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New Hampshire DOT
Department of Transportation

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

March 4, 2021
Bureau of Aeronautics

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Authorize the Department of Transportation to enter into a Memorandum of Understanding with the Town of Fryeburg, Maine (vendor #347433) to reimburse for a portion of the non-federal share associated with a Federal Aviation Administration (FAA) grant and other various grants and funds to construct a new transient hangar at the Eastern Slope Regional Airport, Fryeburg, Maine. State participation in the amount of $75,000.00 is available for this project effective upon Governor and Council approval through March 1, 2025. 100% Capital Funds.

Funding is available as follows:	FY 2021
04-96-96-960030-1677 FAA Projects 034-500161 New Construction	$ 75,000.00

EXPLANATION

Historically, the State of New Hampshire supported the Fryeburg Airport going back to 1961 when the New Hampshire Legislature committed to fund the construction of an airport in the Town of Fryeburg.

1961 "Chapter 27:1 The sum of four thousand nine hundred eleven dollars and seventy-one cents is hereby appropriated to be expended by the New Hampshire Aeronautics Commission, together with ten thousand dollars from the funds of said commission, to contribute to the establishment and construction of the Eastern Slope Regional Airport to be constructed in the town of Fryeburg, Maine, so that the state's contribution to the establishment of said airport shall equal the sum contributed thereto by the local communities in New Hampshire in said region. The governor is hereby authorized to draw his warrant for said sum from any money in the treasury not otherwise appropriated."

At one time, the Town of Conway had a public-use airport within the borders of their town to provide the necessary aviation infrastructure for access to the National Airspace System (NAS) for this geographic area of the state. Unfortunately, the airport was closed and property sold off to construct an outlet mall. The New Hampshire Airport Commission and the New Hampshire Legislature recognizing

that this area would now be void of this necessary life-saving infrastructure and access to the NAS took extraordinary action, in concert with the Town of Fryeburg, to provide funding to build a new airport in the State of Maine to replace the loss of the airport in New Hampshire.

The funding provided by the New Hampshire Legislature in 2017 continues this tradition to support the citizens of New Hampshire to provide a local aviation airport system. The airport serves and is financially supported not only by the town of Conway, but other local surrounding towns such as Albany, Bartlett, Chatham, Eaton, Jackson, and Madison. The airport is operated by an Airport Authority made up of Directors representing the various towns that it serves in both New Hampshire and Maine. More than half of the users of the airport are New Hampshire citizens.

The project will be funded by multiple funding sources: the FAA, State of Maine, Town of Fryeburg, Economic Development Administration (EDA), Northern Border Commission (NBRC), and United States Department of Agriculture (USDA). Total estimate project cost is $2,919,708.00.

This memorandum of understanding, copies attached, has been approved by the Attorney General as to form and execution. Copies of the fully executed agreement are on file at the Secretary of State's office and the Department of Administrative Services' office, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

In the event that the Federal Funds are no longer available, additional General Funds will not be requested to support this program.

Please note that the state funds have been previously approved in Chapter 228:1, XXII, E, Laws of 2017 as part of the HB25 Capital Budget.

Sincerely,

Victoria F. Sheehan

Victoria F. Sheehan
Commissioner

CDC/tlsl
Attachments

New Hampshire DOT
Department of Transportation

Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

William Cass, P.E.
Assistant Commissioner

March 23, 2017

The Honorable Gene Chandler, Chairman
House Public Works and Highways Committee
Legislative Office Building, Room 201
Concord, NH 03301

RE: SFY 2018-2019 Capital Budget Appropriation for Eastern Slope Regional Airport

Dear Representative Chandler:

At the request of the Eastern Slope Regional Airport, the Department of Transportation submits for consideration by the House Public Works and Highways Committee, the addition of a General Fund appropriation in the amount of $75,000 to match federal funds for the terminal/hangar building project at Eastern Slope Regional Airport in Fryeburg, Maine.

If considered favorable by the Committee, an amendment to HB 25-FN-A, Paragraph 1, Section XIX would be needed to appropriate the funds.

I have attached a letter from the airport making this request. If you have any questions or need further information, please don't hesitate to contact me.

Sincerely,

Patrick C. Herlihy
Director of Aeronautics, Rail and Transit

Carl J Thibodeau
P O Box 1700
Conway, NH 03818

July 15, 2016

RECEIVED
COMMISSIONERS OFFICE
JUL 19 2016
THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Victoria Sheehan
Commissioner NH Dept of Safety
1 Hazen Drive
Concord, NH 03301

Dear Commissioner Sheehan,

The Eastern Slope Airport Authority would like to request that you make a late presentation to the governor's capital budget program for the upcoming biennium.

As discussed with Patrick Herlily and Carol Niewola this request would be for $75,000.00 to be used as match for grant funding to construct a 1.5 million dollar large aircraft hangar to house jet traffic during inclement weather.

The Eastern Slope Airport is located in Fryeburg Me. however the bulk of the traffic (some 70%) services the northern portion of Carroll County and of that the vast majority serves the Towns of Conway, Bartlett, and Jackson. The airport is operated by an Authority which is made up of directors representing the various towns it serves. The Aeronautics division of NHDOT has identified this airport as critical to the needs of the State of NH in this area. No other airport exists to service this area.

Since this airport is such a big asset to the State of NH we are hopeful you will submit a request to the Governor and even more hopeful she will include this request in her capital budget proposal.

More detailed information relating to the value of this airport to the NH aeronautical system may be obtained from Carol Neiwola or Patrick Herlihy within NHDOT Aeronautics division.

Sincerely,
Carl J Thibodeau
Vice Chairman Eastern slope Airport Authority
Selectman Town of Conway

Company #	Agency #	Accounting Unit	Agency	Summary Accounting Unit #	AU Description	Agency	Description	Appropriation Amount
30	96	16730000	9600	1673CAP	17-228:1-XXII:A Aero, Rail, Transit	DOT	Aeronautic, Rail, Transit Facility	1,141,881
30	96	16740000	9600	1674CAP	17-228:1-XXII:B Arches in Walpole	DOT	Repair Arches in Westmoreland & Walpole	500,000
30	96	16750000	9600	1675CAP	17-228:1-XXII:C Coos Rail Improv	DOT	Coos County Rail Improve	900,000
30	96	16760000	9600	1676CAP	17-228:1-XXII:D Strafford & Carroll Rail	DOT	Strafford & Carroll Rail Improve	900,000
30	96	16770000	9600	1677CAP	17-228:1-XXII:E Reg. Airport Match	DOT	Eastern Slope Reg. Airport Match	75,000
30	96	16810000	9600	1681CAP	17-228:2-II:A Lisbon new Facility	DOT	Lisbon new Patrol Shed Facility	3,110,000
30	96	16820000	9600	1682CAP	17-228:2-II:B Undergr Tank Replace	DOT	Underground Fuel Tank Replace	1,000,000
30	96	16830000	9600	1683CAP	17-228:2-II:C Salt Sheds	DOT	Statewide Salt Sheds	1,700,000
30	96	16840000	9600	1684CAP	17-228:2-II:D Man Patrol Shed	DOT	Manchester Patrol Shed Addition	300,000
30	96	16850000	9600	1685CAP	17-228:2-II:E Dixville Patrol Shed	DOT	Dixville new Patrol Shed	1,400,000
30	96	16860000	9600	1686CAP	17-228:2-II:F Const Equip & Vehicles	DOT	Construct Equip & Vehicles	10,000,000

Memorandum of Understanding

for

Construct New Transient Hangar at Eastern Slope Regional Airport

By and Between

Town of Fryeburg, Maine

and

State of New Hampshire Department of Transportation

The undersigned hereby agree to the following guiding principles for the undertaking of a Construct New Transient Hangar Project ("the Project") pursuant to Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant Agreement Project Nos. 3-23-0022-019-2019 and 3-23-0022-020-2020 ("Grants"). Additional funding assistance for the Project is provided by other organizations:

1. The purpose of these Grants and other funding sources shall be to fund the Administrative, Consultant Services, and Construction Costs to construct:
    - A nominal 100 ft. x 100 ft. aircraft hangar and associated paved access apron.
    - Relocation of existing paved taxilane.
    - Installation of utilities: electrical service, water supply, propane, septic and holding tank.
    - Associated safety procedures and site alterations.

2. No participating agency or organization in this Project is relinquishing its current sovereign authority. Nothing herein contained shall be deemed to constitute a waiver of the sovereign or official immunity to which the State of New Hampshire and its representatives and agents are lawfully entitled. This covenant shall survive the termination of the Project.

3. There will be no continuing obligation between the State of New Hampshire Department of Transportation and the Town of Fryeburg beyond that stated in this Memorandum of Understanding.

4. There shall be a Consultant Team comprised of McFarland-Johnson, Inc., as the Principal Consultant, and Fennick-McCredie Architecture, Ltd., and John Turner Consulting, Inc., as sub-consultants. The Consultant Team for purposes of this Memorandum of Understanding shall include respective officers, agents, employees and subcontractors of each of the above-named companies.

5. The Co-Sponsors of the Grants shall be: Maine Department of Transportation (MaineDOT), New Hampshire Department of Transportation (NHDOT), Town of Fryeburg, Maine.

6. The Co-Sponsors will hereafter be referred to as the Project Management Team (PMT). The PMT will be comprised of a representative from Town of Fryeburg, MaineDOT, and NHDOT. Each member of the PMT shall represent his or her jurisdiction in connection with this Project. The Town of Fryeburg shall assume broad responsibility of project oversight and will:

   (a) ensure that funding be used for the intended purpose towards the Project;
   (b) meet sponsor obligations for the Grants and other funding sources;
   (c) ensure that a complete and usable product is a resultant of the Project.

7. As agreed to by the PMT, the Town of Fryeburg will delegate the responsibilities listed herein in Item 7a-7e to the Eastern Slope Airport Authority (ESAA), operator of the Eastern Slope Regional Airport. In conjunction with the Consultant Team, ESAA will provide the overall management of the Project. In that role, the ESAA responsibilities are:

   (a) provide grant and contract administrative functions;
   (b) provide accounting for the Project;
   (c) review material prepared by the Consultant Team;
   (d) coordinate project information and data between the PMT and Consultant Team; and
   (e) provide project management and construction oversight.

   ESAA shall perform these functions with guidance received from the PMT. ESAA shall use their best faith efforts to ensure the Consultant Team and contractors execute the work program in conformance with the scope as outlined in the Project documents.

8. The NHDOT will reimburse to the Town of Fryeburg an amount not to exceed seventy-five thousand dollars and no cents ($75,000.00) for eligible costs associated with performing the administrative, consulting, and construction functions related to the Project. Cost eligibility is defined as those project costs deemed normally eligible for FAA AIP funding assistance as identified in FAA Order 5100.38D, *Airport Improvement Program Handbook*, dated February 26, 2019.

9. NHDOT is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this Memorandum of Understanding.

10. The Consultant Team and its respective officers, agents, employees or subcontractors, hereby agree to make public presentations or statements, or issue materials on behalf of, or attributable to, the PMT in a manner consistent with guidance received from the PMT.

11. The sole significance of this Memorandum of Understanding is a statement of concurrence with the objectives of this Project as stated in paragraph 1 and with the project management and reimbursement guidelines outlined in paragraph 2 through 9.

12. This Memorandum of Understanding shall be subject to revision or amendment only upon a duly executed document by the authorized representative of each of the below-listed entities.

The undersigned hereby concur with the above terms of this Memorandum of Understanding:

	2-18-21	Katie Haley, Town Manager
Town of Fryeburg, Maine	Date	Printed Name
	3/9/21	**Patrick C. Herlihy** **Director** **Aeronautics, Rail and Tran**
New Hampshire Department of Transportation	Date	Printed Name
	3/30/2021	EMILY C. GOERINGER
New Hampshire Attorney General	Date	Printed Name