



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



14

William Cass, P.E.
Commissioner

David Rodrigue, P.E.
Assistant Commissioner

March 24, 2025
Bureau of Aeronautics

Her Excellency, Governor Kelly A. Ayotte
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, mark and light the extension of Runway 14-32 at the Eastern Slope Regional Airport, Fryeburg, Maine. State participation in the amount of \$100,000 is available for this project effective upon Governor and Council approval through September 30, 2028. 100% General Funds.

Funding is available as follows:	<u>FY 2025</u>
04-96-96-964010-2107	
Aeronautics	
073-500581 Grants to Non-Profits	\$ 100,000

EXPLANATION

Historically, the State of New Hampshire supported the Fryeburg Airport going back to 1961 when the NH 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 in Conway was closed and property sold off to construct an outlet mall. Recognizing that this area would now be void of this necessary life-saving infrastructure and access to the NAS, the New Hampshire Airport Commission and the NH Legislature 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 Conway.

The funding provided by the NH Legislature in 2023 continues this tradition to support the citizens of New Hampshire to provide a local aviation airport system. The Eastern Slope Regional Airport serves and is financially supported by not only the Town of Conway, but other local surrounding NH and Maine 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 NH and Maine. More than half of the users of the airport are NH citizens.

The project will be funded by multiple funding sources: the FAA, State of Maine, Town of Fryeburg, and State of NH. Total estimated project cost is \$3,519,674.77, of which the State of NH will pay \$100,000.

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.

Please note that the state funds are from the General Fund and have been previous approved in Chapter 79:527 Laws of 2023.

Sincerely,



William J. Cass, PE
Commissioner

WC/tls

Attachment

Memorandum of Understanding
Town of Fryeburg, Maine and State of NHDOT

Memorandum of Understanding
for
Construction of Runway 14-32 Extension; Remark and Light Runway 14-32
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 Construction of Runway 14-32 Extension; Remark and Light Runway 14-32 Project ("the Project") pursuant to Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant Agreement Project No. 3-23-0022-026-2024 ("Grant"). 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, Design- and Construction-Phase Consultant Services, Permitting, and Construction Costs to:
 - Construct a nominal 300 ft. x 75 ft. extension to Runway 14 and a nominal 502 ft. x 75 ft. extension to Runway 32.
 - Remark and light the entire Runway 14-32.
 - Associated safety procedures, administrative costs, 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, GM2 Associates, Inc., Geopro Consultants, LLC, and John Turner Consulting, 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.

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5. There shall be a Construction Team comprised of A.J. Coleman & Son, Inc., as the Principal Contractor. The Contractor Team for purposes of this Memorandum of Understanding shall include respective officers, agents, employees and subcontractors of the above-named companies.
6. The Co-Sponsors of the Grants shall be: Maine Department of Transportation (MaineDOT), New Hampshire Department of Transportation (NHDOT), Town of Fryeburg, Maine.
7. 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.
8. As agreed to by the PMT, the Town of Fryeburg will delegate the responsibilities listed herein in Item 8a-8e to the Eastern Slope Airport Authority (ESAA), operator of the Eastern Slope Regional Airport. In conjunction with the Consultant Team and Contractor 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 and Contractor Team;
 - (d) coordinate project information and data between the PMT and Consultant Team and Contractor Team; and
 - (e) provide project management and construction oversight.

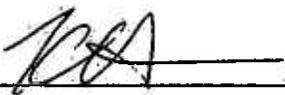
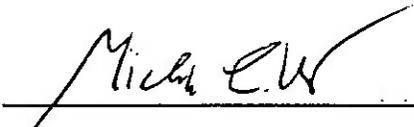
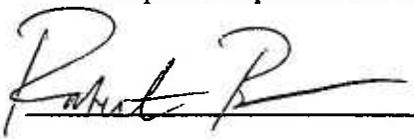
ESAA shall perform these functions with guidance received from the PMT. ESAA shall use their best faith efforts to ensure the Consultant Team and Contractor Team execute the work program in conformance with the scope as outlined in the Project documents.
9. The NHDOT will reimburse to the Town of Fryeburg an amount not to exceed one-hundred thousand dollars and no cents (\$100,000.00) for eligible costs associated with performing the administrative, design- and construction-phase consulting, permitting, and construction functions related to the Project. Cost eligibility is defined as those project costs deemed normally eligible for FAA AIP funding assistance as

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identified in FAA Order 5100.38D, *Airport Improvement Program Handbook*, dated February 26, 2019.

10. 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.
11. 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.
12. 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 10.
13. 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:

	3-17-2025	Katie Haley
Town of Fryeburg, Maine	Date	Printed Name
	03/28/25	Michelle L. Winters
New Hampshire Department of Transportation	Date	Printed Name
	April 2, 2025	Robert A. Pearce,
New Hampshire Attorney General	Date	Attorney, New Hampshire Department of Justice
_____	_____	_____
New Hampshire Secretary of State	Date	Printed Name