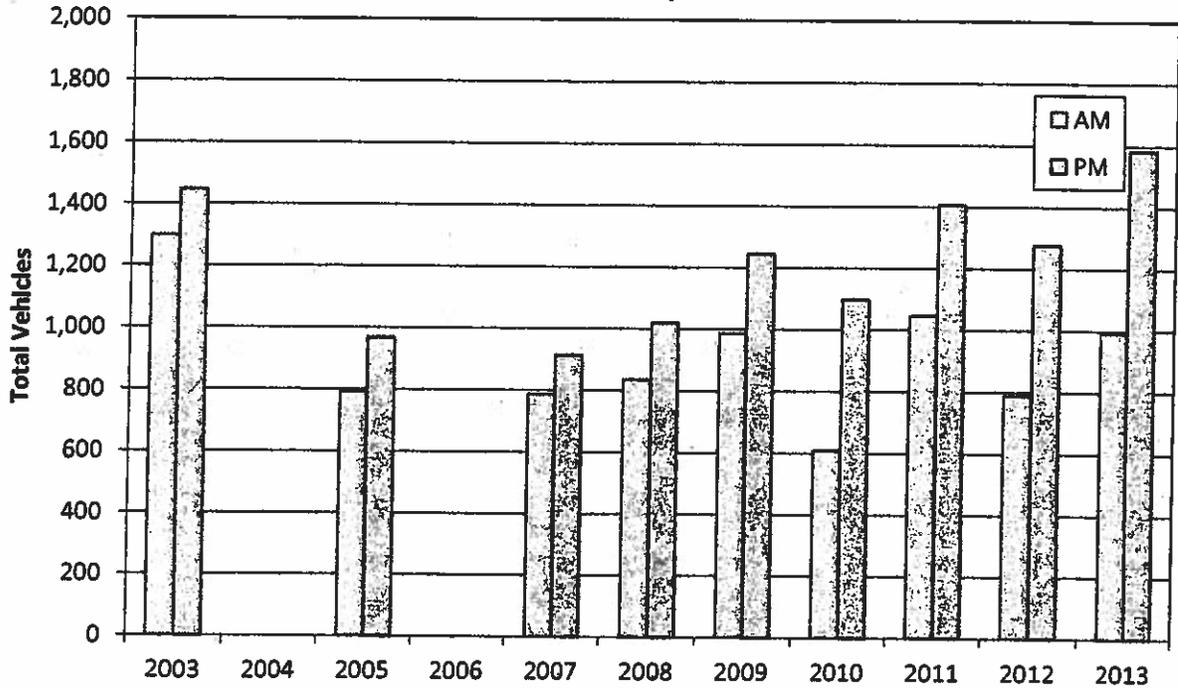


CHICHESTER ROAD EAST OF NH 106



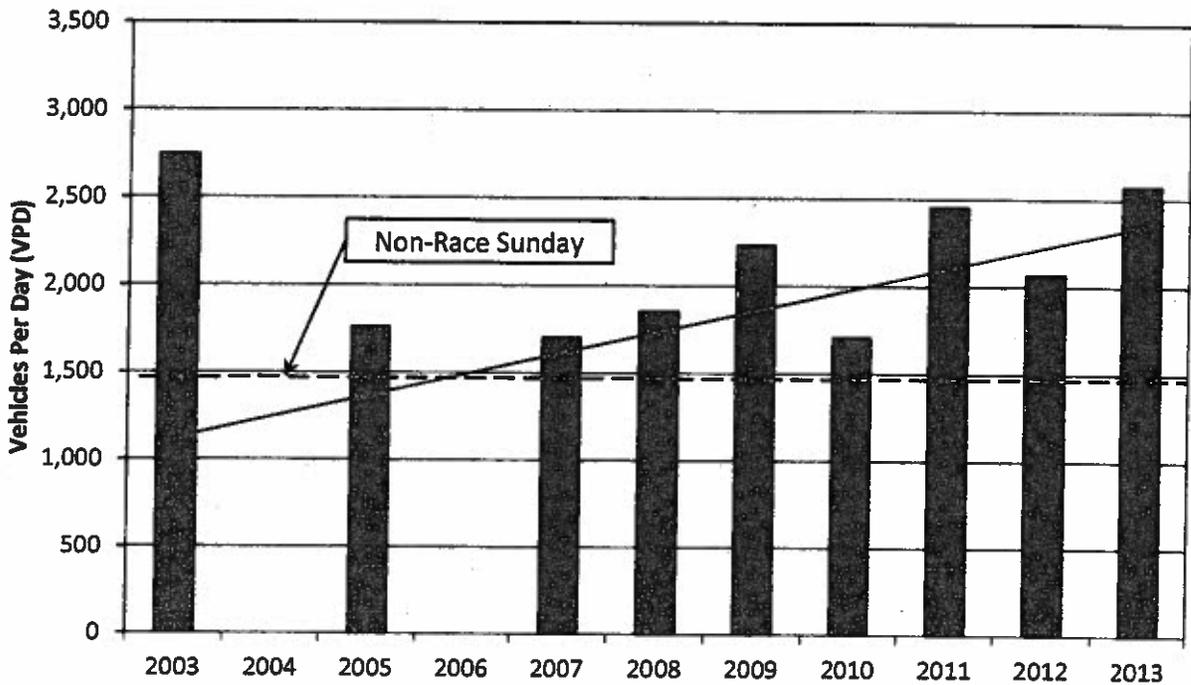
**Chichester Road
East of NH 106**

Average AM/PM Race Day Traffic Volumes

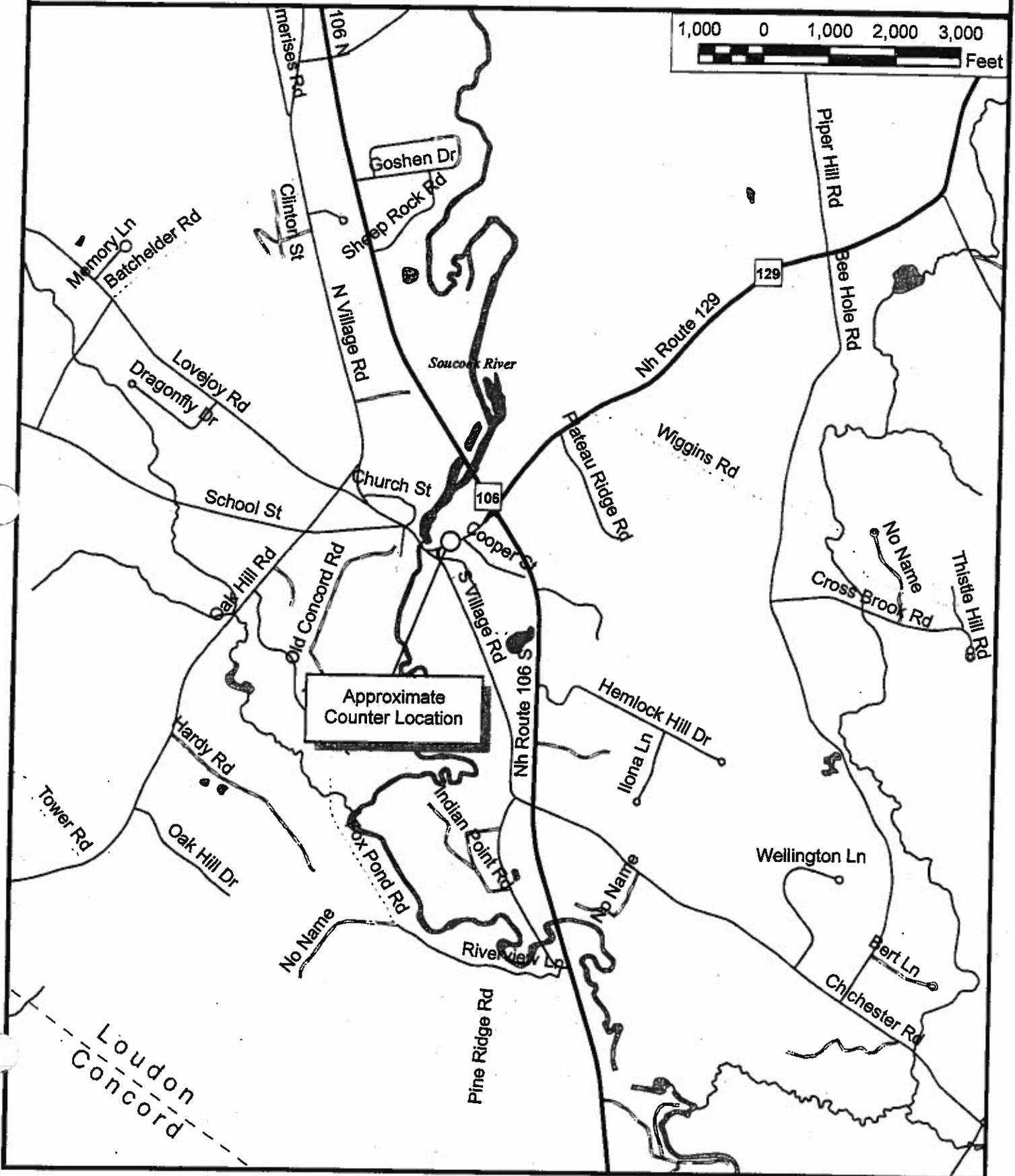
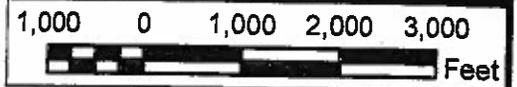


**Chichester Road
East of NH 106**

Average Annual Race Day Traffic Volume

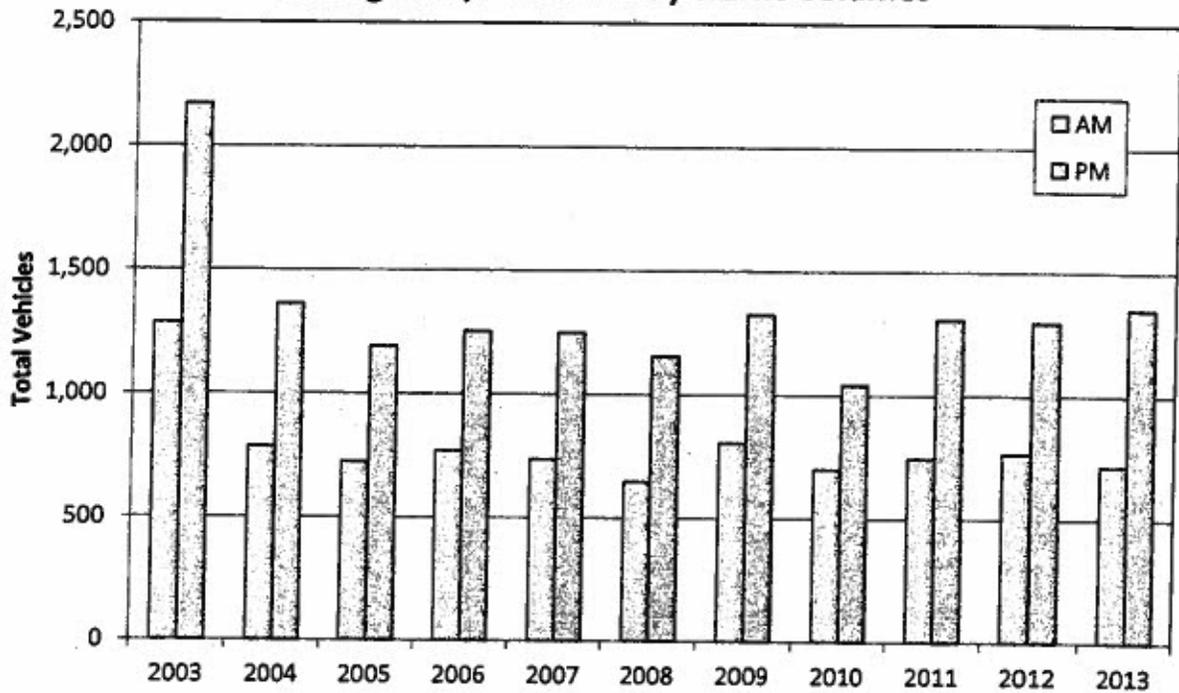


NH 129 West of NH 106



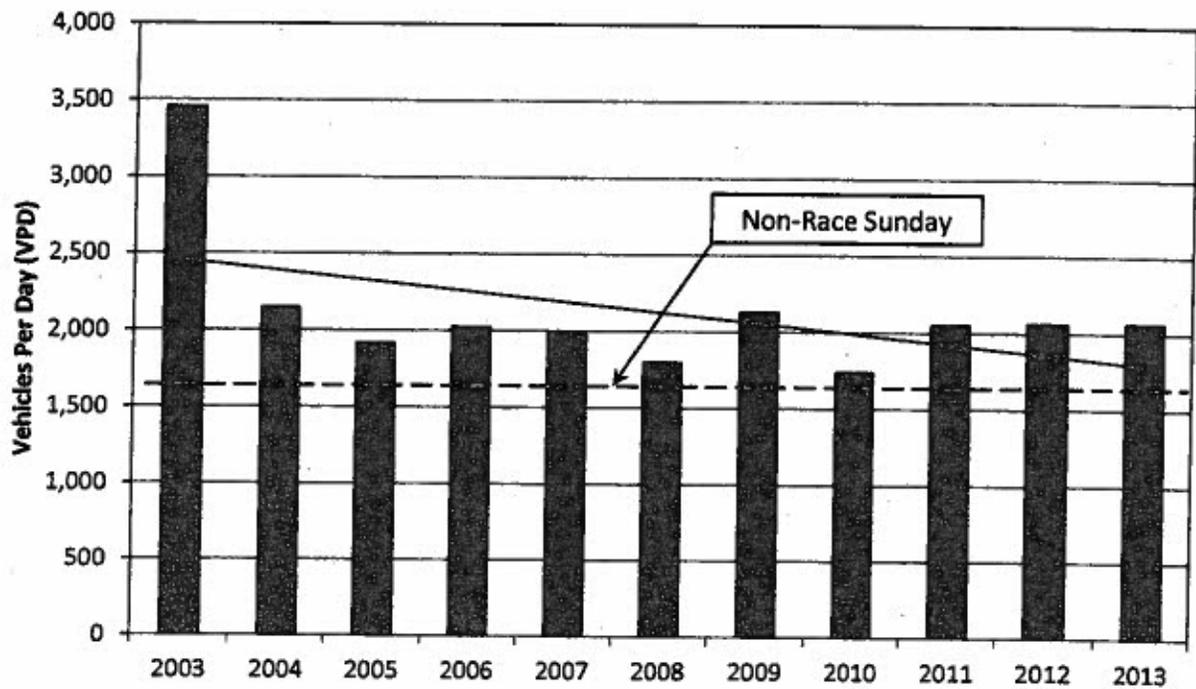
NH 129
West of NH 106

Average AM/PM Race Day Traffic Volumes

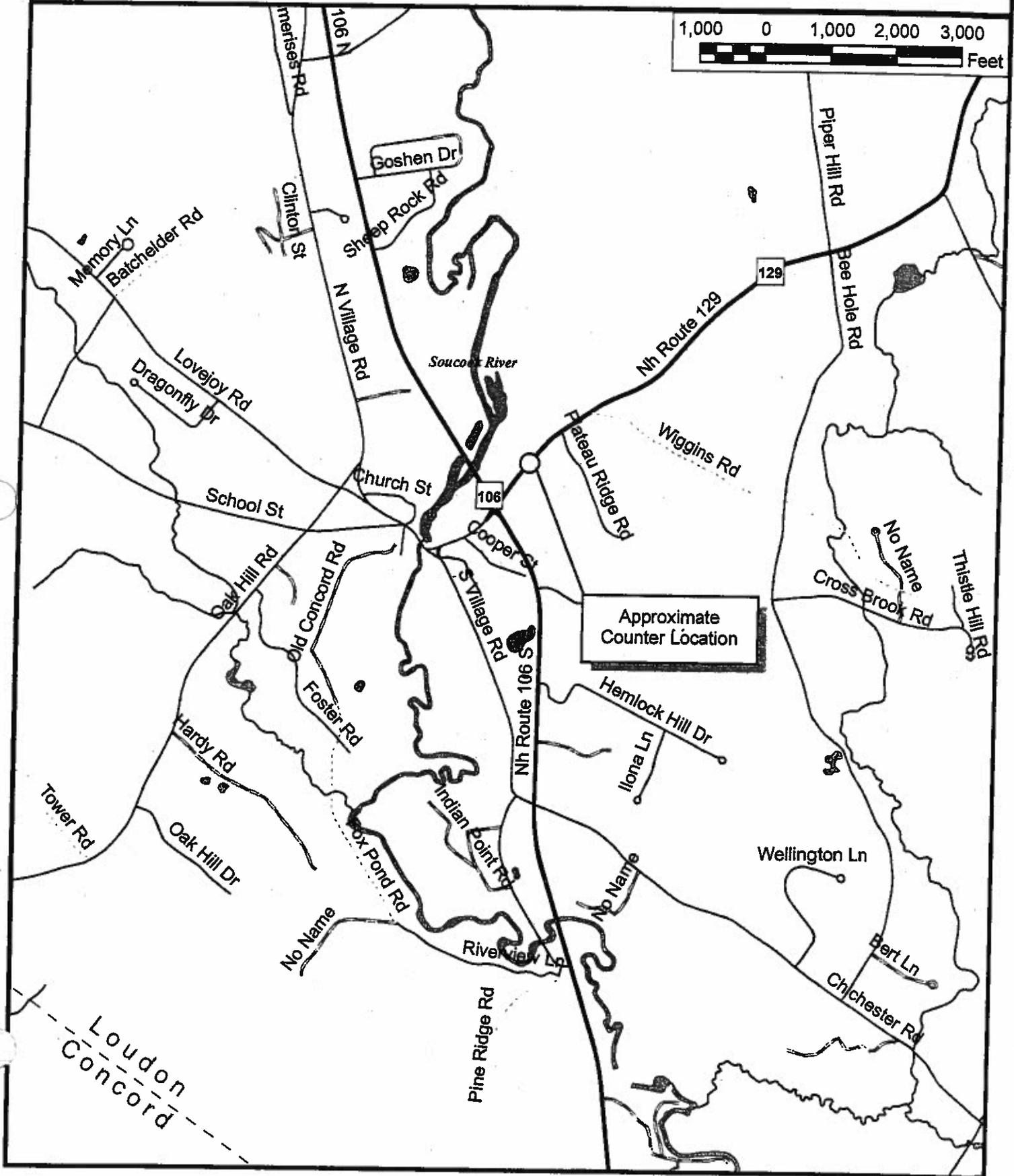
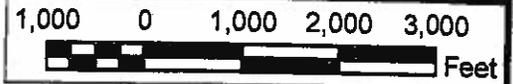


NH 129
West of NH 106

Average Annual Race Day Traffic Volume

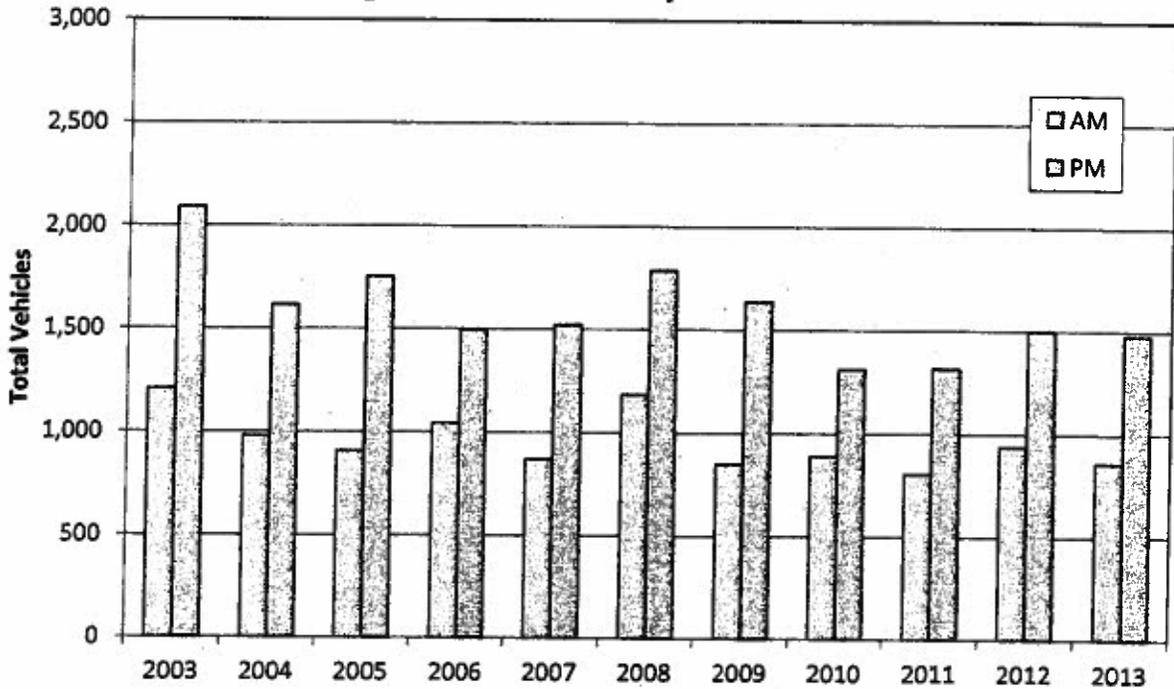


NH 129 East of NH 106



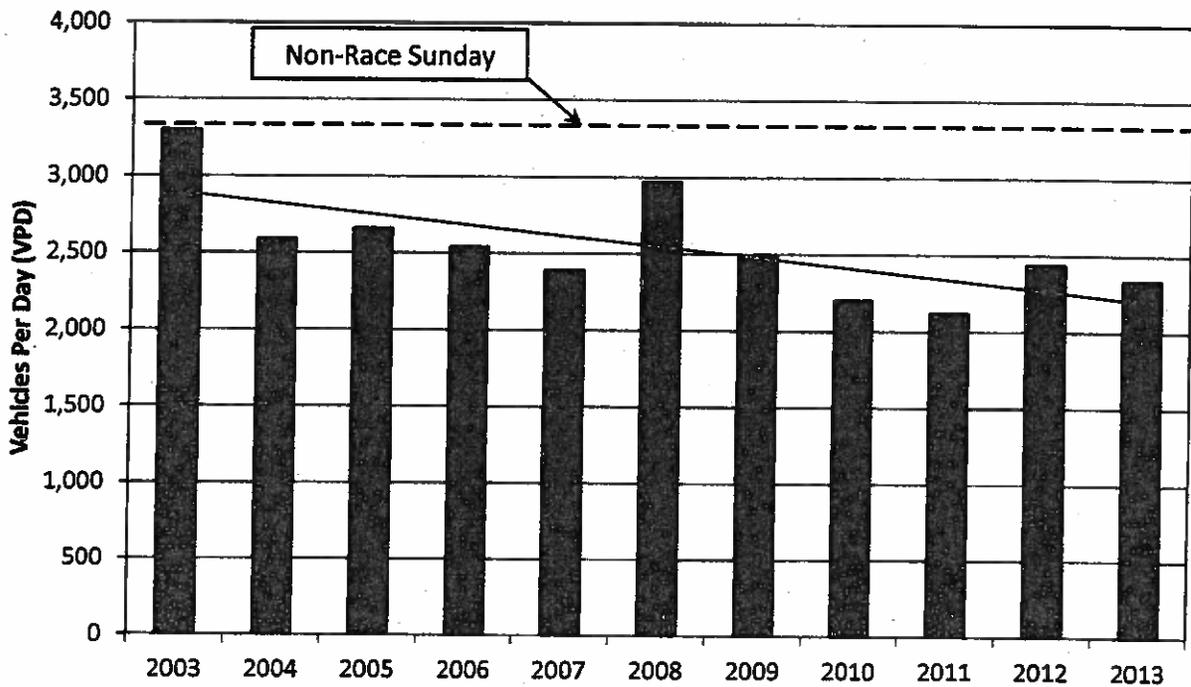
NH 129
East of NH 106

Average AM/PM Race Day Traffic Volumes

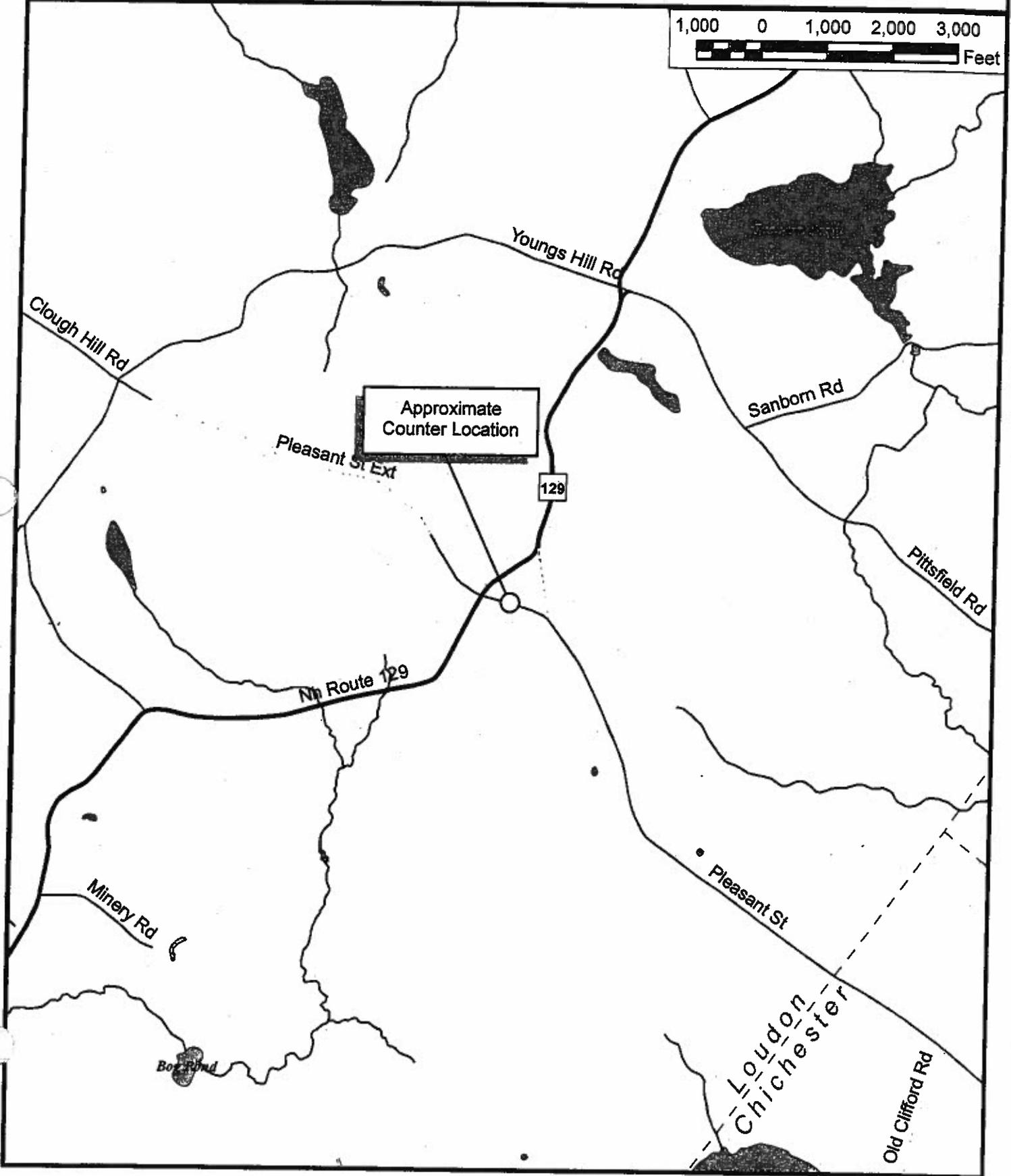
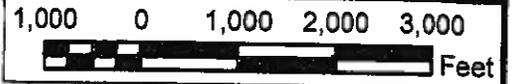


NH 129
East of NH 106

Average Annual Race Day Traffic Volume

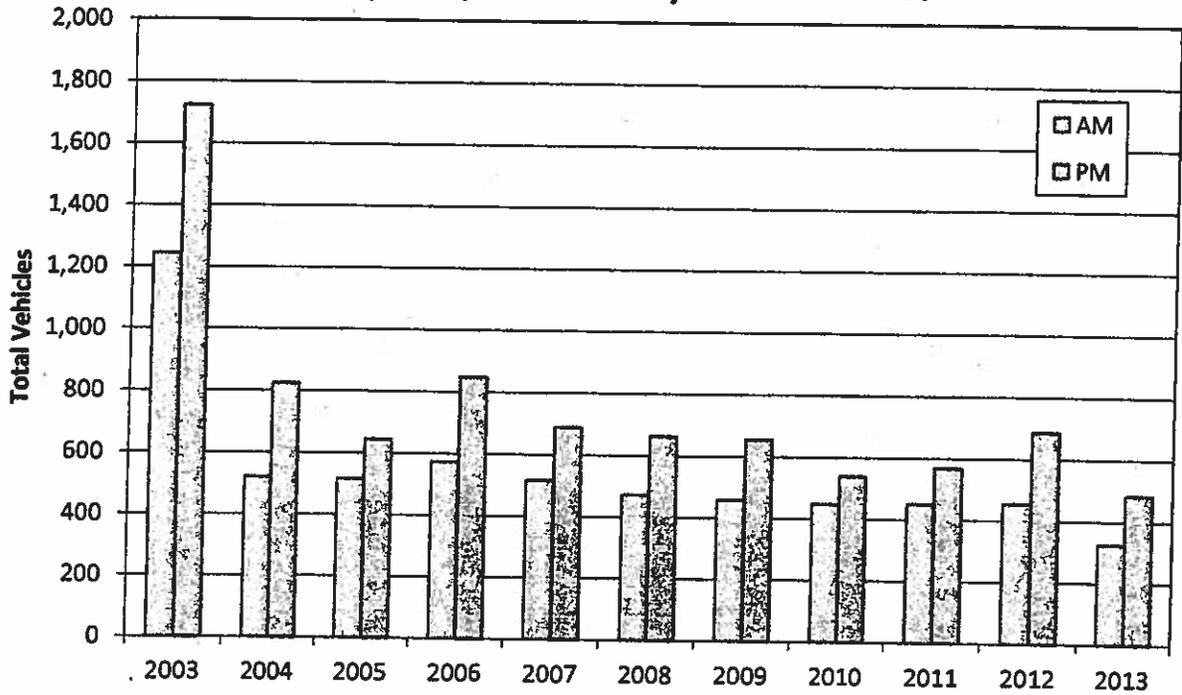


PLEASANT STREET SOUTH OF NH 129



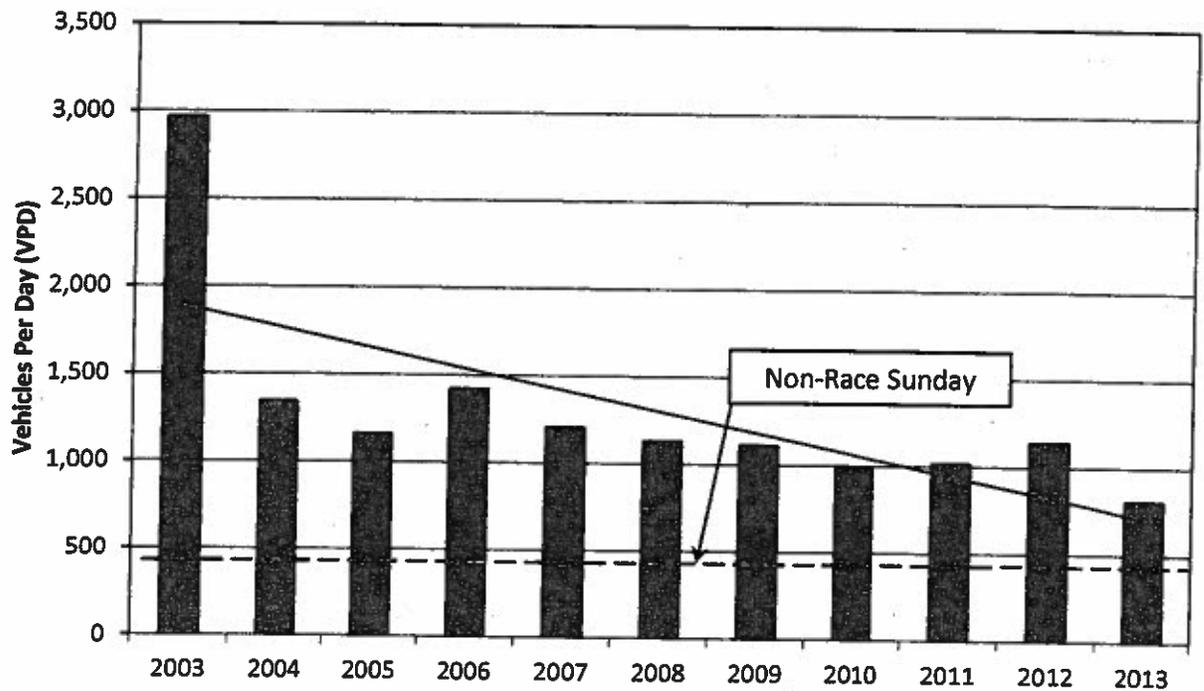
**Pleasant Street
South of NH 129**

Average AM/PM Race Day Traffic Volumes

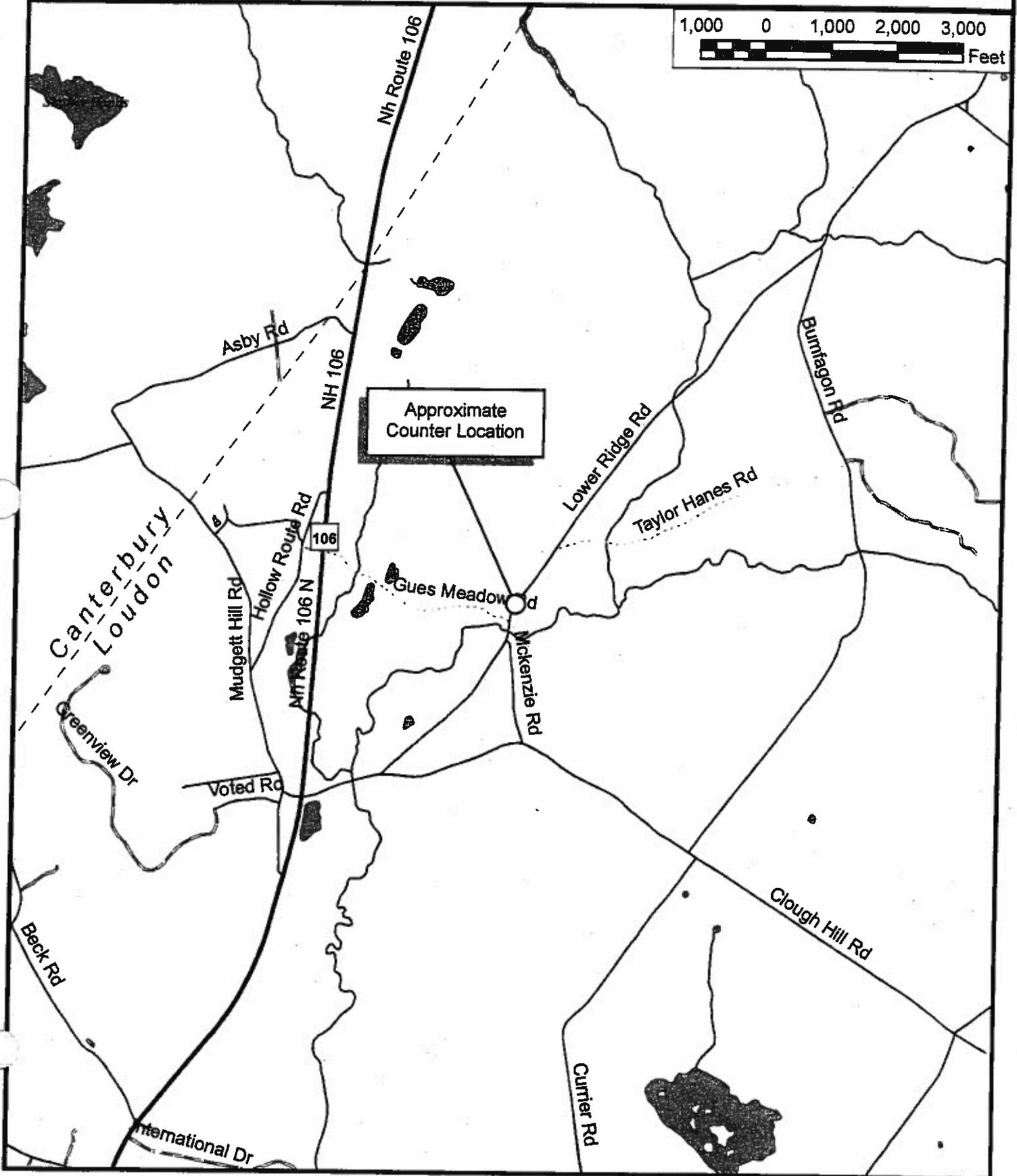


**Pleasant Street
South of NH 129**

Average Annual Race Day Traffic Volume

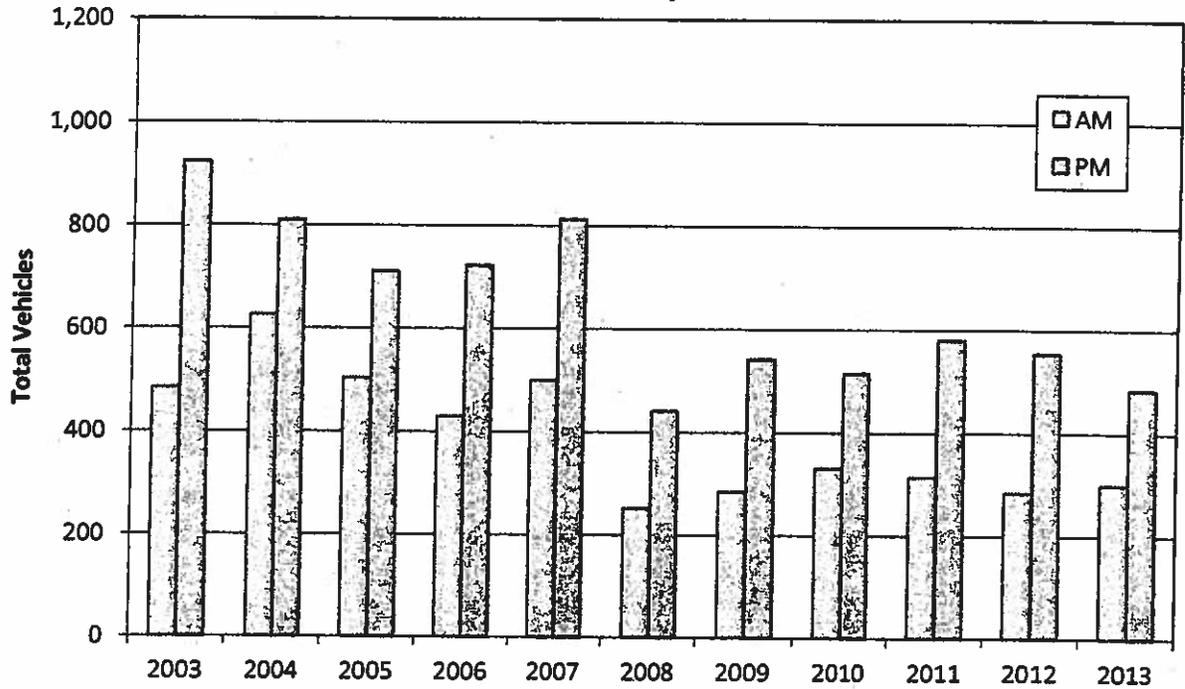


LOWER RIDGE ROAD EAST OF MCKENZIE ROAD



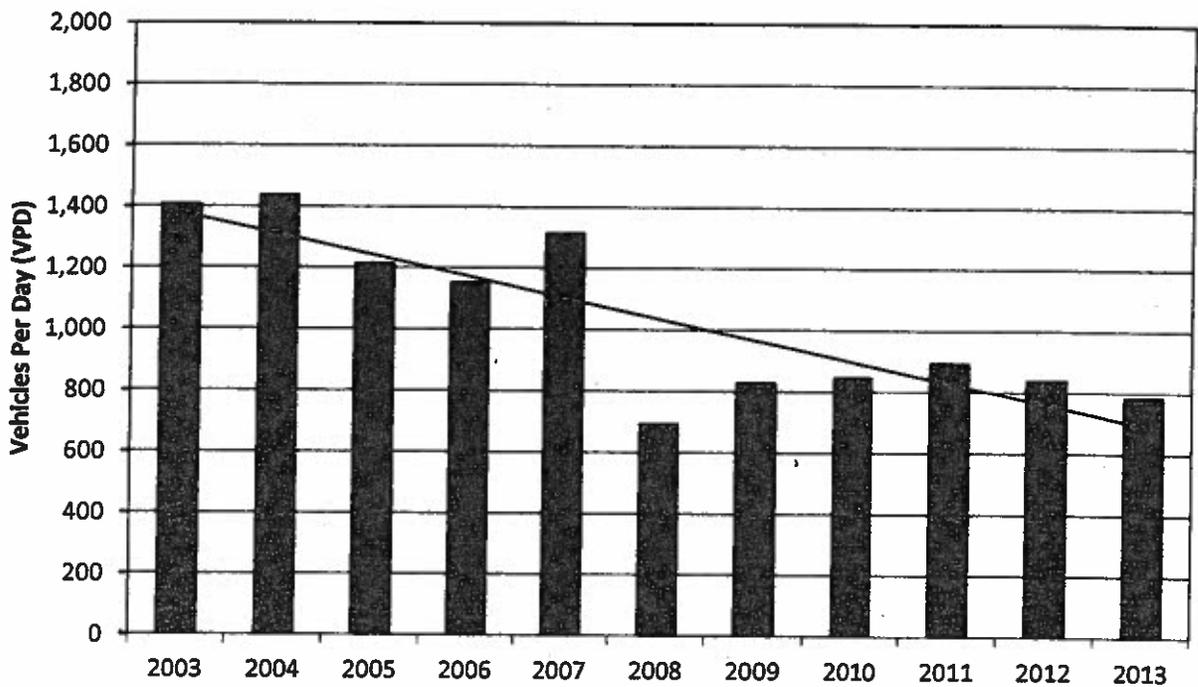
**Lower Ridge Road
East of McKenzie Road**

Average AM/PM Race Day Traffic Volumes

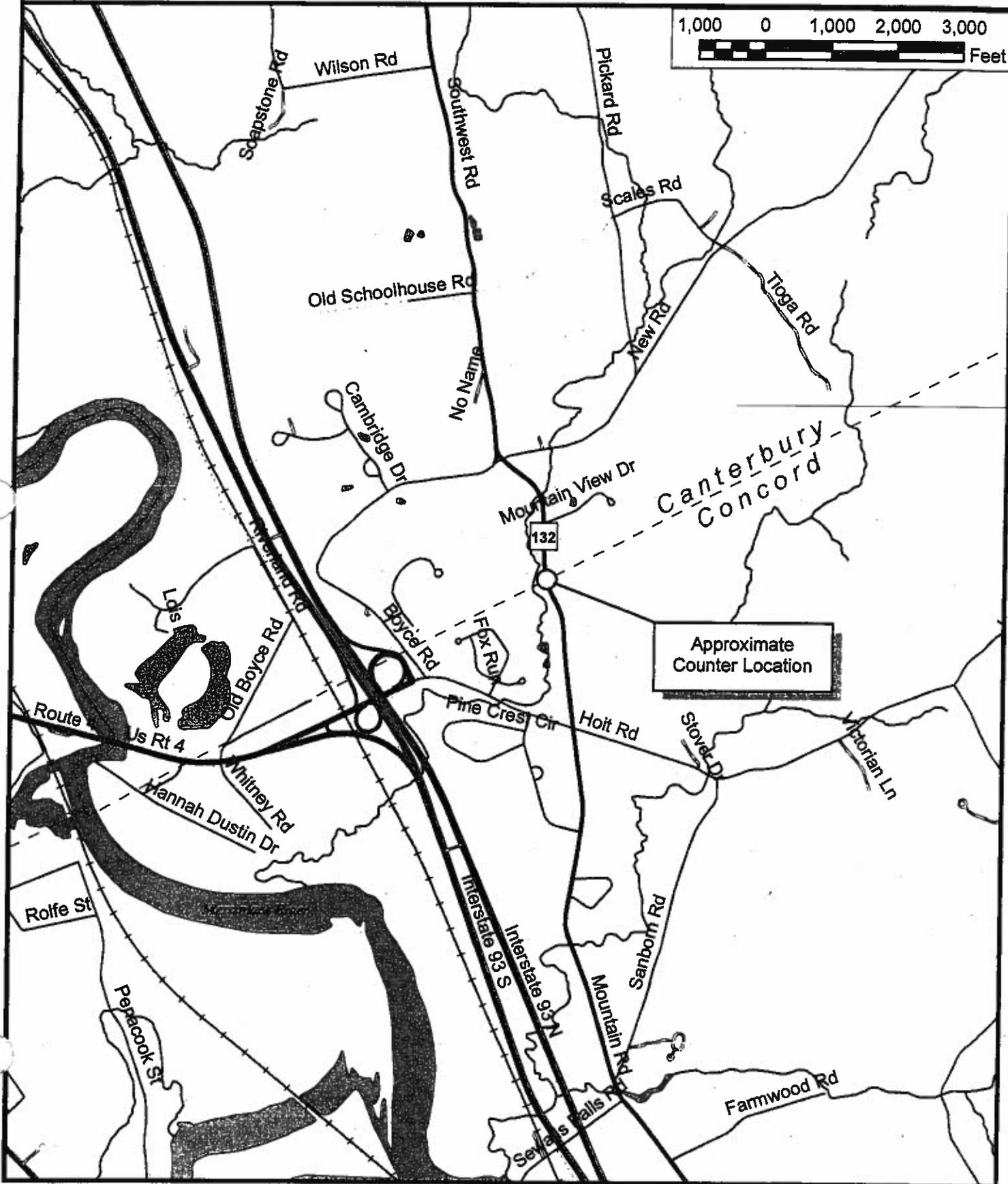


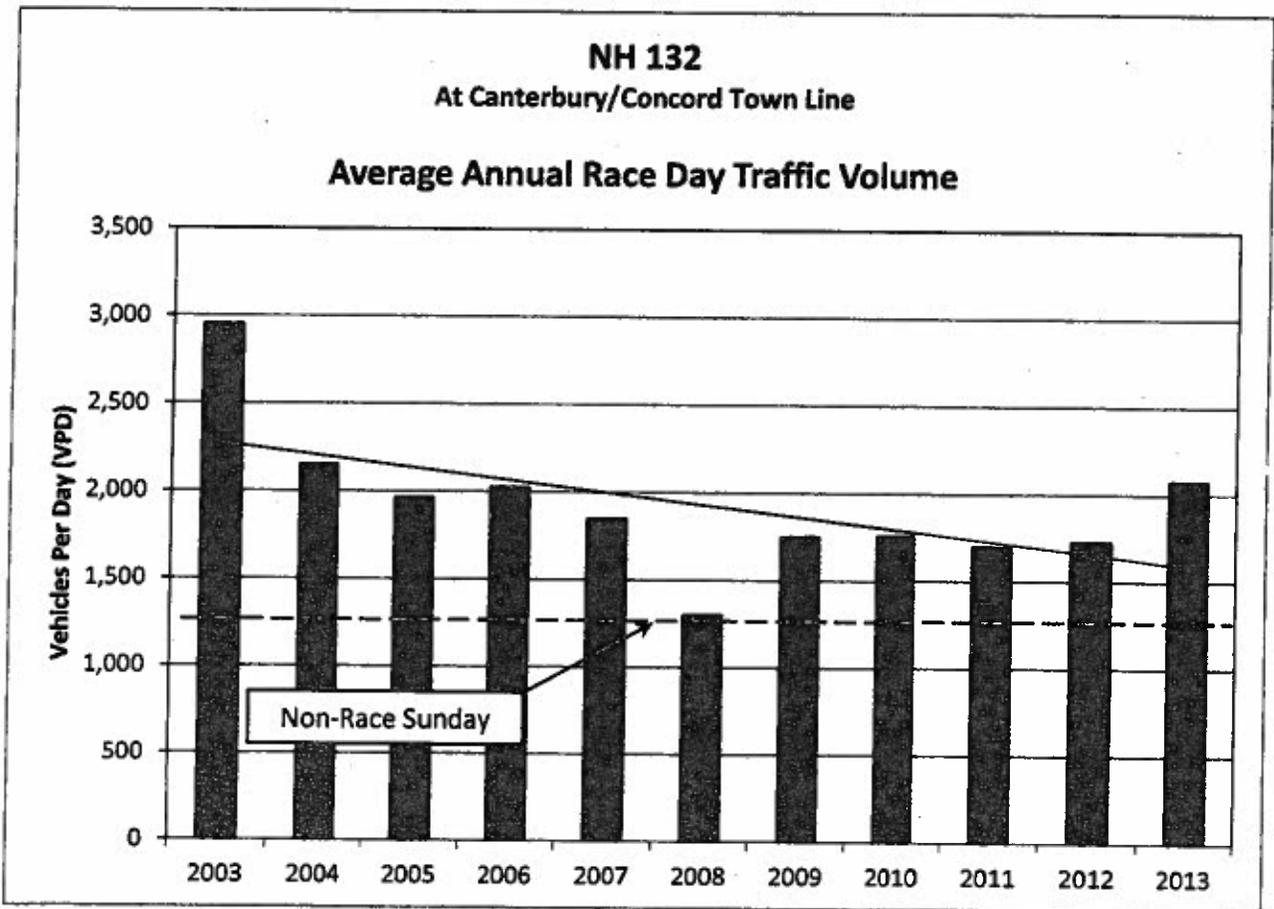
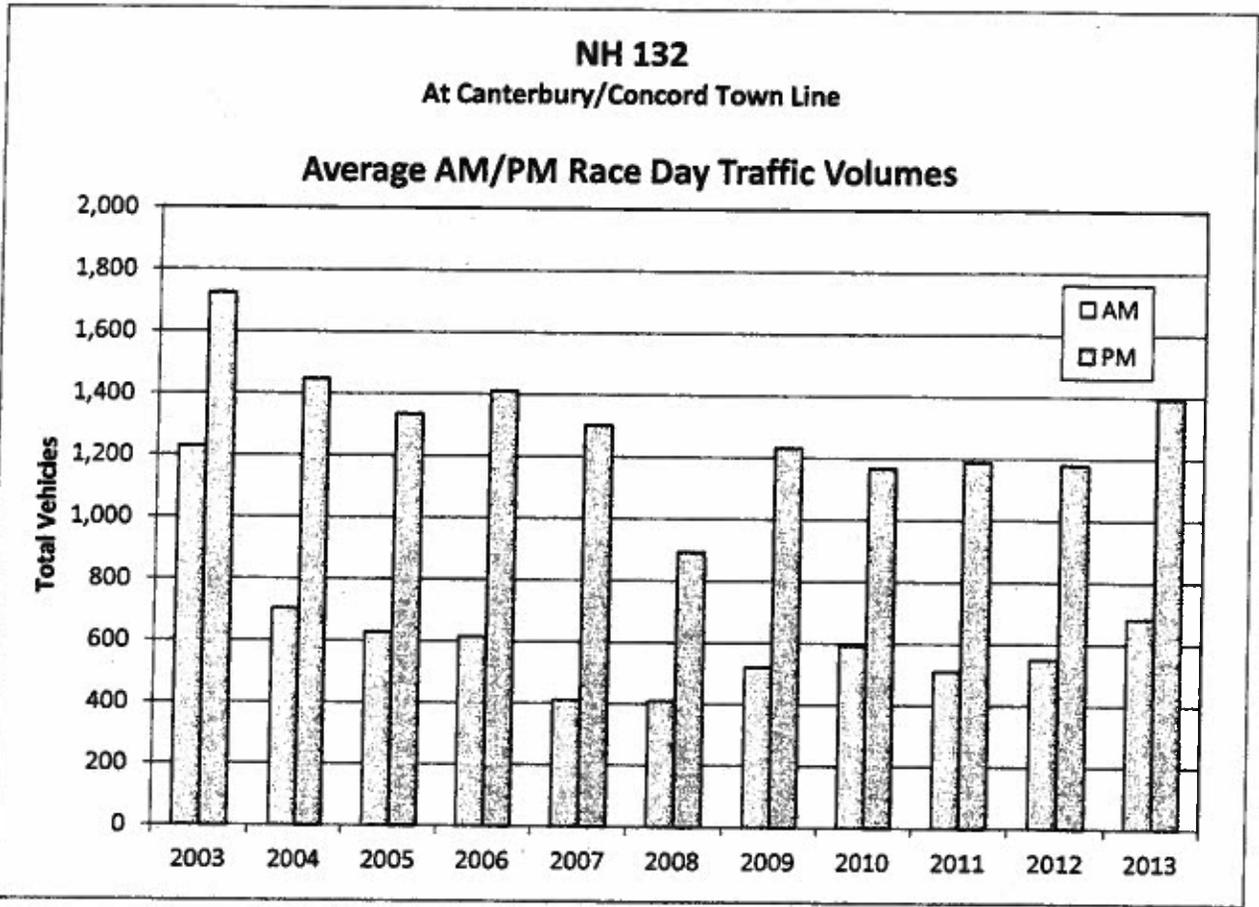
**Lower Ridge Road
East of McKenzie Road**

Average Annual Race Day Traffic Volume

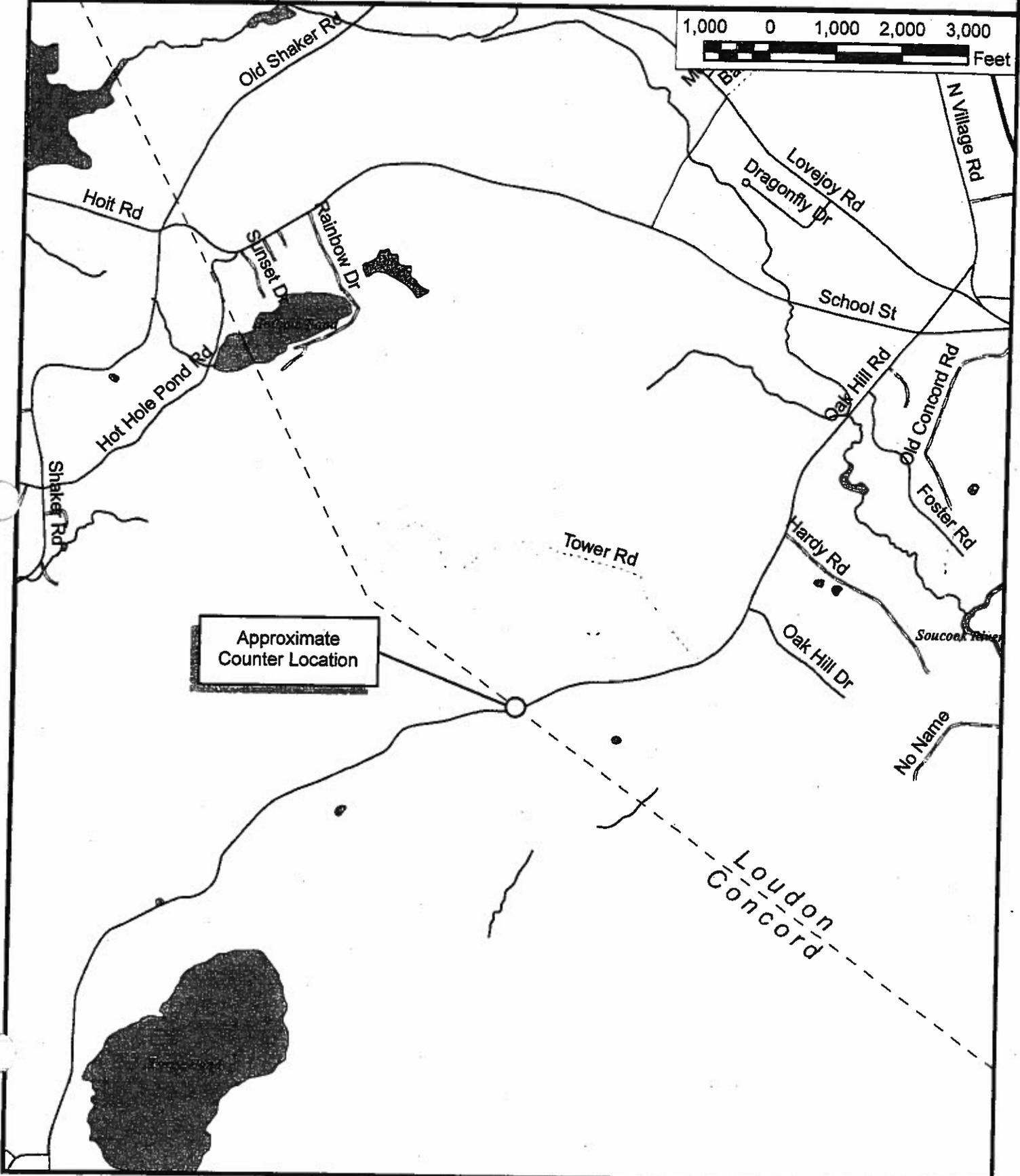
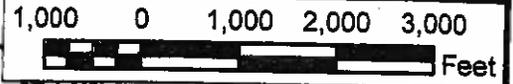


NH 132 CANTERBURY/CONCORD T/L



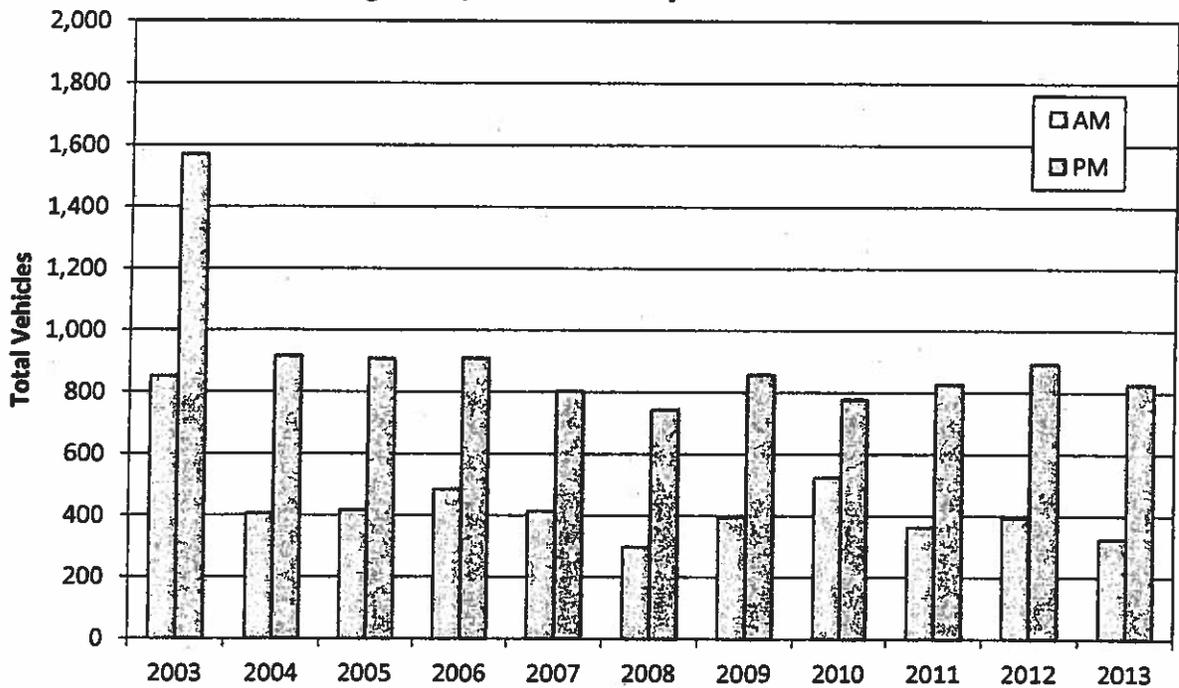


OAK HILL ROAD AT CONCORD/LOUDON TL



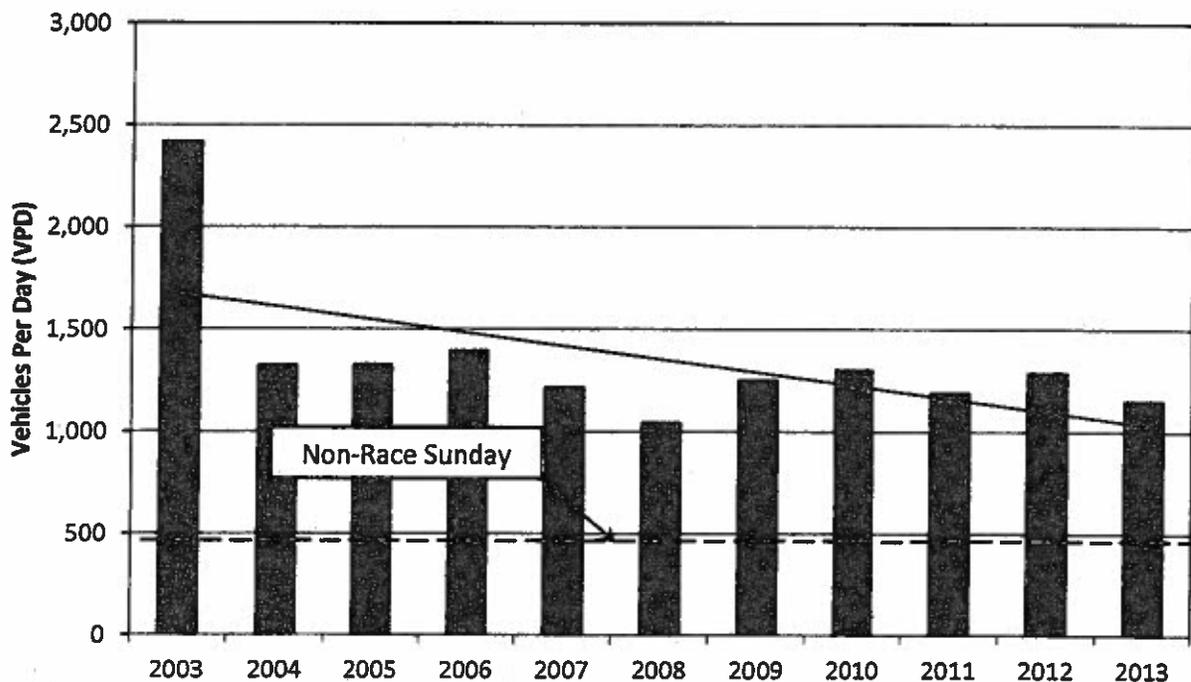
**Oak Hill Road
At Concord/Loudon Town Line**

Average AM/PM Race Day Traffic Volumes

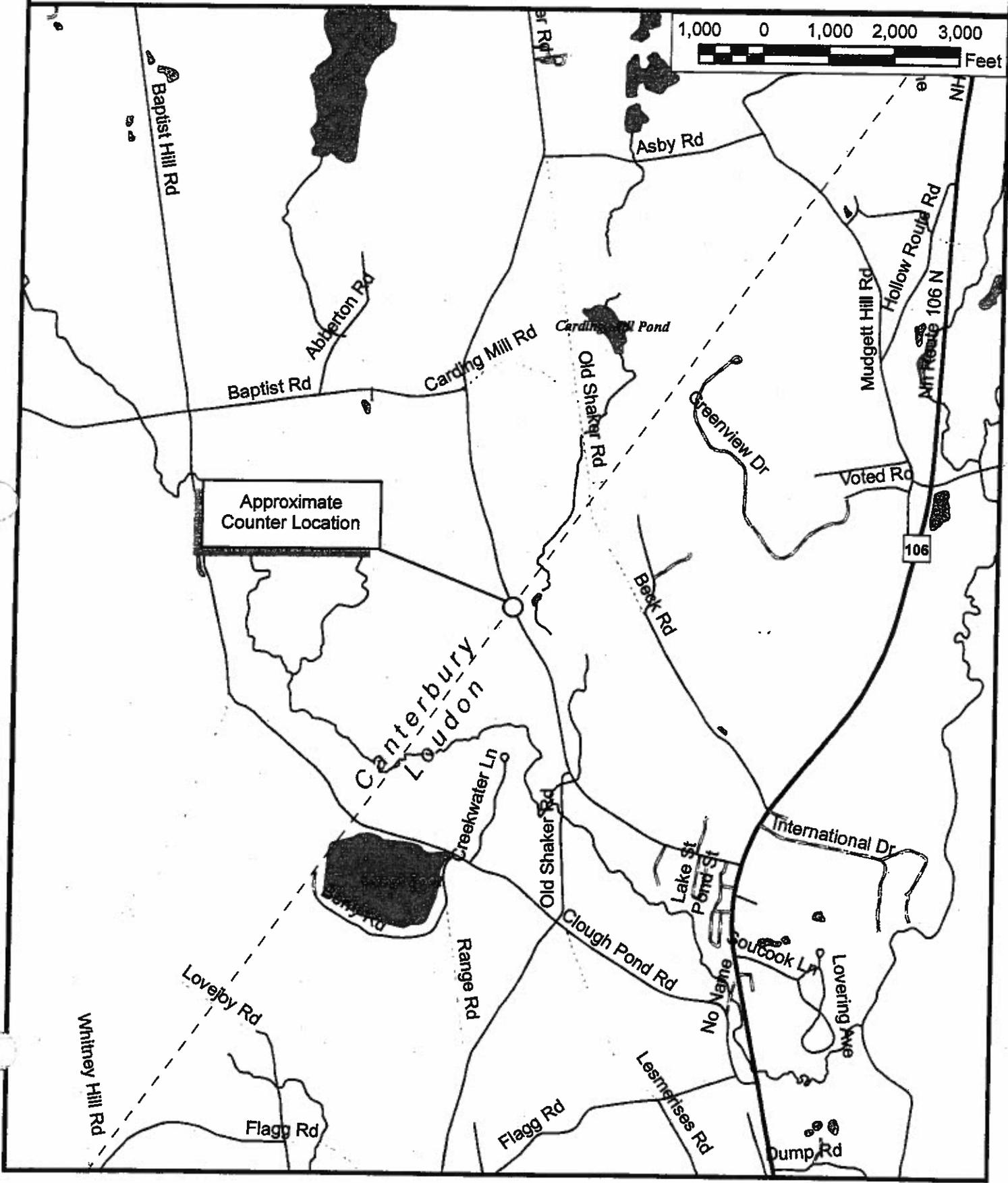
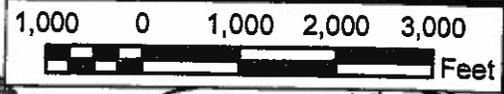


**Oak Hill Road
At Concord/Loudon Town Line**

Average Annual Race Day Traffic Volume

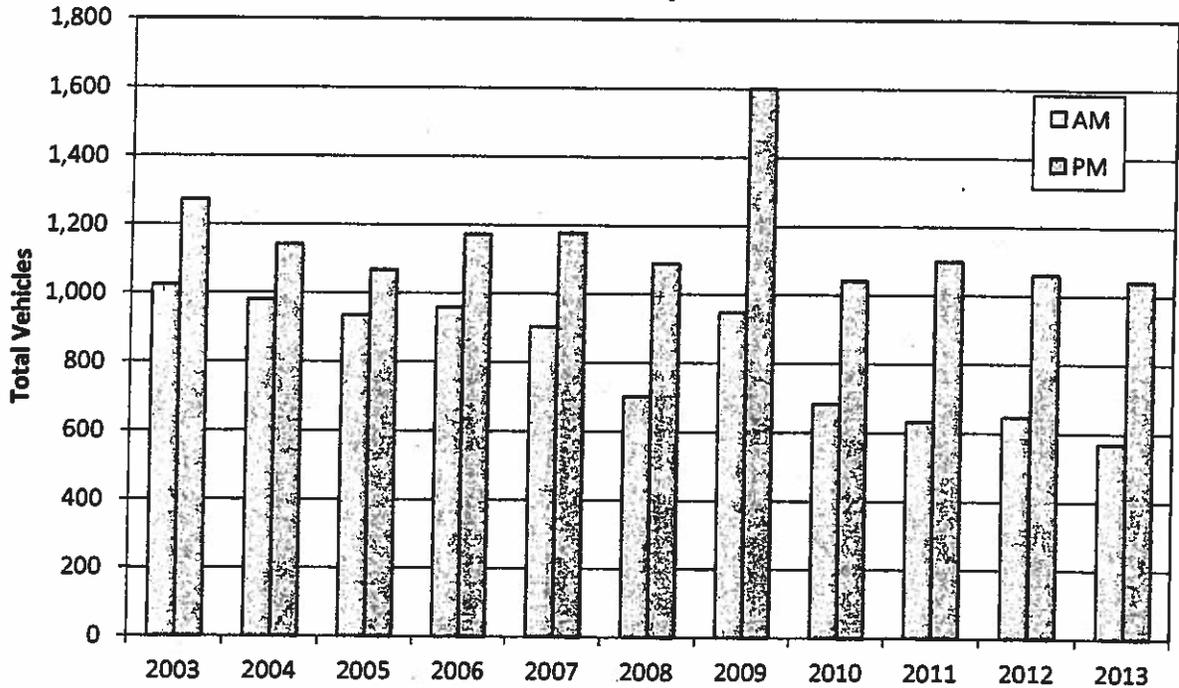


SHAKER ROAD AT CANTERBURY/LOUDON TL



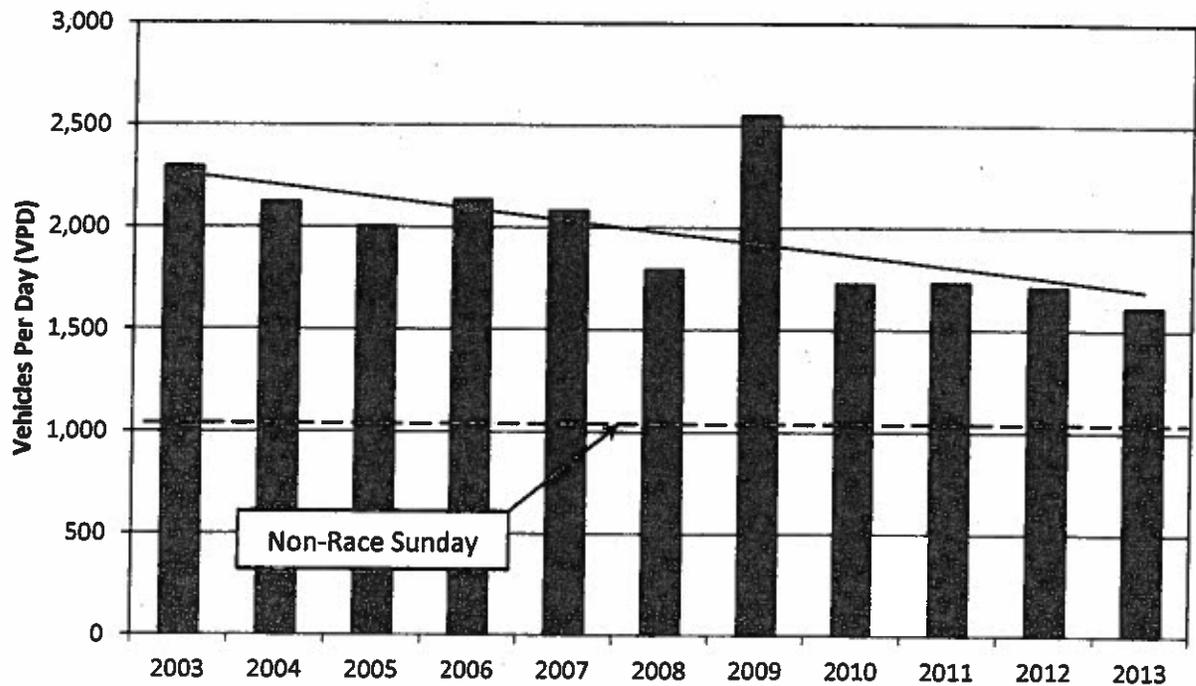
**Shaker Road
At Canterbury/Loudon TL**

Average AM/PM Race Day Traffic Volumes



**Shaker Road
At Canterbury/Loudon TL**

Average Annual Race Day Traffic Volume





THE NORTHERN PASS™

May 21, 2014



Ms. Michelle Kleindienst
Association Manager
McKenna's Purchase
84 Branch Turnpike
Concord NH, 03301

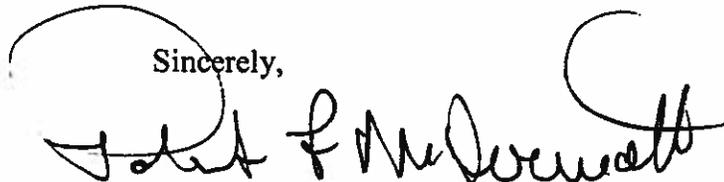
Dear Michelle,

Thank you for getting back to me regarding my previous request for a meeting to discuss the new design that Northern Pass engineers have developed for use in the existing right-of-way adjacent to McKenna's Purchase. While we are disappointed you did not accept our offer to meet with you and the board of McKenna's Purchase, we remain interested in having a meeting and engaging in a dialogue. Toward that end, and as you requested, I am enclosing with this letter the materials we had proposed to use at the meeting, and that we can use at a future meeting with you and the board.

Northern Pass continues to make every effort to meet with all owners of property adjacent to the project's proposed route. Even if we are unable to agree on certain points, there is a value in having these meetings so that each person involved has as a better understanding of the other person's point of view. It also helps to avoid miscommunication or misunderstanding over basic facts that may be at issue. These meetings also provide a meaningful opportunity to identify all possible and practicable improvements to the project design.

For these reasons, we continue to hope for and to respectfully request a meeting with you and the board to review the new design in detail, to ensure that nothing is lost in translation, to answer any questions you and the board may have, and to ensure a full exchange of views. Please contact me at your earliest convenience so that we can schedule a time to meet. I look forward to hearing from you

Sincerely,

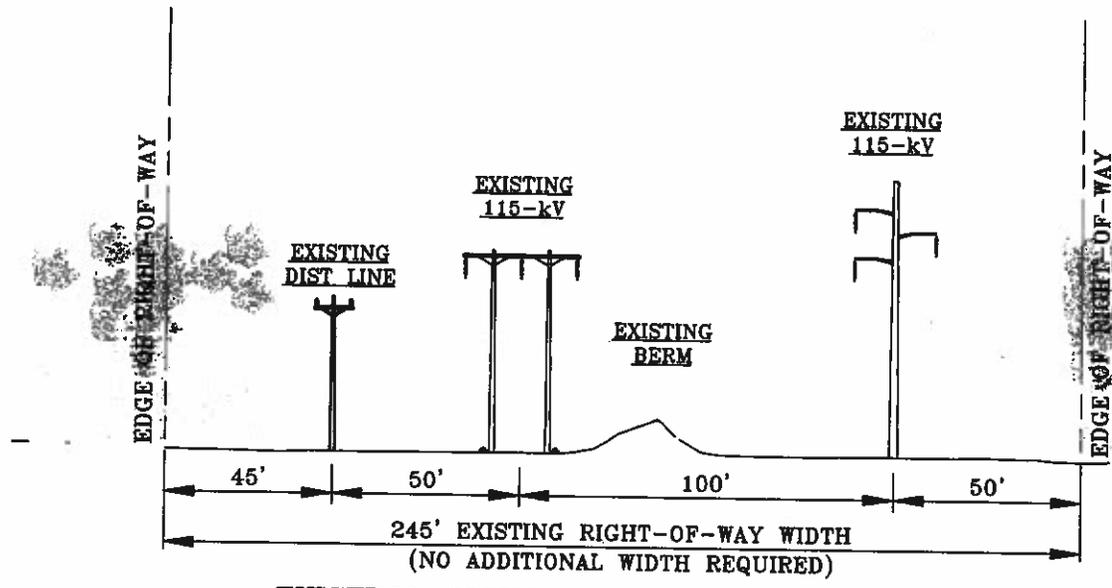


Patrick F. McDermott
Northern Pass Project

Enclosures

**cc: Mayor Jim Bouley, City of Concord
Ms. Janice Bonenfont, City Clerk, City of Concord
Senator Sylvia Larsen
Representative Candace Bouchard**

04/25/2014 2:47pm -- dsmtiller -- N:\MUSCO\58479 -- NPT\Overhead\Cadd\01-Record Worksheets\00 Prelim\X-Soc\MCKENNA PURCHASE.dwg

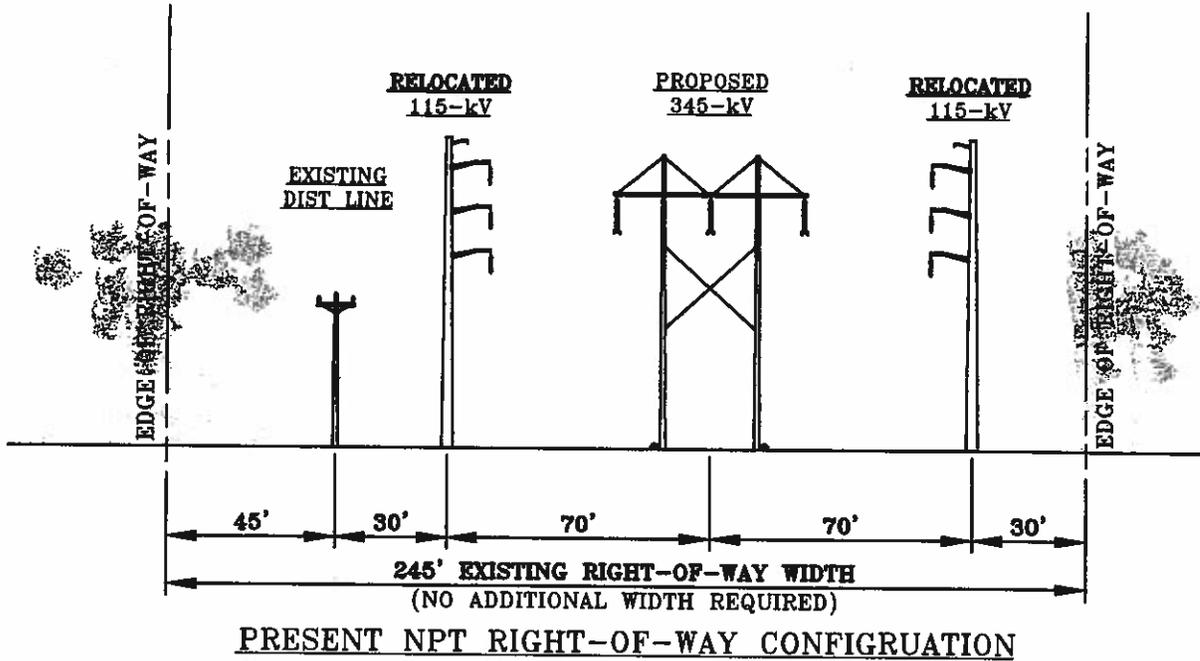


EXISTING RIGHT-OF-WAY CONFIGURATION

**PRELIMINARY
FOR DESIGN ONLY**

REVISION HISTORY					
A	4/25/14	ISSUED FOR DISCUSSION PURPOSES	DSM	VCM	
		NORTHERN PASS LLC TITLE MCKENNA'S PURCHASE APRIL 2014			
BY	REV. NO.	DATE	SIZE	DWG. NO.	
MDL	A	4/25/14	A		

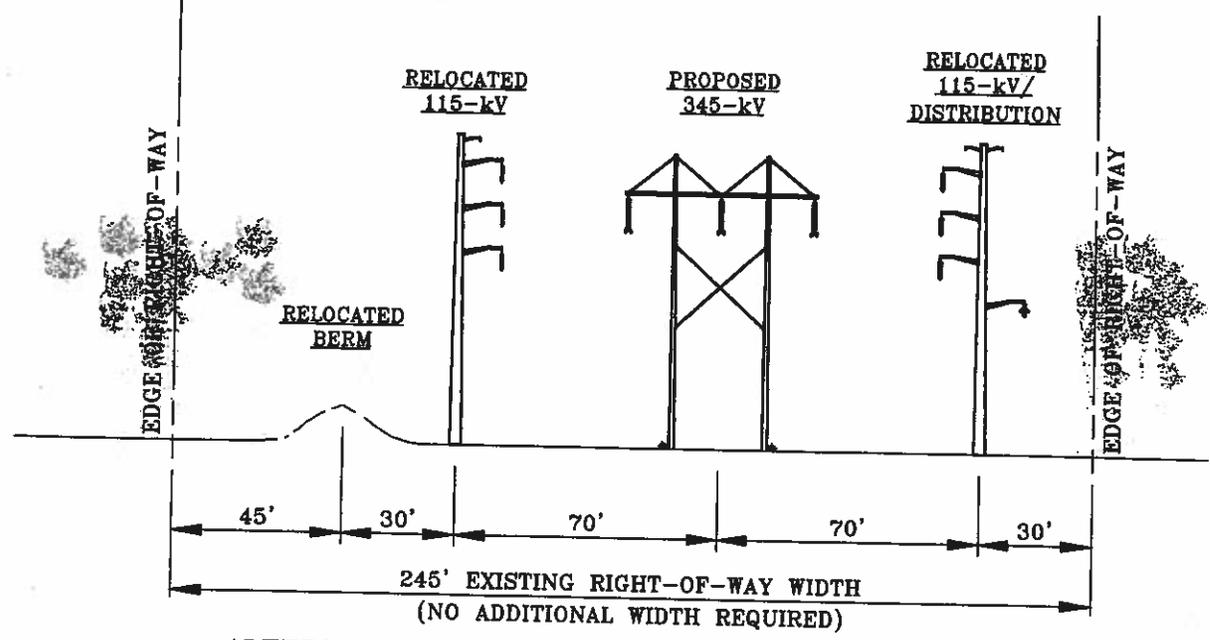
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**PRELIMINARY
FOR DESIGN ONLY**

REVISION HISTORY					
A	4/25/14	ISSUED FOR DISCUSSION PURPOSES	DSM	VCM	
 THE NORTHERN PASS		NORTHERN PASS LLC TITLE MCKENNA'S PURCHASE APRIL 2014			
BY	REV. NO.	DATE	SIZE	DWG. NO.	
MDL	A	4/25/14	A		

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ALTERNATE NPT RIGHT-OF-WAY CONFIGURATION

**PRELIMINARY
FOR DESIGN ONLY**

REVISION HISTORY					
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 THE NORTHERN PASS		NORTHERN PASS LLC			
		TITLE MCKENNA'S PURCHASE APRIL 2014			
BY MDL	REV. NO. A	DATE 4/25/14	SIZE A	DWG. NO.	



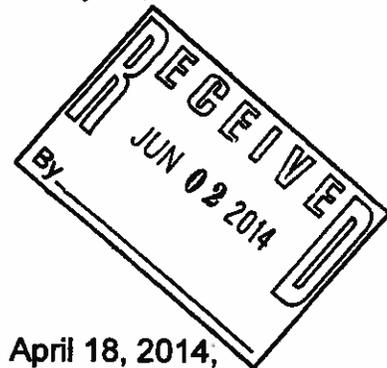


HA

• M C K E N N A ' S • P U R C H A S E •

Patrick F. McDermott
Director of External Affairs
Hinckley, Allen & Snyder LLP
11 S Main Street, Suite 400
Concord NH 03301

May 29, 2014



Dear Mr. McDermott:

I just received a second confusing letter from you. The first, dated April 18, 2014, referred to a "recent conversation" that never took place and the latest, dated May 21, 2014 states that we declined to meet with Northern Pass officials. That is not the case. The Board of Directors is anxious to meet with NP officials. We only asked for the proposals and data be submitted in advance of any meeting so we could be as prepared as possible.

While we are on the subject of confusion, we are also confused about your position with Northern Pass. Both letters were written on Northern Pass stationery but you are listed as an employee of the law firm of Hinckley, Allen & Snyder LLP. Are you an employee of Hinckley Allen or of Northern Pass? Do you have the authority to negotiate on behalf of Northern Pass?

We do have a few questions regarding the drawings you submitted with your recent letter:

- 1). Would the relocated berm run along the route currently used for the existing distribution line without the need to remove any of the trees or vegetation to the west of that existing line? Those trees and the vegetation also serve as a buffer.
- 2). Has anyone at NP done an engineering study to calculate the effectiveness of a relocated berm compared to its current location that is closer to the noise sources?
- 3). The drawings only have horizontal dimensions. Can you supply the vertical dimensions of the poles and the number of poles needed?
- 4). Can you supply an aerial view layout as has been done in the past?

Once we get the answers to those questions, the Directors will be more than willing to meet with all the appropriate Northern Pass representatives along with everyone included on this correspondence then we can all view the actual site and see how it will affect the Association's members and the Association's property values.

Sincerely,

Michelle Kleindienst
For The Board of Directors
McKenna's Purchase Unit Owners Association

Cc: Mayor Jim Bouley, City of Concord ✓
Ms. Janice Bonenfont, City Clerk, City of Concord
Senator Sylvia Larsen
Representative Candace Bouchard
Ms. Gail Matson, Councilwoman, City of Concord