

AGENDA

BOARD OF MAYOR AND ALDERMEN

April 15, 2008
Mayor and all Aldermen

7:30 PM
Aldermanic Chambers
City Hall (3rd Floor)

1. Mayor Guinta calls the meeting to order.
2. The Clerk calls the roll.
3. Mayor Guinta advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Approve under supervision of the Department of Highways

- A. Pole petition:
11-1192 three poles on concord and Hall Streets
11-1193 two poles on South Maple Street
(Note: Verizon to be replaced with North New England Telephone in final documents)

Approve under supervision of the Department of Highways; subject to funding availability

- B. Sidewalk Petitions:
430 East High Street
577 Spruce Street
25 Villa Street

Informational to be Received and Filed

- C. Communication from City Clerk advising that pursuant to the Board's previous actions, a public hearing on the Charter Amendment question relating to the School Department has been scheduled for Tuesday, May 13, 2008 at 6:30 PM.

- D. Communication from Frederick Coolbroth, Devine Millimet, advising of the assignment of pole licenses held by Verizon New England Inc. to Northern New England Telephone Operations LLC effective March 31, 2008.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- E. Resolution:
"Amending the FY2005, 2007, 2008 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Forty Two Thousand Dollars (\$42,000) for the 2008 CIP 411808 Fire Ladder Truck Repair Project."

COMMITTEE ON LANDS AND BUILDINGS

- F. Communication from Carol Johnson, City Clerk, submitting a copy of a conservation easement suggesting review and recommendation of same for report to the full Board at a later date.

REPORTS OF COMMITTEES

**COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE
ADMINISTRATION**

- G. Advising that it has accepted the following Finance Department reports:
 - a) Department Legend;
 - b) Open Invoice report over 90 days by fund;

- c) Open Invoice report all invoices for interdepartmental billings only;
- d) Open Invoice report all invoices due from the School Department only;
- e) Listing of invoices submitted to City Solicitor for legal determination; and
- f) Accounts Receivable summary

and is forwarding same to the Board for information purposes.

(Unanimous vote.)

(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)

- H. Advising that it has accepted the City's Monthly Financial Statements (unaudited) for the eight months ended February 29, 2008 and is forwarding same to the Board for informational purposes.

(Unanimous vote.)

(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)

COMMITTEE ON COMMUNITY IMPROVEMENT

- I. Recommending that funds in various CIP programs totaling \$42,000 be transferred to the 411808 Fire Ladder Truck Repair Project; and further that \$13,000 from MER funds be expended for rust repairs to the Fire Ladder Trucks; and for such purpose an Amending Resolution and budget authorizations have been submitted.

(Unanimous vote)

COMMITTEE ON LANDS AND BUILDINGS

- J. Recommending that a request of the West Side Little League to rename the Southwest Little League complex to Francis "Pat" Lally Memorial Complex, be granted and approved. The Committee notes that the names of the four fields at the complex will not be changed.

(Unanimous vote, with except of J. Roy who was not present)

- K.** Recommending that a request of West Side Little League to name the major division field at Cullerot Park the Joe Sullivan Field be granted and approved.
(Unanimous vote, with except of J. Roy who was not present)
- L.** Advising after due and careful consideration that it has denied a request of Howard McCarthy to utilize city power for his vending equipment. The committee notes that such decision reflects concern of City liability issues and subsidization of private enterprise.
(Unanimous vote, with except of J. Roy who was not present)
- M.** Recommending that a request of the Airport to purchase a 1.0 acre parcel of land located at One Delta Drive, Londonderry be granted and approved. The Committee further recommends that the Airport Director be authorized to negotiate purchase of same and that the Mayor be authorized to execute any necessary documents relating to such purpose, subject to the review and approval of the City Solicitor.
(Unanimous vote, with except of J. Roy who was not present)
- N.** Recommending that the Economic Development Director issue RFP's for the Northwest Business Park providing for the purchase and development of such property in accordance with Phase I of the Northwest Business Park Development Plan.
(Unanimous vote, with except of J. Roy who was not present)

SPECIAL COMMITTEE ON AIRPORT ACTIVITIES

- O.** Recommending the Board oppose HB686 relative to regulation of remotely readable devices and the illegal use of payment card scanning devices or reencoders. The Committee notes that the recommendation to oppose the HB686 is to make sure that it does not interfere with the security functions and efficiency functions of the Airport.

LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA, A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE APPROVED.

4. Nomination of Jane E. Gile to the position of Human Resources Director, submitted by Mayor Guinta.
Under the rules the nomination shall lay over to the next meeting.

5. Nominations to be presented by Mayor Guinta, if available.
Ladies and Gentlemen, what is your pleasure?

6. Confirmation of Christopher Thompson to succeed Daniel Pinard (vacancy) as an alternate member of the Planning board, term to expire May 1, 2009.
Ladies and Gentlemen, what is your pleasure?

7. Confirmation of nomination of Michael DeBlasi to represent Ward 3 on the Board of School Committee submitted by Alderman Sullivan.
Ladies and Gentlemen, what is your pleasure?

8. Reports of Committee on Community Improvement, if available.
Ladies and Gentlemen, what is your pleasure?

9. Mayor Guinta advises that a motion is in order to recess the meeting to allow the Committee on Finance to meet.

10. Mayor Guinta calls the meeting back to order.

11. Report(s) of Committee on Finance, if available.
Ladies and Gentlemen, what is your pleasure?

12. Legislative Update to be presented by Mayor Guinta and seeking the Board's opposition to SB468 relative to the reinsurance pool and the New Hampshire vaccine association.
Note: Letter from Jack Sharry to be sent under separate cover..
Ladies and Gentlemen, what is your pleasure?

13. Communication from City Clerk requesting that a petition to rezone a parcel of land located west of Mack Avenue and north of Frontage Road submitted on behalf of One Mack Avenue, LLC be referred to the Committee on Bills on Second Reading and to Public Hearing at a date to be set by the City Clerk.

Ladies and Gentlemen, what is your pleasure?

14. Communication from Carol Johnson, City Clerk, reporting back to the Board regarding the Ward 5 polling location, and requesting the Board authorize the City Clerk to purchase floor matting totaling \$5,356 and to transfer funds to cover such expense.

Ladies and Gentlemen, what is your pleasure?

15. Communication from Thomas Bowen, Director, Manchester Water Works, submitting a NHDOT Use and Occupancy Agreement, allowing for the installation of a water main on Eastpoint Drive, Bedford, in relation to the Airport Access Road.

A motion is in order that the agreement be approved and that the Water Works Director be authorized to execute same on behalf of the City Water Works subject to the review and approval of the City Solicitor.

16. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

(Note: amount to be presented by the Clerk)

Ladies and Gentlemen, what is your pleasure?

17. Ordinance: **(A motion is in order to read by title only)**

“Amending Section 70-.78 Penalty of the code of Ordinances of the city of Manchester to temporarily suspend the Increased Penalty provided for certain parking violations.”

This Ordinance having had its third reading by title only, the question is on passing same to be Ordained.

18. Resolution: **(A motion is in order to read by title only)**
“Amending the FY2005, 2007, 2008 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Forty Two Thousand Dollars (\$42,000) for the 2008 CIP 411808 Fire Ladder Truck Repair Project.”
A motion is in order that the Resolution pass and be Enrolled.

TABLED ITEMS

(A motion is in order to remove any item from the table.)

19. Communication from Carol Johnson, City Clerk, providing the Board a report on the current status of activities at the Office of the City Clerk.
(Tabled 2/19/2008)
NOTE: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen.
20. Report of the Committee on Bills on Second Reading recommending that Ordinance:
“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”
ought to pass.
(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)
NOTE: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen.
21. A Majority report of the Committee on Bills on Second Reading recommending that Ordinance:
“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”
be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

*(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)
(Tabled 06/05/2007)*

A Minority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

ought to pass.

The minority advises that the proposed zoning, in its opinion, is consistent with the highest and best use of the property and that neighborhood concerns can be best addressed through the development process at the Planning Board level, therefore, that such rezoning should be considered subject to the Planning Board approving any plans for development of the property.

S/Alderman Lopez
(Tabled 06/05/2007)

NOTE: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen.

22. NEW BUSINESS
 - A. Communications
 - B. Aldermen

23. If there is no further business, a motion is in order to adjourn.

CITY OF MANCHESTER, NH
PETITION FOR POLE LOCATION LICENSE

POLE LOCATION
FORM NO. 1

March 12, 2008

*To the Hon. Board of Mayor and Aldermen
of the City of Manchester, New Hampshire:*

**PUBLIC SERVICE OF NEW HAMPSHIRE
&
VERIZON NEW ENGLAND, INC.**

request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across, and under the following public ways:

License three (3) pole(s), 27/68, 12/45Y, 23/78S located on Concord St. and Hall St. in the City of Manchester.

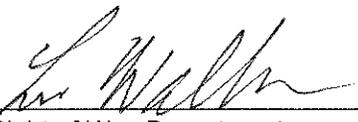
Wherefore we pray, that we be granted a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with sustaining, strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked "POLE LOCATION PLAN, PUBLIC SERVICE OF NEW HAMPSHIRE and VERIZON NEW ENGLAND".

Plan No. 11-1192
Dated: 3/12/2008

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: 
Jeana Delisle, Licensing Specialist

VERIZON NEW ENGLAND, INC.

BY: 
Right of Way Department

Conditions upon which The Pole Location License cited on reverse side is Granted:

1. Excavations, obstructions or encumbrances shall at all times be properly guarded, barricaded or fenced during the whole time the highway is excavated, obstructed or encumbered, and lights shall be maintained throughout the night so that all excavations, obstructions and encumbrances may be readily seen.
2. The grantee hereby agrees to indemnify and save harmless the City of Manchester, NH, for all claims for damages or injury whatsoever that may arise from the excavation, obstruction, encumbrance or occupation of said highway, and the applicant shall be accountable for all damage that may occur on account of said excavation, obstruction, encumbrance or occupation of the aforesaid highway made or created in violation of the terms of this License; the City of Manchester in no case assuming any responsibility or liability by reason of the issuing of this grant.
3. Shade trees shall neither be cut down, cut, trimmed or otherwise injured by the grantee, unless special permission shall have been granted by the abutting owner or owners, or the city.
4. The grantee shall neither grant permission to place signs, or advertisements, (Excepting only city street signs) nor permit the same to be attached to or displayed on or upon any pole or poles within the City of Manchester, and said grantee shall remove or cause to be removed all such signs or advertisements which may be so placed by any corporation, firm, person or persons.
5. The grantee shall paint all poles within the City of Manchester, unless such poles are of the creosote treated type or it is otherwise specified in this grant, the standard color to be dark green.
6. The highway shall be left in as good condition and repair upon the completion of the work necessitated by this grant as existed previously, and the Department of Highways may restore the highway to as good condition and repair, or cause the same to be restored under its direction, and the grantee shall reimburse the City for any and all liability and expenses occasioned by reason of such work.
7. All poles shall be of wood or other suitable material, and the wires shall be run along and across the highway between the points named herein, and shall be maintained at least 18 feet above the surface of the ground.

"In accordance with the requirements of RSA 72:23, l(b) the licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to the is license shall be responsible for the payment of, and shall pay, all properly assessed personal and real property taxes no later than the due date. Failure to pay duly assessed personal and real property taxes when due shall be cause to provide a written notice to said licensee to show cause by a date certain specified in the notice to said license should not be terminated for nonpayment of the sums due.

The changes to the within license set for in the preceding paragraph shall take effect April 1, 2005, and shall remain in effect until changed in accordance with the requirements of RSA 231:163."

POLE LOCATION LICENSE

POLE LOCATION
FORM NO. 2

In the Board of Mayor and Aldermen of the City of Manchester, New Hampshire,
on _____, 2007. It appearing that the public good requires it, it is hereby

ORDERED

That PUBLIC SERVICE OF NEW HAMPSHIRE AND VERIZON NEW ENGLAND, INC. be and hereby are granted a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary in the public way, or ways, hereinafter referred to as requested in the petition of said Companies dated the 12nd day of March, 2008.

All construction under this order shall be in conformity with the Laws of the State of New Hampshire and the Ordinances of the City of Manchester, NH, and this license is granted, subject to its approval by the Surveyor of Highways and to certain conditions which are printed on the reverse side of this order, also the following designations and definitions, before this license shall be in full force and effect;

The maximum and minimum length of said poles shall be 60 feet and 25 feet; height of structures 52 feet and 20 feet. The approximate locations of poles and structures, including where applicable the approximate distance thereof from the edge of the traveled roadway, or of the side-walk, and of underground conduits and cables are designated or defined as shown upon a plan marked "POLE LOCATION PLAN - PUBLIC SERVICE OF NEW HAMPSHIRE AND VERIZON NEW ENGLAND, INC" No. 11-1192, dated 3/12/2008 attached to and made a part of this order. All of said wires and cables except such as are vertically attached to poles and structures shall be placed in accordance with the National Safety Code in effect at the time of petition and/or license is granted.

Underground conduits, wires and cables shall be not less than current minimum requirements of the National Electrical Safety Code below the surface of the roadway.

This license is granted as to the following public ways or parts of ways in Manchester, New Hampshire.

License three (3) pole(s), 27/68, 12/45Y, 23/78S located on Concord St. and Hall St. in the City of Manchester.

Granted By Vote of Board of Mayor
and Aldermen, subject to approval
of surveyor of Highways at meeting
of said Board held _____ 2007

Approved
Dept. of Highways

BY: _____
_____, Surveyor

ATTEST _____
Leo R. Bernier, City Clerk

Received _____ at **Manchester** and recorded in Records of Pole Location Licenses.
Vol., _____, Page _____, filed and an attested copy delivered to the said Public Service of New
Hampshire and Verizon New England.

ATTEST _____
Leo R. Bernier, City Clerk

POLE LOCATION PLAN

PUBLIC SERVICE OF NEW HAMPSHIRE and Verizon New England, Inc.

DATE 03/12/2008
 MUNICIPALITY: Manchester
 STREET / ROAD: Concord St. and Hall St.
 PSNH OFFICE: Hooksett
 PSNH ENGINEER: Mario Boucher
 TELCO ENGINEER: Wayne Hackett

LICENSE NO. 11-1192
 STATE HWY. DIV. NO. 5
 STATE LICENSE NO. _____
 WORK REQUEST# 1046497
 WORK FINANCIAL # 9Y711230
 TELCO PROJECT # _____

INDICATE NORTH WITH AN ARROW

| Pole Numbers | | Pole Sz-CI | Eq BH | INSTALL | | | REMOVE | | | REF | 100% LTS | J/O | 100% TEL | Span | DIST. FROM | Remarks | DOC REQ |
|----------------------|-----|------------|-------|---------|----|--|--------|--|--|-----|----------|-----|----------|------|------------|---|---------|
| LTS | TEL | | | POI F | PB | | | | | | | | | | | | |
| 12 50 27 69 | | | | | | | | | | | | | | | | S234-2 Pole 69 install sidewalk anc. | M |
| | | | | | | | | | | | | | | | | Pole 50 install one sidewalk and another anchor S0783 | M |
| 27 68 | N/A | | | | | | | | | | | | | | | Install 40' and sidewalk anc. pole 68 S0793 | M |
| 16 49 16 48 | | | | | | | | | | | | | | | | S234-2 (48+47) Pole 12/47 Concord st. move xfmoh to pole 48 3083 | |
| 12 45Y | N/A | | | | | | | | | | | | | | | Ref. Pole 3083 Install 45' cl 2 Step pole 45Y | M |
| 16 47 23 78 | | | | | | | | | | | | | | | | Install 40' cl 2 and anchor pole 47 3083 Install 50' POLE 78 S3033 | M |
| 23 78S | N/A | | | | | | | | | | | | | | | Install stub pole and sidewalk anchor | M |

A-4

CITY OF MANCHESTER, NH
PETITION FOR POLE LOCATION LICENSE

POLE LOCATION
FORM NO. 1

March 21, 2008

*To the Hon. Board of Mayor and Aldermen
of the City of Manchester, New Hampshire:*

**PUBLIC SERVICE OF NEW HAMPSHIRE
&
VERIZON NEW ENGLAND, INC.**

request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across, and under the following public ways:

License two (2) pole(s), 1110/01A, 54/9 located on 1 South Maple Street in the City of Manchester.

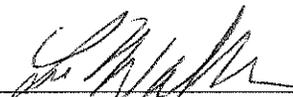
Wherefore we pray, that we be granted a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with sustaining, strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked "POLE LOCATION PLAN, PUBLIC SERVICE OF NEW HAMPSHIRE and VERIZON NEW ENGLAND".

Plan No. 11-1193
Dated: 3/17/2008

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: 
Jeanne Delisle, Licensing Specialist

VERIZON NEW ENGLAND, INC.

BY: 
Right of Way Department

Conditions upon which The Pole Location License cited on reverse side is Granted:

1. Excavations, obstructions or encumbrances shall at all times be properly guarded, barricaded or fenced during the whole time the highway is excavated, obstructed or encumbered, and lights shall be maintained throughout the night so that all excavations, obstructions and encumbrances may be readily seen.
2. The grantee hereby agrees to indemnify and save harmless the City of Manchester, NH, for all claims for damages or injury whatsoever that may arise from the excavation, obstruction, encumbrance or occupation of said highway, and the applicant shall be accountable for all damage that may occur on account of said excavation, obstruction, encumbrance or occupation of the aforesaid highway made or created in violation of the terms of this License; the City of Manchester in no case assuming any responsibility or liability by reason of the issuing of this grant.
3. Shade trees shall neither be cut down, cut, trimmed or otherwise injured by the grantee, unless special permission shall have been granted by the abutting owner or owners, or the city.
4. The grantee shall neither grant permission to place signs, or advertisements, (Excepting only city street signs) nor permit the same to be attached to or displayed on or upon any pole or poles within the City of Manchester, and said grantee shall remove or cause to be removed all such signs or advertisements which may be so placed by any corporation, firm, person or persons.
5. The grantee shall paint all poles within the City of Manchester, unless such poles are of the creosote treated type or it is otherwise specified in this grant, the standard color to be dark green.
6. The highway shall be left in as good condition and repair upon the completion of the work necessitated by this grant as existed previously, and the Department of Highways may restore the highway to as good condition and repair, or cause the same to be restored under its direction, and the grantee shall reimburse the City for any and all liability and expenses occasioned by reason of such work.
7. All poles shall be of wood or other suitable material, and the wires shall be run along and across the highway between the points named herein, and shall be maintained at least 18 feet above the surface of the ground.

"In accordance with the requirements of RSA 72:23, I(b) the licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to the is license shall be responsible for the payment of, and shall pay, all properly assessed personal and real property taxes no later than the due date. Failure to pay duly assessed personal and real property taxes when due shall be cause to provide a written notice to said licensee to show cause by a date certain specified in the notice to said license should not be terminated for nonpayment of the sums due.

The changes to the within license set for in the preceding paragraph shall take effect April 1, 2005, and shall remain in effect until changed in accordance with the requirements of RSA 231:163."

POLE LOCATION LICENSE

POLE LOCATION
FORM NO. 2

In the Board of Mayor and Aldermen of the City of Manchester, New Hampshire,
on _____, 2007. It appearing that the public good requires it, it is hereby

ORDERED

That PUBLIC SERVICE OF NEW HAMPSHIRE AND VERIZON NEW ENGLAND, INC. be and hereby are granted a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary in the public way, or ways, hereinafter referred to as requested in the petition of said Companies dated the 21st day of March, 2008.

All construction under this order shall be in conformity with the Laws of the State of New Hampshire and the Ordinances of the City of Manchester, NH, and this license is granted, subject to its approval by the Surveyor of Highways and to certain conditions which are printed on the reverse side of this order, also the following designations and definitions, before this license shall be in full force and effect;

The maximum and minimum length of said poles shall be 60 feet and 25 feet; height of structures 52 feet and 20 feet. The approximate locations of poles and structures, including where applicable the approximate distance thereof from the edge of the traveled roadway, or of the side-walk, and of underground conduits and cables are designated or defined as shown upon a plan marked "POLE LOCATION PLAN - PUBLIC SERVICE OF NEW HAMPSHIRE AND VERIZON NEW ENGLAND, INC" No. 11-1193, dated 3/17/2008 attached to and made a part of this order. All of said wires and cables except such as are vertically attached to poles and structures shall be placed in accordance with the National Safety Code in effect at the time of petition and/or license is granted.

Underground conduits, wires and cables shall be not less than current minimum requirements of the National Electrical Safety Code below the surface of the roadway.

This license is granted as to the following public ways or parts of ways in Manchester, New Hampshire.

License two (2) pole(s), 1110/01A, 54/9 located on 1 South Maple Street in the City of Manchester.

Granted By Vote of Board of Mayor
and Aldermen, subject to approval
of surveyor of Highways at meeting
of said Board held _____ 2007

Approved
Dept. of Highways

BY: _____
_____, Surveyor

ATTEST _____
Leo R. Bernier, City Clerk

Received _____ at **Manchester** and recorded in Records of Pole Location Licenses.
Vol., _____, Page _____, filed and an attested copy delivered to the said Public Service of New
Hampshire and Verizon New England.

ATTEST _____
Leo R. Bernier, City Clerk



TO THE HONORABLE BOARD OF MAYOR AND ALDERMEN: MANCHESTER CITY CLERK

08 APR -8 A9 36

I/we, FABIAN + ROSA DODIER, the
Name(s)

owner(s) of the real estate abutting upon 430 EAST HIGH ST.
Street Address

Manchester, NH 0310

Description (including footage): 65 ft long X 8 ft wide

desire that:

- A sidewalk be constructed along said frontage
- A sidewalk be reconstructed along said frontage
- Curbing be installed along said frontage
- Curbing be reset along said frontage

hereby agreeing that if said improvement is made, I/we will pay one-half (1/2) the cost of same. I/we the undersigned request your Honorable Board to grant this petition and to direct the Public Works Director to prepare and execute the necessary agreement between said petitioner(s) and the City of Manchester and forthwith to carry out the work as specified above.

Signed:

Fabian Dodier
Owner

Rosa Dodier
Owner

430 E. HIGH ST, MANCHESTER, NH 03104
Mailing Address

Phone #: (603) 227-4594

Date: 4-8-08



TO THE HONORABLE BOARD OF MAYOR AND ALDERMEN: MANCHESTER CITY CLERK

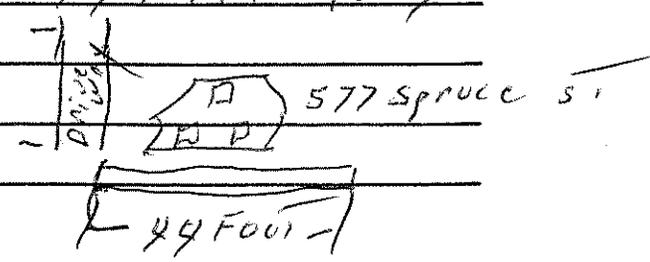
'08 APR -4 P3:18

I/we, Kevin + Kathy Mullen, the Name(s)

owner(s) of the real estate abutting upon 577 Spruce St. Street Address

Manchester, NH 03103

Description (including footage): curbing installed in front of house approximately 44 feet long



desire that:

- A sidewalk be constructed along said frontage
- A sidewalk be reconstructed along said frontage
- Curbing be installed along said frontage
- Curbing be reset along said frontage

hereby agreeing that if said improvement is made, I/we will pay one-half (1/2) the cost of same. I/we the undersigned request your Honorable Board to grant this petition and to direct the Public Works Director to prepare and execute the necessary agreement between said petitioner(s) and the City of Manchester and forthwith to carry out the work as specified above.

Signed: Kevin Mullen Owner

Kathleen Mullen Owner

577 Spruce St Manchester 03103 Mailing Address

Phone #: 641-8055 Home Date: 4/4/08
315-6220 cell



TO THE HONORABLE BOARD OF MAYOR AND ALDERMEN:

RECEIVED
MANCHESTER CITY CLERK

'08 APR -4 P1:16

I/we, AMEEN FAMILY JOINT TRUST, VICTORIA B. AMEEN, the
Name(s)

owner(s) of the real estate abutting upon 25 VILLA ST.
Street Address

Manchester, NH 03103-4652

Description (including footage): SINGLE FAMILY RANCH STYLE HOME
APPROX 90' FRONTAGE

desire that:

- A sidewalk be constructed along said frontage
- A sidewalk be reconstructed along said frontage
- Curbing be installed along said frontage
- Curbing be reset along said frontage

hereby agreeing that if said improvement is made, I/we will pay one-half (1/2) the cost of same. I/we the undersigned request your Honorable Board to grant this petition and to direct the Public Works Director to prepare and execute the necessary agreement between said petitioner(s) and the City of Manchester and forthwith to carry out the work as specified above.

Signed: Victoria B. Ameen
Owner

Owner

25 VILLA ST. 03103-4652
Mailing Address

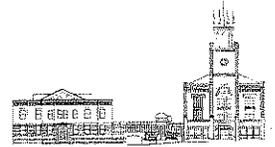
Phone #: 289-8900

Date: 4-4-08



CITY OF MANCHESTER

Office of the City Clerk



Carol A. Johnson
City Clerk

Matthew Normand
Deputy City Clerk

Memo To: Board of Mayor and Aldermen

From: Carol A. Johnson
City Clerk 

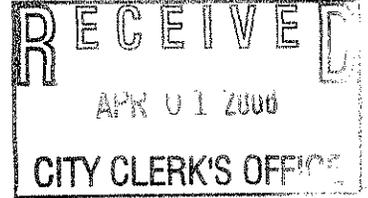
Date: April 10, 2008

Re: Public Hearing on Charter Amendment

At a previous meeting of the Board, the City Clerk was requested to schedule a public hearing on a charter amendment question relating to the School Department.

Please be advised that this office has schedule the hearing for Tuesday, May 13, 2008 at 6:30 PM.

DEVINE
MILLIMET
ATTORNEYS AT LAW



March 31, 2008

FREDERICK J. COOLBROTH
T 603.410.1703
FCOOLBROTH@DEVINEMILLIMET.COM

Leo R. Bernier, Clerk
City of Manchester
One City Hall Plaza,
Manchester, NH 03101

Re: Transfer from Verizon to FairPoint

Ladies and Gentlemen:

As you are no doubt aware, control over the landline telecommunications assets of Verizon in New Hampshire is being transferred to FairPoint Communications, Inc. As a part of that transaction, title to the landline assets is being transferred from Verizon New England Inc. to Northern New England Telephone Operations LLC ("Telco"). After the conclusion of the transactions, Telco will be a subsidiary of FairPoint Communications, Inc.

In that regard, enclosed is an instrument of transfer pursuant to which the pole licenses held by Verizon New England Inc. are being transferred to Telco. This assumption is being recorded in accordance with RSA 231:170.

If there are any questions, please let me know.

Very truly yours,

Frederick J. Coolbroth

FJC:kaa

Enclosure

Assignment of Pole Licenses

VERIZON NEW ENGLAND INC., formerly known as New England Telephone and Telegraph Company, a New York corporation having a place of business at 900 Elm Street, Manchester, New Hampshire (the "Assignor"), for consideration paid and in accordance with and pursuant to the Distribution Agreement dated as of January 15, 2007 between Verizon Communications Inc. and Northern New England Spinco Inc., as amended (the "Distribution Agreement"), grants, transfers and assigns to NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC, a Delaware limited liability company having a place of business at 900 Elm Street, Manchester, New Hampshire (the "Assignee") any and all right, title and interest of the Assignor in and to the licenses granted under RSA 231:159, et seq. to erect, install and maintain poles, structures, and/or conduits, together with wires, cables and other property and equipment and associated sustaining, strengthening and protecting fixtures, across, over and/or under public rights-of-way within New Hampshire, including, without limitation, licenses, if any, issued by the governmental authorities listed on Schedule A attached hereto and made a part hereof.

Dated as of the 31st day of March, 2008.

VERIZON NEW ENGLAND INC.

By: J. Godwin Bennett
Duly Authorized Representative

SCHEDULE A

Municipalities

| | |
|-------------|---------------|
| Acworth | Albany |
| Alexandria | Allenstown |
| Alstead | Alton |
| Amherst | Andover |
| Antrim | Ashland |
| Atkinson | Auburn |
| Barnstead | Barrington |
| Bartlett | Bath |
| Bedford | Belmont |
| Bennington | Benton |
| Berlin | Bethlehem |
| Boscawen | Bow |
| Bradford | Brentwood |
| Bridgewater | Bristol |
| Brookfield | Brookline |
| Campton | Canaan |
| Candia | Canterbury |
| Carroll | Center Harbor |
| Charlestown | Chatham |
| Chester | Chesterfield |
| Chichester | Claremont |
| Clarksville | Colebrook |
| Columbia | Concord |
| Contoocook | Conway |
| Cornish | Croydon |
| Dalton | Danbury |
| Danville | Deerfield |
| Deering | Derry |
| Dixville | Dorchester |
| Dover | Dublin |
| Dummer | Dunbarton |
| Durham | East Kingston |
| Easton | Eaton |
| Effingham | Ellsworth |
| Enfield | Epping |
| Epsom | Errol |
| Exeter | Farmington |
| Fitzwilliam | Francestown |
| Franconia | Franklin |
| Freedom | Fremont |

Municipalities (continued)

| | |
|----------------|----------------|
| Gilford | Gilmanton |
| Gilsum | Goffstown |
| Gorham | Goshen |
| Grafton | Grantham |
| Greenfield | Greenland |
| Greenville | Groton |
| Groveton | Hampstead |
| Hampton | Hampton Falls |
| Hancock | Hanover |
| Harrisville | Harts Location |
| Haverhill | Hebron |
| Henniker | Hill |
| Hillsborough | Hinsdale |
| Holderness | Hollis |
| Hooksett | Hopkinton |
| Hudson | Jackson |
| Jaffrey | Jefferson |
| Keene | Kensington |
| Kingston | Laconia |
| Lancaster | Landaff |
| Langdon | Lebanon |
| Lee | Lempster |
| Lincoln | Lisbon |
| Litchfield | Littleton |
| Londonderry | Loudon |
| Lyman | Lyme |
| Lyndeborough | Madbury |
| Madison | Manchester |
| Marlborough | Marlow |
| Mason | Meredith |
| Meriden | Merrimack |
| Middleton | Milan |
| Milford | Milton |
| Monroe | Mont Vernon |
| Moultonborough | Nashua |
| Nelson | New Boston |
| New Castle | New Durham |
| New Hampton | New Ipswich |
| New London | Newbury |
| Newfields | Newington |
| Newmarket | Newport |
| Newton | North Hampton |

Municipalities (continued)

| | |
|--------------------|----------------|
| Northfield | Northumberland |
| Northwood | Nottingham |
| Orange | Orford |
| Ossipee | Pelham |
| Pembroke | Peterborough |
| Piermont | Pittsburg |
| Pittsfield | Plainfield |
| Plaistow | Plymouth |
| Portsmouth | Randolph |
| Raymond | Richmond |
| Rindge | Rochester |
| Rollinsford | Roxbury |
| Rumney | Rye |
| Salem | Salisbury |
| Sanbornton | Sandown |
| Sandwich | Seabrook |
| Sharon | Shelburne |
| Somersworth | South Hampton |
| Springfield | Stark |
| Stewartstown | Stoddard |
| Strafford | Stratford |
| Stratham | Sugar Hill |
| Sullivan | Sunapee |
| Surry | Sutton |
| Swanzey | Tamworth |
| Temple | Thornton |
| Tilton | Troy |
| Tuftsboro | Twin Mountain |
| Unity | Wakefield |
| Walpole | Warner |
| Warren | Washington |
| Waterville Valley | Wear |
| Webster | Wentworth |
| Wentworth Location | Westmoreland |
| Whitefield | Wilmot |
| Wilton | Winchester |
| Windham | Windsor |
| Wolfeboro | Woodstock |
| Woodsville | |

Counties (with Respect to Unincorporated Places)

Carroll County

Hale's Location

Coos County

Atkinson and Gilmanton Academy Grant

Beans Grant

Bean's Purchase

Cambridge

Chandler's Purchase

Crawford's Purchase

Cutt's Grant

Dix's Grant

Erving's Location

Green's Grant

Hadley's Purchase

Kilkenny

Low and Burbank's Grant

Martin's Location

Millsfield

Odell

Pinkham's Grant

Sargent's Purchase

Second College Grant

Success

Thompson and Meserve's Purchase

Wentworth's Location

Grafton County

Livermore

Commissioner of Transportation

(For State Rights-of-way)

Commissioner of Transportation
New Hampshire Department of Transportation
John O. Morton Building
7 Hazen Drive
Concord, NH
03302-0483

City of Manchester New Hampshire

In the year Two Thousand and Eight

A RESOLUTION

“Amending the FY2005, 2007, 2008 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Forty Two Thousand Dollars (\$42,000) for the 2008 CIP 411808 Fire Ladder Truck Repair Project.”

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2005, 2007, & 2008 CIP as contained in the 2005, 2007, & 2008 CIP budget; and

WHEREAS, Table 3 contains all sources of Cash funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to provide funding in the amount of \$42,000 for rust and other necessary repairs to Fire Department Ladder Trucks; and

WHEREAS, uncommitted funds in at least that amount are available from various other CIP projects;

NOW, THEREFORE, be it resolved that the 2005, 2007, & 2008 CIP be amended as follows:

By decreasing:

| | |
|---|-------------------------|
| FY2005 CIP 811105 – Facilities Municipal Deferred Maintenance Program - | \$ 1,008.65 Cash |
| FY2007 CIP 710907 – Bridge Maintenance Program - | \$17,975.95 Cash |
| FY2007 CIP 711007 – R.O.W. Maintenance Program - | \$ 39.45 Cash |
| FY2007 CIP 711307 – Facilities Municipal Deferred Maintenance Program - | \$17,975.95 Cash |
| FY2007 CIP 711407 – Sign Inspection & Maintenance Program - | <u>\$ 5,000.00 Cash</u> |
| | \$42,000.00 |

By adding:

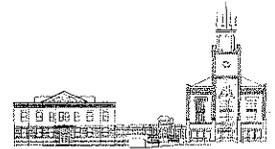
FY2008 CIP 411808 – Fire Ladder Truck Repair Project - \$42,000.00 Cash

Resolved, that this Resolution shall take effect upon its passage.



CITY OF MANCHESTER

Office of the City Clerk



Carol A. Johnson
City Clerk

Matthew Normand
Deputy City Clerk

Memo To: Board of Mayor and Aldermen
From: Carol A. Johnson
City Clerk
Date: April 9, 2008
Re: Conservation Easement

During the reconstruction of Candia Road the State of NH took a conservation easement on property on behalf of the City. The easement has not been assigned to a department for oversight.

The City can choose to retain the easement and assign it to a department or place it under the Conservation Commission.

It is suggested that the easement be referred to the Committee on Lands and Buildings for review and recommendation to the full Board at a later date.

C: City Solicitor

NOTICE OF CONDEMNATION

14.37
2-
nots
#639 Dept of trans

THE CITY OF MANCHESTER, BY THE STATE OF NEW HAMPSHIRE

DEPARTMENT OF TRANSPORTATION, HAS ON

_____, FILED WITH THE NEW HAMPSHIRE
BOARD OF TAX AND LAND APPEALS, A DECLARATION OF TAKING OF THE
FOLLOWING PROPERTY IN THE CITY OF MANCHESTER, OWNED BY:

770 CANDIA ROAD, LLC

SQUIRE CONSTRUCTION, INC.

CITY OF MANCHESTER

SAID PREMISES BEING LOCATED ON THE NORTHERLY SIDE OF
CANDIA ROAD, AS NOW TRAVELLED, AND MORE PARTICULARLY
BOUNDED AND DESCRIBED AS FOLLOWS:

Parcel No. 2

Conservation Easement:

Taking a conservation easement in perpetuity over a portion of land in
Manchester, Hillsborough County, New Hampshire, acquired by the Condemnee by
virtue of deeds from Robert Barley, Trustee of Interstate 93 Realty Trust, recorded
August 29, 2001, at Hillsborough County Registry of Deeds in Book 6479, Page 2755
and from the City of Manchester, New Hampshire, recorded April 8, 2003, in said
Registry of Deeds in Book 6888, Page 2370. The portion is shown on a Plan of
Manchester, STP-X-5205(035), 12328, on file in the records of the New Hampshire
Department of Transportation and to be recorded in said Registry of Deeds and shall be
subject to the following restrictive covenants:

4042620

2004 MAY 10 AM 8:58

BK 7230 PG 0196

1. The property shall be retained in perpetuity in its undeveloped natural, scenic and open space condition.
2. The property shall not be subdivided.
3. There shall be no industrial, agricultural or commercial activities conducted on this property.
4. There shall be no permanent structures within the conservation easement area.
5. No changes in topography, surface or subsurface water systems, wetlands or natural habitat shall be allowed beyond those required for the construction of the Candia Road improvements shown on the New Hampshire Department of Transportation Right-of-Way Plans Manchester, 12328.
6. No outdoor advertising structures shall be allowed or displayed on the property, including, but not limited to advertising signs and billboards.
7. There shall be no mining, quarrying, excavation or removal of rocks, tree, brush, minerals, gravel, sand, topsoil or other similar materials from the property, except for those required to eliminate existing, potential or future safety hazards.
8. There shall be no dumping, filling, injection or burial of any waste and refuse materials whatsoever on this property.
9. Enforcement of the terms and conditions of this conservation easement shall be according to New Hampshire RSA 477:46 and 477:47 as amended.
10. The terms and conditions of this conservation easement shall be carried forward with this property in perpetuity by the Condemnees, and/or the Condemnees' executors, administrators, legal representatives, heirs and/or assigns.
11. The State of New Hampshire has the permanent right to extend and maintain drainage beyond the limits of the present highway passing through and by the Condemnees' property located near Candia Road and Route 93 as will be

BK 7230PG0197

necessary to construct drainage in accordance within the standard practice of highway construction.

Containing twelve thousand one hundred fifty-four (12,154) square meters, more or less.

Containing in all a conservation easement of twelve thousand one hundred fifty-four (12,154) square meters, more or less.

Meaning and intending to describe a portion of that property described in documents recorded August 29, 2001, at the Hillsborough County Registry of Deeds in Book 6479, Page 2755 and recorded April 8, 2003, in Book 6888, Page 2370 at said Registry.

CITY OF MANCHESTER

By: THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



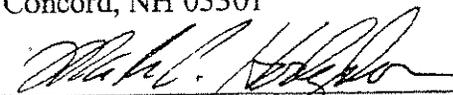
William P. Janelle, PE, Administrator
Bureau of Right-of-Way
Department of Transportation
John O. Morton Building
7 Hazen Drive, PO Box 483
Concord, NH 03302-0483

MAY 17 2004

(Date)

Attorney for the State of New Hampshire

Department of Justice
Attorney General Peter W. Heed
33 Capitol Street
Concord, NH 03301



Mark P. Hoagdon
Senior Assistant Attorney General

BK 7230PG0198

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Accounts, Enrollment and Revenue Administration respectfully advises, after due and careful consideration, that it has accepted the following Finance Department reports:

- a) Department Legend;
- b) Open Invoice report over 90 days by fund;
- c) Open Invoice report all invoices for interdepartmental billings only;
- d) Open Invoice report all invoices due from the School Department only;
- e) Listing of invoices submitted to City Solicitor for legal determination; and
- f) Accounts Receivable summary

and is forwarding same to the Board for information purposes.

(Unanimous vote.)

Respectfully submitted,



Carol A. Johnson
Clerk of Committee

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Accounts, Enrollment and Revenue Administration respectfully advises, after due and careful consideration, that it has accepted the City's Monthly Financial Statements (unaudited) for the eight months ended February 29, 2008 and is forwarding same to the Board for informational purposes.

(Unanimous vote.)

Respectfully submitted,


Clerk of Committee

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that amendments to various Community Improvement Programs for transfer and expenditure of funds in the amount of \$42,000 to the CIP 411808 Fire Ladder Truck Repair Project be approved as follows:

FY2005 CIP 811105- Facilities Municipal Deferred Maintenance Program-
(\$1,008.65 Cash)

FY2007 CIP 710907- Bridge Maintenance Program-
(\$17,975.95 Cash)

FY2007 CIP 711007- ROW Maintenance Program-
(\$39.45 Cash)

FY2007 CIP 711307- Facilities Municipal Deferred Maintenance Program-
(\$17,975.95 Cash)

FY2007 CIP 711407- Sign Inspection & Maintenance Program-
(\$5,000.00 Cash)

The Committee further recommends that the Public Works Director be authorized to expend up to \$13,000 from MER funds for rust repairs to the Fire Department ladder trucks.

(Unanimous vote.)

Respectfully submitted,

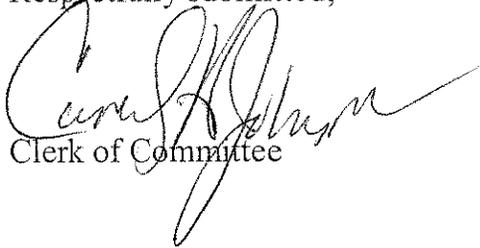

Clerk of Committee


To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Lands and Buildings a request of the West Side Little League to rename the Southwest Little League complex to Francis "Pat" Lally Memorial Complex, be granted and approved. The Committee notes that the names of the four fields at the complex will not be changed.

(Unanimous vote, with except of J. Roy who was not present)

Respectfully submitted,



Clerk of Committee

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration that a request of West Side Little League to name the major division field at Cullerot Park the Joe Sullivan Field be granted and approved.

(Unanimous vote, with except of J. Roy who was not present)

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Johnson", written in black ink.

Clerk of Committee

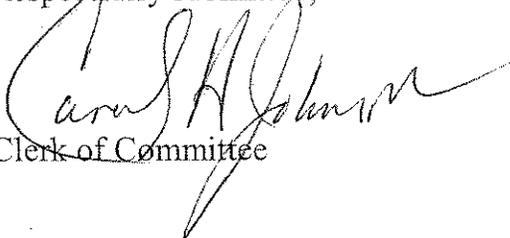
To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Lands and Buildings advises, after due and careful consideration, that it has denied a request of Howard McCarthy to utilize city power for his vending equipment.

The Committee notes that such decision reflects concern of City liability issues and subsidization of private enterprise.

(Unanimous vote, with except of J. Roy who was not present)

Respectfully submitted,



Carol J. Johnson
Clerk of Committee

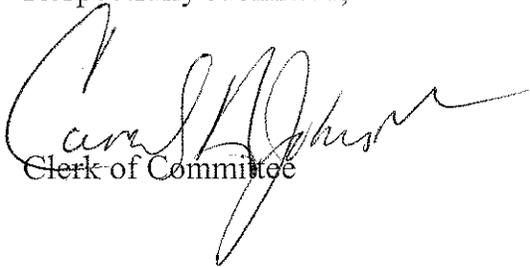
To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration that a request of the Airport to purchase a 1.0 acre parcel of land located at One Delta Drive, Londonderry be granted and approved.

The Committee further recommends that the Airport Director be authorized to negotiate purchase of same and that the Mayor be authorized to execute any necessary documents relating to such purpose, subject to the review and approval of the City Solicitor.

(Unanimous vote, with except of J. Roy who was not present)

Respectfully submitted,



Carol Johnson
Clerk of Committee

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration that the Economic Development Director issue RFP's for the Northwest Business Park providing for the purchase and development of such property in accordance with Phase I of the Northwest Business Park Development Plan.

(Unanimous vote, with except of J. Roy who was not present)

Respectfully submitted,


Clerk of Committee

To the Board of Mayor and Aldermen of the City of Manchester:

The Special Committee on Airport Activities respectfully recommends after due and careful consideration that the Board oppose HB686 relative to regulation of remotely readable devices and the illegal use of payment card scanning devices of reencoders.

The Committee notes that the recommendation to oppose the bill is to make sure that it does not interfere with the security functions and efficiency functions of the airport.

(Unanimous vote.)

Respectfully submitted,



Carl Johnson
Clerk of Committee

HB 686-FN – AS AMENDED BY THE HOUSE

18Mar2008... 0687h

18Mar2008... 1021h

2007 SESSION

07-0302

05/10

HOUSE BILL **686-FN**

AN ACT relative to the regulation of remotely readable devices and the illegal use of payment card scanning devices or reencoders.

SPONSORS: Rep. Kurk, Hills 7; Rep. M. Smith, Straf 7

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill:

I. Requires consumer products or identification documents with remotely readable devices to include a consumer notice to that effect.

II. Prohibits the human implantation of a remotely readable device without the individual's informed, written consent.

III. Prohibits electronic tracking of another individual with certain limited exceptions.

IV. Amends the definition of payment card and reencoding for purposes of the crime of using a scanning device or reencoder for fraudulent purposes.

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

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18Mar2008... 0687h

others to issue on its behalf, any identification document that contains a remotely readable device or uses remotely readable devices to locate an individual, either directly or indirectly through other persons, except in the following circumstances:

(a) To locate a person who is incarcerated in the state prison or county jail, is housed in a mental health facility pursuant to a court order after having been charged with a crime, is subject to court-ordered electronic monitoring, or is a resident of a state or county hospital, nursing facility or assisted living facility.

(b) When the remotely readable device is implanted in an identification document that is to be used on a toll road or bridge owned or operated by the state or a political subdivision, department, or agency thereof, but only for the specific purpose of collecting funds for the use of that road or bridge.

(c) An identification document that is issued to a person for the limited purpose of facilitating secure access by the identification document holder to a secured public building or parking area.

(d) The identification document is part of a contactless identification document system used by the state or a political subdivision, department, or agency of the state that is operational and in use prior to January 1, 2007.

(e) Credit, debit, or financial account cards issued to a person for use on behalf of the state or a political subdivision, department, or agency of the state, provided that such card complies with RSA 358-T:2.

II. No identification document permitted under this section shall contain, transmit, or enable the remote reading of any personal information other than a unique personal identifier number which is not a social security number.

III. This section shall not apply to the court authorized use of remotely readable devices by law enforcement officials.

358-T:5 Electronic Tracking Prohibited. Except as otherwise provided in this chapter, no person may track an individual without a valid court order or the consent of the person being tracked. Notwithstanding the foregoing, a person may track property owned or otherwise legally possessed where the person has reason to believe the property is being used in violation of the person's property interests.

358-T:6 Penalties.

I. Any person convicted of violating RSA 358-T:2 or RSA 358-T:5 shall be guilty of a misdemeanor if a natural person and a felony if any other person. Each such act shall constitute a separate offense.

II. Any person convicted of violating RSA 358-T:3 shall be guilty of a class B felony.

III. An aggrieved individual or the state may bring suit for civil penalties for up to \$1,000 or actual damages, whichever is greater, plus court costs and reasonable attorney's fees, for each violation of this chapter.

2 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:28, I-III to read as follows:

I. "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on ~~[the magnetic strip or stripe of]~~ **or in** a payment card.

II. "Reencoder" means an electronic device that places encoded information from ~~[the magnetic strip or stripe of]~~ a payment card onto ~~[the magnetic strip or stripe of]~~ **or into** a different payment card.

III. "Payment card" means a credit card, charge card, debit card, or any other card **or device** that is issued to an authorized ~~[card]~~ user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

3 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:29, I to read as follows:

I. A person is guilty of the crime of using a scanning device or reencoder to defraud when the person knowingly:

(a) Uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on ~~[the magnetic strip or stripe of a]~~ **or in a** payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant; or

(b) Uses a reencoder to place information encoded on ~~[the magnetic strip or stripe of a]~~ **or into a different** payment card onto ~~[the magnetic strip or stripe of]~~ **or into** a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

4 Consumer Notice. Amend RSA 358-T:1, III(a) to read as follows:

(a) A graphical system designed to provide a standard way to show the presence of a remotely readable device, **and if an RFID transponder, its frequency and data structure;** or

5 Effective Date.

I. Section 4 of this act shall take effect January 1, 2013.

II. The remainder of this act shall take effect January 1, 2009.

LBAO

07-0302

1/11/07

HB 686-FN - FISCAL NOTE

AN ACT relative to the regulation of tracking devices.

FISCAL IMPACT:

The Judicial Branch, Judicial Council and the NH Association of Counties have determined this bill will increase state revenue and state and county expenditures by an indeterminable amount in FY 2008 and each year thereafter. There will be no fiscal impact on county and local revenue or local expenditures.

METHODOLOGY:

The Judicial Branch states this bill regulates the use of tracking devices and violation of its provisions can result in a violation, unspecified misdemeanor or felony, depending on the severity of the violation. The Branch also states that there is a potential for civil penalties of up to \$10,000. The potential cost to the Branch per charge of the various proceedings that could arise under this bill is as follows:

Violation: \$ 35

Class B misdemeanor: \$ 37

Class A misdemeanor: \$ 50

Routine felony: \$297

Civil Penalties: \$391

There is also the potential for appeals, which increase costs to the Branch. The Branch has no way of estimating how many offenses will be charged under this bill and therefore can not reasonably estimate its fiscal impact.

The Judicial Council assumes that any cases arising from the enactment of this bill, for which the Indigent Defense Fund may be liable, will in the first instance be handled by the public defender or a contract attorney on a fixed fee basis of \$275 per misdemeanor or \$756 per felony charged. If an assigned counsel attorney must be used, the hourly rate of \$60 with a fee cap of \$1,000 per misdemeanor and \$3,000 per

felony will apply. If a motion to exceed the fee cap is approved and/or "services other than counsel" are approved, these will also be chargeable to the Indigent Defense Fund. Any case where a defendant has been found guilty may also result in

appeals to either the Superior Court or to the Supreme Court which would have a cost implication for Indigent Defense expenditures made by the State. The Council is unable to predict the number of cases that may result from the passage of this bill, and is unable to determine the exact fiscal impact at this time.

The Association of Counties states to the extent individuals are prosecuted, the county may incur the cost of pre-trial detainment at the county department of corrections, as well as the cost of sentenced inmates under the new law. The average annual cost for counties to incarcerate inmates is \$22,889. The Association states the total exposure to the counties would be dependent on the number of individuals convicted and sentenced under the new law, which cannot be determined at this time.

The Department of Justice states that this bill will result in a small increase in investigations and civil and criminal prosecutions and estimates that the increase will result in the use of 5% of an attorney's time. The Department states that any increase in expenditures can be absorbed within the existing budget.

The New Hampshire Municipal Association states this bill imposes certain restrictions on political subdivisions of the state concerning the use of devices on identification documents that could track the location of or transmit information to a remote location on individuals. The Association states that to their knowledge no municipality has issued, or plans to issue an identification document that would violate the provisions of this bill.

Jane E. Gile, SPHR
126 Adams Street
Keene, NH 03431
Phone: (603) 352-8770
Cell: (603) 738-6986
Email: janegile@msn.com

QUALIFICATIONS

Executive with comprehensive experience in state, local and non-profit governance. Possess broad knowledge of human resources in the unionized municipal sector. Proven skills in labor and employment law including complaint investigation and resolution. Demonstrated proficiency in benefits administration, recruitment, retention, labor relations and conflict resolution.

EMPLOYMENT

1987-PRESENT City of Keene, NH

Assistant City Manager/Human Resources Director. Assistant City Manager for the Community Services Portfolio, (Police; Fire; Parks, Recreation, Cemetery and Facilities; Library; Human Services/Youth Services Department). Senior management position – serving as City Manager in his absence. Direct Human Resources (HR) functions, including recruitment, hiring, benefits administration, employee relations, and legal compliance with state, federal and local regulations. Key involvement with labor/management negotiations, employee grievances, investigations and dispute resolution.

Youth Services Director. Department Head responsible for the City's youth services department. Managed budget, staff and administration for juvenile justice services including court diversion for youthful offenders (Juvenile Conference Committee); Earn-It, a juvenile offender/victim restitution program; a CHINS diversion program (children in need of services) and MANY - Monadnock Action Network with Youth, prevention focused regional collaboration of youth serving agencies, parents, youth and other interested community members. Created a Summer Youth Employment program for 14-15 year olds, providing job placement in various municipal departments. Local, state and national workshop presenter on programming for high-risk youth. Department received national and state recognition as a model program: The Juvenile Conference Committee received the 1990 Governor's Recognition Award for outstanding volunteer service; Earn-It nationally recognized for excellence in 1993 by the Office of Juvenile Justice Delinquency Prevention as a recipient of the Gould-Wysinger Award (one of twenty recipients nationwide); NH Magazine voted [www. Itsaboutus.org](http://www.Itsaboutus.org) the best NH youth web site for two years in a row and the Northern New England Consortium for Justiceworks recognized the Youth Services Department as a NH Blueprint program.

1979-1987 Family Planning Services of Southwestern NH, Keene, NH

Executive Director. Responsible for the overall management and administration of a medical, non-profit social service agency providing reproductive health care to low-income women and teens. Supervised staff of health care professionals, and contracted the services of two physicians and several nurse practitioners to provide a comprehensive team-approach to reproductive health education, counseling, and medical services. Contracted for service delivery with the State of NH (Bureau of Maternal and Child Health, Medicaid, Division of Welfare), Monadnock United Way, Blue Cross/Blue Shield, and individual charitable organizations. Provided public relations functions (press conferences, media interviews and releases) on a statewide and local level regarding reproductive health care issues.

1975-79 NH Division of Welfare, Keene, NH

Social Worker. Responsible for the investigation, assessment, and follow-up case work and counseling services to child abuse/neglect victims and families. Job involved on-call coverage, often requiring home visits in response to family crises after the normal work hours - caseload largely adolescents and teen parents. Worked closely with courts, lawyers, physicians, and

numerous social service agencies to provide the best possible alternatives for physically and/or sexually abused children and their families. Commended by the NH Attorney General's office for excellence in court reporting.

Case Technician. Determined eligibility for the federal food stamp program.

EDUCATION

KEENE, STATE COLLEGE, Keene, NH
Masters of Education

KEENE STATE COLLEGE, Keene, NH
Bachelor of Arts, Psychology

UNIVERSITY OF NH, Durham NH and Manchester, NH
48 credit hours
Certificate in Human Resources

Other: Selected by Corporate Fund to receive yearlong consultancy from the Management Institute at Antioch NE (intensive organizational training for selected non-profit agencies equivalent to 9 graduate level management credits). Additional Management training from Fred Jervis, Center for Constructive Change, UNH.

PROFESSIONAL CERTIFICATIONS

Senior Professional in Human Resources (SPHR)
Society for Human Resources Management

Other: Certified NH Guardian ad Litem in District, Superior and Probate Courts
Licensed Real Estate agent.

COMMUNITY INVOLVEMENT

Current:

Elm City Rotary Club (traveled twice to El Salvador)
Board of Trustees – Cheshire Health Foundation/Cheshire Medical Center
Keene Planning Board (Steering Committee member)
Monadnock Partnership – select CEO group of 7 key local community organizations seeking to improve quality of life in the Monadnock region
Greater Monadnock Society of Human Resource Professionals
Society of Human Resource Professionals (SHRM)
Incorporator: Monadnock Family Services, Cheshire County YMCA

Past:

Monadnock United Way – General Campaign Chair for the 1996 United Way Annual Campaign – led 1200 regional volunteers in raising over \$1.8M. Also served as United Way Board Chair and in numerous campaign positions.
Keene Family YMCA - past vice chair
NH Family Planning Council – past chair
NH Juvenile Court Diversion Network – past chair
Served on numerous Boards of Directors and community initiatives, including the KSC Alumni Board of Directors, Keene Community Goals, and Together Against Violence.

References are available upon request



City of Manchester

4-1-08 Thompson Nominated
Bourgeois + Mires
Name Confirmed

Office of the Mayor
Hon. Frank C. Guinta

April 1, 2008

The Honorable Board of Aldermen
One City Hall Plaza
Manchester, NH 03101

Re: Nominations

Dear Members of the Board:

Pursuant to Section 3.14 (b) of the City Charter, please find below the following nominations:

- (1) Christopher Thompson to succeed Daniel Pinard (vacancy) as an alternate member of the Planning Board, term to expire May 1, 2009;
- (2) Henry Bourgeois to succeed the late Edward Beleski as a member of the Highway Commission, term to expire January 15, 2009;
- (3) Dennis Mires to succeed himself as architectural/design field representative to the Millyard Design Review Committee, term to expire January 1, 2010.

These nominations will layover to the next meeting of the Board pursuant to Rule 20 of the Board of Mayor & Aldermen. Your consideration of these nominees is appreciated.

Sincerely,

Frank C. Guinta
Mayor

Biography: Christopher Thompson

Christopher Thompson is the Founder and President of Catch 22 Solutions, a sales performance consulting company. Catch 22 Solutions helps companies and sales professionals accelerate sales performance by enhancing and improving their current selling process.

Prior to founding Catch 22 Solutions, Christopher was a Director of Sales at PC Connection, Inc., a Fortune 1,000 company that sells technology products and services to consumers, businesses and government agencies. Christopher was responsible for the sales performance and professional development of corporate sales executives in their first twelve months with the company. During his tenure as Director of Sales, Christopher played an important role in helping PC Connection increase profitability through the improved performance of newly hired sales executives. During this time, over 30% of PC Connection's corporate sales force reported into his management team. The results of the new hire program Christopher led had positive impacts throughout the company.

- ❑ GP dollars increased 14.1% from \$103.7M in 2005 to \$118.1M in 2006
- ❑ Gross Margin % increased from 11% to 12%
- ❑ Number of sales executives increased from 411 to 473
- ❑ Net income increased from \$0 in Q4-05 to \$4.6M in Q4-06
- ❑ Earnings per share increased from \$0 in Q4-05 to \$.17 in Q4-06
- ❑ Stock price increased during the first 12 months from \$5.90 to \$11.44

During his 8-year career at PC Connection, Christopher played an intricate role in the rapid growth of the company. His career began in corporate sales as a sales executive in 1999. Christopher earned Sales MVP in 1999 and was quickly promoted to a Senior Sales Trainer where he was responsible for all of the company's sales related training. Having trained over 300 sales executives at PC Connection, Christopher was known for his results oriented sales training and earned the PC Connection Trainer of the Year Award in 2002.

Christopher was promoted in 2002 to Sales Manager where he was responsible for the sales performance for a team of corporate sales executives. During his successful career in sales management, Christopher increased sales at a rapid pace and earned the Achievers Circle of Excellence Award in 2004. In 2005, he earned the President's Choice Circle of Excellence Award for his performance and sales leadership.

Prior to PC Connection Christopher held positions in sales and sales management at Newpro, Inc. based in Woburn, MA. Along with earning the Sales Rep of the Year Award, Christopher helped establish a new sales office in Manchester, NH, which eventually became Newpro's top performing sales center.

Christopher studied business at Southern New Hampshire University and is a certified sales trainer through A.S.T.D., Achieve Global and several other sales training methods. He is a contributor to the Union Leader NH Sunday News business section where his column titled "Closing the Deal" is featured weekly. Christopher was recently recognized as a Platinum Expert Author through Ezine Articles.com where many of his sales and business columns are published.

Christopher Thompson

21 Floyd Ave.

Manchester, NH 03103

603-644-8740

PROFILE

- Thirteen years experience in high-energy sales and sales leadership positions
- Executive level experience and leadership
- Sales and business author and columnist with the Union Leader NH Sunday News
- Excellent communication skills
- Eight years of growth and promotions within Fortune 1000 company
- Founder of Catch 22 Solutions, a sales performance consulting company

EXPERIENCE

Catch 22 Solutions Manchester, NH – Founder

February 2007-Present

Founded a sales performance consulting company focused on helping businesses and sales professionals maximize sales performance. The three main business focuses consist of consulting services, sales training and speaking engagements. During its first year of business, Catch 22 Solutions worked with over 30 unique clients, ranging from the Fortune 1000 to smaller local businesses. In the first quarter of 2008, Catch 22 Solutions experienced major increases in both revenue and number of clients.

PC Connection, Inc. Merrimack, NH – Director of Sales

Aug 2005-February 2007

Responsible for sales growth and performance of six sales teams in three New England offices. Sales team consisted of six Sales Managers and over 100 Account Managers. Developed sales and marketing initiatives to increase sales revenue. Helped develop new hire sales training program to ensure long-term success of new hire Account Managers. Responsible for all facets of department, including hiring, training and sales performance.

- Achievers Circle of Excellence Award – 2005

PC Connection, Inc. Merrimack, NH - Sales Manager

May 2003-Aug 2005

Managed team of outbound corporate Account Managers. Responsible for achieving company sales goals and directing sales initiatives. Worked with Account Managers on personal development, account development and account penetration. Coached Account Managers on sales techniques and overall business knowledge. Helped manage business relationships with key corporate accounts.

- Achievers Circle of Excellence Award – 2004

PC Connection, Inc. Merrimack, NH - Senior Sales Trainer

Jan 2000-May 2003

Worked with Corporate Account Managers ranging from new hire to veteran tenure levels. Specialized in Sales Training, including training Account Managers in strategic selling, and proven successful selling skills. Responsibilities also included planning and implementing creative sales concepts, creating the appropriate documentation, and implementing new programs to company wide sales force.

- Received '2002 Trainer of the Year Award' - March, 2003

PC Connection, Inc. Merrimack, NH - Corporate Account Manager

Feb 1999-Jan 2000

Manage corporate accounts for small and medium sized businesses. Responsible for prospecting into new companies and penetrating purchasing process. Developed and maintained long term relationships with customers.

- Received Company MVP for the months of June 1999 and July 1999.

Newpro Windows, Inc. Manchester, NH – Sales Manager

Oct 1995-Feb 1999

Began as Inside Sales Rep and was promoted to Sales Manager. Managed and supervised call-center operations for a sales staff of 24 employees. Responsible for the compilation of production figures, business planning and payroll. Developed and continually maintained a strong team atmosphere among team.

EDUCATION

Business Administration - Southern New Hampshire University

Legislative Update – April 11, 2008

The following bills are being tracked by the Mayor's Office and city departments as of **Friday, April 11, 2008** (* means department head or representative may testify)

MAYOR'S OFFICE SUPPORTS

HB1573 – relative to hazardous and dilapidated buildings (OTP/w Amendment by House; in Senate Public and Municipal Affairs committee) *also supported by Building Department*

HB1645 – relative to administration of the New Hampshire retirement system and benefits for members (OTP/w Amendment by House; in Senate Executive Departments and Administration Committee) *also tracked by Finance Department*

SB507 – relative to extended terms of imprisonment for criminal street gang members (OTP/w Amendment by Senate; OTP/w Amendment by House Criminal Justice and Public Safety Committee – 17-1) *also supported by Police Department*

MAYOR'S OFFICE OPPOSED

HB686 – relative to the regulation of Remotely Readable Devices (OTP/w Amendment by House; OTP by Senate Commerce, Labor and Consumer Protection Committee – voice vote) *also opposed by Airport; Special Committee on Airport Activities vote on April 7, 2008 (unanimous)*

HB1623 – relative to the penalty for possession of marijuana (OTP/w Amendment by House – 193-141; in Senate Judiciary Committee) *also opposed by Police Department*

SB468 – relative to the reinsurance pool and the New Hampshire vaccine association (OTP/w Amendment by Senate; in House Commerce Committee) *also tracked by Health Department and Human Resources Department*

BOARD OF MAYOR AND ALDERMEN SUPPORT

HB1181 – naming the Manchester district courthouse the Armand Capistran district courthouse (OTP by House; in Senate Public and Municipal Affairs Committee) *BMA vote on Feb. 4, 2008, (unanimous)*

SB371 – making various changes to the city of Manchester employees' contributory retirement system (OTP by Senate; in House Executive Departments and Administration) *BMA vote on Dec. 4, 2007, (11 yea, 2 abstentions)*

BOARD OF MAYOR AND ALDERMEN OPPOSE

SB341 – prohibiting digital advertising devices on certain highways (OTP by Senate; in House Public Works and Highways Committee) *BMA vote on April 1, 2008, (unanimous)*

SB373 – relative to dental insurance coverage for members of the Manchester employees' contributory retirement system *BMA vote on Feb. 19, 2008, to **oppose** (7 yea, 5 nay, 2 abstentions) *** Note on SB373 **** – The entire text of the bill was amended, removing all reference to the dental insurance coverage for members of the Manchester employees' contributory retirement system. The bill is now relative to definitions for and the application of the civil unions law to the retirement system. (OTP/w Amendment by Senate; in House Executive Departments and Administration)

DEPARTMENTS SUPPORT

Assessor's Office

HB1478 – relative to the quorum for meetings of the equalization standards board (OTP by House; in Senate Executive Departments and Administration Committee)

Building Department

HB1573 – relative to hazardous and dilapidated buildings (OTP/w Amendment by House; OTP by Senate Public and Municipal Affairs committee) *also supported by Mayor's Office*

City Clerk's Office

HB1240 – relative to disqualification of certain election officers and relative to arrangement of polling places (OTP/w Amendment by House; OTP by Senate Election Law and Internal Affairs Committee – voice vote)

SB375 – allowing veterinarians to inform town and city clerks about dogs that have been euthanized or died during treatment (OTP by Senate; OTP by House Municipal and County Government Committee – 14-0)

SB478 – relative to processing absentee ballots (OTP by Senate; in House Election Law Committee)

Environmental Protection Division (Public Works)

***HB1581** – relative to the formation of stormwater utility districts (OTP/w Amendment by House; in Senate Public and Municipal Affairs Committee) *also tracked by Water Works*

Fire Department

HB1594 – relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees (OTP/w Amendment by House; in Senate Energy, Environment and Economic Development Committee)

Health Department

HB1171 – establishing a commission to study air quality issues in public school buildings (OTP by House; in Senate Education Committee)

HB1201 – allowing communities to conduct point of dispensing exercises to test emergency management operations plans, allowing qualified health professionals to prescribe and administer flu vaccine during such exercises, and granting immunity to such qualified health professionals (OTP by House; in Senate Education Committee)

HB1395 – establishing the AIDS drug assistance program fund (OTP/w Amendment by House; in Senate Health and Human Services Committee)

HB1405 – regulating outdoor wood-fired hydronic heaters (OTP/w Amendment by House; in Senate Energy, Environment and Economic Development Committee)

HB1422 – establishing a committee to study the prevention of childhood obesity (OTP/w Amendment by House; in Senate Health and Human Services Committee)

SB395 – establishing a commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control (OTP/w Amendment by Senate; in House Health, Human Services and Elderly Affairs Committee)

SB512 – relative to emergency management powers (OTP/w Amendment by Senate; in House Health, Human Services and Elderly Affairs Committee)

Police Department

SB507 – relative to extended terms of imprisonment for criminal street gang members (OTP/w Amendment by Senate; OTP/w Amendment by House Criminal Justice and Public Safety Committee – 17-1) *also supported by Mayor's Office*

Water Works

HB1202 – relative to monitoring privately owned water distribution programs (OTP/w Amendment by House; in Senate Energy, Environment and Economic Development Committee)

DEPARTMENTS OPPOSE

Airport

* **HB686** – relative to the regulation of Remotely Readable Devices (OTP/w Amendment by House; OTP by Senate Commerce, Labor and Consumer Protection Committee – voice vote) *also tracked by Mayor's Office; Special Committee on Airport Activities vote on April 7, 2008 (unanimous)*

City Clerk's Office

HB1318 – relative to temporary plates issued by motor vehicle dealers (OTP by House; in Senate Transportation and Interstate Cooperation Committee)

Fire Department

SB210 – relative to making various changes to the regulation of plumbers and water treatment technicians by the board of licensing and regulation of plumbers (OTP/w Amendment by House; in Senate Executive Departments and Administration Committee)

Health Department

HB1457 – allowing smoking in cigar bars (OTP/w Amendment by House; in Senate Commerce, Labor and Consumer Protection Committee)

SB428 – establishing a commission to study the funding of vaccines for children who are not covered by private health insurance (OTP/w Amendment by Senate; in House Health, Human Services and Elderly Affairs Committee)

Police Department

HB1623 – relative to the penalty for possession of marijuana (OTP/w Amendment by House; in Senate Judiciary Committee) *also opposed by Mayor's Office*

DEPARTMENTS TRACKING

Finance Department

HB1645 – relative to administration of the New Hampshire retirement system and benefits for members (OTP/w Amendment by House; in Senate Executive Departments and Administration Committee) *also supported by Mayor's Office*

Fire Department

HB331 – relative to time limits on design review (OTP by House; in Senate Public and Municipal Affairs Committee)

HB781 – relative to duties of the department of safety (OTP/w Amendment by House; in Senate Transportation and Interstate Cooperation Committee)

SB212 – relative to the regulation of home inspectors (OTP/w Amendment by Senate; OTP/w Amendment by House Executive Departments and Administration Committee – 10-4)

Manchester Economic Development Office

HB1404 – relative to liability insurance for passenger rail service (OTP by House; in Senate Transportation and Interstate Cooperation Committee)

Police Department

HB432 – relative to certain on-premises beverage and liquor licenses (OTP/w Amendment by House; in Senate Commerce, Labor and Consumer Protection) *also tracked by Office of Youth Services*

Water Works

HB1254 – relative to the ability of towns to regulate the storage of deicing chemicals (OTP/w Amendment by House; in Senate Public and Municipal Affairs Committee)

HB1353 – extending the commission to study issues relative to groundwater withdrawal (OTP/w Amendment by House; in Senate Energy, Environment and Economic Development Committee)

HB1408 – relative to the right-to-know law (OTP by House; in Senate Public and Municipal Affairs Committee)

HB1568 – relative to endangering the public water supply (OTP/w Amendment by House; in Senate Judiciary Committee)

HB1579 establishing a commission to study issues relating to land development and land development regulation in New Hampshire (OTP/w Amendment by House; in Senate Energy, Environment and Economic Development Committee)

HB1581 – relative to the formation of stormwater utility districts (OTP/w Amendment by House; in Senate Public and Municipal Affairs Committee) *also supported by EPD*

SB158 – relative to review of activities affecting surface waters (OTP/w Amendment by Senate; in House Resources, Recreation and Development Committee)

SB352 – relative to shoreland protection (OTP/w Amendment by Senate; in House Resources, Recreation and Development Committee)

SB358 – relative to mooring permits (OTP by Senate; in House Resources, Recreation and Development Committee)

Youth Services

HB432 – relative to certain on-premises beverage and liquor licenses (OTP/w Amendment by House; in Senate Commerce, Labor and Consumer Protection) *also tracked by Police Department*

HB632 – relative to the penalty for death resulting from the trafficking of controlled drugs (OTP by House; in Senate Judiciary Committee)

HB1197 – relative to liquor advertising (OTP by House; in Senate Commerce, Labor and Consumer Protection Committee)

HB1257 – relative to license suspensions for persons operating under the influence of drugs (OTP/w Amendment by House; in Senate Judiciary Committee)

HB1258 – relative to vehicle impoundment following an arrest for DWI or refusing consent to a blood alcohol test (OTP/w Amendment by House; in Senate Judiciary Committee)

HB1264 – relative to prohibiting ATV and trail bike use on state-owned rail trails acquired using federal funds (OTP w/Amendment by House; in Senate Transportation and Interstate Cooperation Committee)

HB1633 – relative to the regulation of licensed alcohol and drug use counselors (OTP/w Amendment by House; in Senate Executive Departments and Administration Committee)

SB324 – consolidating all substance abuse services in the office of alcohol and drug abuse prevention within the department of health and human services (OTP by Senate; in House Health, Human Services and Elderly Affairs Committee)

SB379 – relative to boating while intoxicated and transporting alcoholic beverages by a minor (OTP/w Amendment by Senate; in House Transportation Committee)

ENROLLED

HB291 – relative to licensure of fireworks sellers (**tracked by Fire Department**)

PASSED BOTH HOUSES

HB1151 – relative to reporting dates for the instream flow pilot program (**tracked by Water Works**)

HB1295 – establishing a commission to study issues relating to stormwater (**supported by Environmental Protection Division and Water Works**)

SB117 – relative to fireworks display permits and the position of permissible fireworks inspector (**supported by Fire Department**)

INTERIM STUDY

HB842 – establishing safety requirements and procedures for firefighters (**opposed by Fire Department**)

HB584 – including 17-year olds in the juvenile justice system (**opposed by Mayor's Office and Police Department**)

HB1622 – allowing counties to implement a first-time offender alcohol and substance treatment program, requiring the department of justice to administer grants to counties for such program, and making an appropriation therefor (**tracked by Youth Services**)

KILLED BY LEGISLATURE

HB329 – relative to fire equipment servicing certification program (**tracked by Fire Department**)

HB374 – increasing the appropriation to the firemen's relief fund (**opposed by Fire Department**)

HB460 – relative to conservation restrictions to protect public water supplies (**tracked by Water Works**)

HB630 – relative to an electronic controlled drug prescription monitoring program (**tracked by Office of Youth Services**)

HB779 – relative to funding of retirement system benefits and supplemental allowances (**tracked by Fire Department**)

HB1144 – allowing veterans discharged under honorable conditions to be eligible for the veterans property tax credit (**tracked by Assessors Office**)

HB1178 – relative to the definition of beverage (**tracked by Youth Services**)
HB1199 – relative to the residency requirements for the elderly property tax exemption (**tracked by Assessor’s Office**)
HB1267 – allowing municipalities to adopt a non-wartime veterans property tax credit (**tracked by Assessor’s Office**)
HB1269 – authorizing local governing bodies to place certain properties on a conservation priority list and requiring owners of land designated as conservation priority land to notify the municipality before offering the land for sale (**tracked by Water Works**)
HB1272 – relative to “meetings” under the right-to-know law (**tracked by Water Works**)
HB1362 – establishing a selection process for compulsory assistant election official service (**opposed by City Clerk’s Office**)
***HB1310** – relative to information for property tax assessments of commercial and industrial properties (**supported by Assessor’s Office**)
HB1329 – relative to the authority of elected municipal authorities in dealing with municipal utilities (**tracked by Water Works**)
HB1409 – creating a right of first refusal for a municipality in which certain utility property or stock is proposed to be sold by a utility (**tracked by Water Works**)
HB1419 – relative to voting machine costs (**opposed by City Clerk’s Office**)
HB1421 – relative to an exemption from the indoor smoking act for certain restaurants (**opposed by Health Department**)
HB1439 – relative to a moratorium on large groundwater withdrawals intended for commercial bottling (**tracked by Water Works**)
HB1444 – relative to vacancies in county offices (**opposed by City Clerk’s Office**)
HB1455 – increasing the amount of the veteran property tax credit and enabling municipalities to extend the Veteran property tax credit to include all veterans who have been honorably discharged (**tracked by Assessor’s Office**)
HB1541 – relative to service in the Vietnam Conflict for purposes of qualification for the Veterans property tax credit (**tracked by Assessor’s Office**)
HB1559 – requiring home confinement for certain drug possession crimes (**tracked by Youth Services**)
HB1574 – increasing the beer tax (**tracked by Youth Services**)
HB1621 – relative to requiring a refundable deposit on beverage containers “bottle bill” (**opposed by Public Works**)
HB1629 – relative to the evaluation of recycling and energy conversion options for grease trap wastes at the Winnepesaukee river basin program’s Franklin wastewater treatment facility and making an appropriation therefore (**supported by Environmental Protection Division**)
SB62 – relative to penalties for violations of the state building code (**supported by Fire Department**)
SB179 – establishing an automated external defibrillator advisory commission (**supported by Fire Department**)
SB257 – relative to penalties for life safety code violations under municipal housing standards (**tracked by Fire Department**)
SB405 – Establishing a committee to study driver’s license revocation and continuous alcohol monitoring (**tracked by Youth Services**)
SB457 – extending the veterans property tax credit to all honorably discharged Veterans (**tracked by the Assessor’s Office**)

SB514 – relative to mercury exposure reduction and requiring insurance coverage for mercury-free fillings, vaccines, and injections for certain persons (**opposed by Health Department**)

SB535 – relative to exceptions to highway surveillance prohibitions (**supported by Parking Services**)

TABLED

HB76 – creating an environmental policy for New Hampshire (**tracked by Water Works**)

HB1436 – relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees “evergreen clause” (**opposed by Mayor’s Office**)

SB384 – relative to the repair of septic systems prior to the sale of waterfront property (**tracked by Water Works**)

SB417 – relative to changes to the shoreland protection act (**tracked by Water Works**)

NH General Court - Bill Status System
Search Results

Bills Found : 1

SB468 **Title:** (New Title) relative to the reinsurance pool and the New Hampshire vaccine
Session Year 2008 association.
G-Status: HOUSE
House Status: IN COMMITTEE
Senate Status: PASSED / ADOPTED WITH AMENDMENT
Next/Last Comm: HOUSE COMMERCE
Next/Last 04/01/2008 at 01:30 PM LOB 302
Hearing:

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

12-8

SB 468 – AS AMENDED BY THE SENATE

03/13/08 0812s

2008 SESSION

08-2709

01/09

SENATE BILL **468**

AN ACT relative to the reinsurance pool and the New Hampshire vaccine association.

SPONSORS: Sen. Hassan, Dist 23; Sen. Sgambati, Dist 4; Rep. Butler, Carr 1; Rep. Nord, Rock 1

COMMITTEE: Commerce, Labor and Consumer Protection

AMENDED ANALYSIS

This bill clarifies the board of directors of the small employer reinsurance pool. This bill also establishes a treaty reinsurance program which will provide reinsurance by the pool on a modified coinsurance basis to members of the pool who provide health insurance to small employers. This bill also establishes a committee to review a report prepared by the commissioner of the department of insurance detailing the effects of the reinsurance pool on small group health insurance and the small group market.

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

Matter removed from current law appears [~~in brackets and struck through~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03/13/08 0812s

08-2709 01/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eight

AN ACT relative to the reinsurance pool and the New Hampshire vaccine association.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Individual Health Insurance; Definitions. Amend RSA 404-G:2, V(d) to read as follows:

(d) Protected, in part, by a group excess loss insurance policy where the policy or certificate of coverage has been issued or delivered in New Hampshire[~~and where coverage has been purchased by a group health insurance plan subject to the Employee Retirement Income Security Act of 1974, Public Law No. 93-406 (ERISA)~~].

12-9

2 Reinsurance Pool; Board of Directors. Amend RSA 420-K:2, II to read as follows:

II. On or before July 1, 2005, the commissioner shall give notice to all members of the pool of the time and place for the initial organizational meeting, which shall take place by July 15, 2005. The members shall select the initial board at the organizational meeting and such initial board shall be subject to approval by the commissioner. The members shall elect each subsequent board at the annual meeting of members and each such subsequent board shall be subject to approval by the commissioner. The initial board and each subsequent board shall ~~[consist of]~~ **include** at least 5 and not more than 9 **directors who shall be** representatives of ~~[members]~~ **member companies**. There shall be no more than one board member on the initial board and each subsequent board representing any one member company. In determining voting rights at the organizational meeting and all subsequent meetings of members, each member shall be entitled to vote in person or by proxy. All such votes shall be proportional to the member's covered lives. To the extent possible, at least 2/3 of ~~[members]~~ **the member representatives** of each board shall be small employer health carriers. At least one member **representative** of each board shall be a small employer health carrier with less than \$100,000,000 in net small employer health insurance premium in this state. The commissioner, or designee, shall be an ex-officio voting member of the board. **The commissioner shall appoint 2 directors to the board representing small employers and one director representing producers who sell health insurance to New Hampshire small employers. These appointments shall be made for a one-year term.** In approving selection of each board, the commissioner shall assure that all members are fairly represented.

3 Reinsurance Pool; Facultative Reinsurance Program. Amend the section heading and the introductory paragraph of RSA 420-K:5 to read as follows:

420-K:5 ~~[Eligibility, Coverage, and Rates]~~ **Facultative Reinsurance Program**. Beginning January 1, 2006 **and ending December 31, 2008**, members may ~~[reinsure with]~~ **purchase facultative insurance from** the pool **for** health coverage provided to small employers as follows:

4 New Paragraph; Reinsurance Program. Amend RSA 420-K:5 by inserting after paragraph X the following new paragraph:

XI. Reinsurance coverage under this section shall terminate on December 31, 2008.

5 New Section; Treaty Reinsurance Program. Amend RSA 420-K by inserting after section 5 the following new section:

420-K:5-a Treaty Reinsurance Program. Beginning January 1, 2009, members who provide health insurance to small employers shall be provided reinsurance by the pool on a modified coinsurance basis as follows:

I. The intent of the reinsurance coverage provided under this section is to equitably distribute among all health carriers the cost of catastrophic claims incurred by individuals insured under health coverage provided to small employers.

II. The pool shall reimburse carriers a percentage of the claims incurred in a calendar year in excess of the reinsurance threshold of \$200,000 on lives insured in the small group health insurance market.

III. Carriers shall not be charged a ceding premium.

IV. At the end of each calendar year, the board shall calculate actual claims incurred by carriers writing small group health insurance that are in excess of the threshold. After providing for the pool's operating expenses, the board shall allocate funds available through regular assessments to such carriers in proportion to these actual claims.

6 Assessments for the Facultative Reinsurance Program. Amend the section heading and paragraph I of

RSA 420-K:6 to read as follows:

420-K:6 Assessments *for the Facultative Reinsurance Program.*

I. Following the close of each fiscal year, the administrator shall determine the net premiums, the pool expenses of administration and the incurred losses for the year *for the facultative reinsurance coverage it provides*, taking into account investment income and other appropriate gains and losses *relating to the facultative reinsurance program.*

(a) Each member's assessment for the ~~[reinsurance pool]~~ *facultative reinsurance program* shall be based on its number of covered lives times a specified assessment rate. The board of directors shall specify the basis used to set the assessment rate. The board of directors shall establish a regular assessment rate, which shall be:

(1) Calculated on a calendar year basis based on the net losses from the audited financial statements of the prior fiscal year;

(2) Established no later than November 1 in the current fiscal year; and

(3) Anticipated to be sufficient to meet the pool's funding needs *for the facultative reinsurance program.*

(b) In addition to the regular assessment rate, the board may establish a special assessment rate for organizational expenses and to pay claims reinsured by the pool *under the facultative reinsurance program.* Notwithstanding RSA 420-G:4, a writer of health insurance may increase the premiums charged by the amount of the special assessment. Any assessment may appear as a separate line item on a policyholder's bill.

(1) The board shall only establish an interim assessment if the board determines that its funds are or will become insufficient to pay ~~[the reinsurance pool's expense or claims reinsured by the pool]~~ *pool expenses or claim losses relating to the facultative reinsurance program*, in a timely manner.

(2) The regular assessment rate, and any special assessment rate, shall be subject to the approval of the commissioner. The commissioner shall approve the rate if he or she finds that the amount is required to fulfill the purpose of the reinsurance pool. For the purpose of making this determination, the commissioner may, at the expense of the pool, seek independent actuarial certification of the need for the proposed rate.

(c) The board shall impose and collect assessments on members of the pool.

(d) If the assessment exceeds the amount actually needed, the excess shall be held and invested and, with the earnings and interest thereon, be used to offset future net losses. Each covered life shall be included in the assessment on an aggregate basis and procedures shall be maintained to ensure that no covered life is counted more than once.

7 New Section; Assessments for the Treaty Reinsurance Program. Amend RSA 420-K by inserting after section 6 the following new section:

420-K:6-a Assessments for the Treaty Reinsurance Program.

I. Members shall pay a regular assessment of \$24 per covered life per year to fund pool expenses of administration and claim losses relating to the treaty reinsurance program.

II. The board shall impose and collect assessments on members of the pool.

III. Each covered life shall be included in the assessment on an aggregate basis and

procedures shall be maintained to ensure that no covered life is counted more than once.

IV. Provision shall be made in the plan of operation for the imposition of an interest penalty for late payment of assessments.

V. The board may defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in this chapter. The member insurer receiving such deferral shall remain liable to the pool for the amount deferred. The board may attach appropriate conditions to any such deferral.

8 Repeals. The following are repealed:

I. RSA 420-K:2, III, relative to the initial board of the reinsurance pool.

II. RSA 420-K:4, relative to a standard health benefit plan.

9 Committee Established. There is established a committee to study the small group reinsurance pool. The commissioner of the department of insurance shall prepare a report which evaluates the effect of the reinsurance pool on small group health insurance and the small group market and shall submit such report to the committee for its review on or before December 1, 2009. The report shall quantify the impact of the reinsurance pool on small group premiums and any cost savings to the carriers resulting from the pool.

10 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

11 Duties. The committee shall review the report prepared by the commissioner of the department of insurance evaluating the effect of the reinsurance pool on small group health insurance and the small group market and shall make recommendations for any legislative changes the committee deems necessary.

12 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

13 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2010.

14 Statement of Purpose. The purpose of sections 15 through 20 of this act is to clarify the original legislative intent in establishing the New Hampshire vaccine association and to ratify the manner in which

12-13

the New Hampshire vaccine association has administered assessments. The provisions in these sections clarify that all writers of health insurance are members of the New Hampshire vaccine association, whether domestic or foreign. As members of the New Hampshire vaccine association, all writers of health insurance are entitled to vote for board representation and are subject to the assessment. Since its creation in 2002, all writers of health insurance have been treated as members of the New Hampshire vaccine association and have been subject to assessment.

15 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:3, I to read as follows:

I. The New Hampshire vaccine association shall be comprised of all ~~licensed~~ insurers currently writing or maintaining health insurance in New Hampshire.

16 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-A:3, III(a) to read as follows:

(a) Three representatives selected from the ~~licensed~~ insurers *currently writing or maintaining health insurance in New Hampshire and* having the most covered lives in New Hampshire.

17 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:3, V(j) and (k) to read as follows:

(j) Notify, in writing, each ~~licensed~~ insurer of the insurer's assessment by November 15 of each year.

(k) Submit an annual report to the commissioner of insurance listing those ~~licensed~~ insurers that failed to remit their assessments.

18 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:4, IV to read as follows:

IV. Each ~~licensed~~ insurer *writing or maintaining health insurance in New Hampshire* shall be assessed in proportion to the number of its covered lives.

19 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:5, I to read as follows:

I. The commissioner of insurance shall fine any ~~licensed~~ insurer that fails to pay an assessment within 6 months of notification under RSA 126-Q:3, V(j). The fine shall be at least \$5,000 and no more than 125 percent of the amount of the delinquent assessment. Fines so levied shall be deposited with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a.

20 Repeal. RSA 126-Q:1, VI, relative to the definition of "licensed insurer," is repealed.

21 Effective Date.

I. Paragraph II of section 8 of this act shall take effect January 1, 2009.

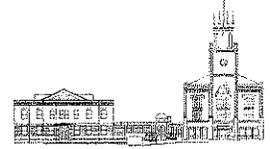
II. The remainder of this act shall take effect July 1, 2008.

12-14



CITY OF MANCHESTER

Office of the City Clerk



Carol A. Johnson
City Clerk

Matthew Normand
Deputy City Clerk

Memo To: Board of Mayor and Aldermen
From: Carol A. Johnson
City Clerk
Date: April 9, 2008
Re: Petition for rezoning – Mack Ave

At its last meeting the Board voted to receive and file the enclosed communications, based on a motion of Alderman Garrity.

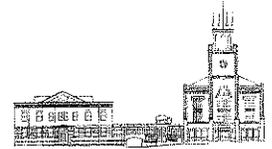
I have been advised that Alderman Garrity intended that the item be referred to a Public Hearing at a date to be set by the City Clerk and to the Committee on Bills on Second Reading.

Respectfully, it is requested the Board refer this item to the Committee on Bills on Second Reading and to Public Hearing at a date to be set by the City Clerk.



CITY OF MANCHESTER

Office of the City Clerk



Carol A. Johnson
City Clerk

Matthew Normand
Deputy City Clerk

Memo To: Board of Mayor and Aldermen

From: Carol A. Johnson
City Clerk 

Date: April 10, 2008

Re: Request for funding – matting for polling location

At a previous meeting of the Board, the City Clerk was requested to review a request to move the Ward 5 polling place from what is in essence the back of the building to the gymnasium. The current location is difficult at best for many of the voters to get to.

To utilize the gym, a covering is needed on the floor, much like that in Ward 12. In reviewing the matter with the Facilities Division, it is anticipated that the cost for covering that could be stored and used each year is \$5,356. Funds are not available in the City Clerk's budget to cover this expense.

I am requesting the Board authorize the City Clerk to purchase the covering needed, and transfer funds from the appropriate source(s) to address this issue.



MANCHESTER WATER WORKS

281 LINCOLN ST., MANCHESTER, NEW HAMPSHIRE 03103-5093 Tel. (603) 624-6494

BOARD OF WATER COMMISSIONERS

C. ARTHUR SOUCY
President

RICHARD M. BUNKER
Clerk

LOUIS C. D'ALLESANDRO
DYLAN R. CRUESS
WILLIAM A. BEATON
PATRICK J. JORDAN

Ex Officio
HON. FRANK C. GUINTA
Mayor

THOMAS M. BOWEN, P.E.
Director and Chief Engineer

ROBERT BEAURIVAGE, P.E.
Asst. Director

March 27, 2008

Board of Mayor and Aldermen
c/o City Clerk's Office
City of Manchester
One City Hall Plaza
Manchester, NH 03101

RE: NHDOT USE AND OCCUPANCY PERMIT

Dear Honorable Board of Mayor and Aldermen:

Attached for the Board's consideration is a copy of a Use and Occupancy Agreement for work associated with the Airport Access Road which the Manchester Water Works, as the owner of the proposed water main improvements, is required by the NHDOT to sign. The Agreement allows for the installation of a water main on Eastpoint Drive, Bedford, within a "controlled access" right-of-way under jurisdiction of NHDOT.

The City's Risk Manager, Harry Ntapalis, has reviewed the document and has advised that BMA approval is required in order to execute the Agreement in its present form. The Agreement is consistent with documents previously approved by the BMA on other State projects.

We are requesting that the Board approve this Agreement and authorize me to execute on behalf of the Manchester Water Works.

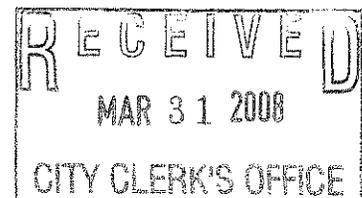
Sincerely,

Thomas M. Bowen, P.E.
Director

TMB:ds

Enclosure

cc: Harry Ntapalis
Thomas Clark



USE AND OCCUPANCY AGREEMENT

1. The following entities shall be parties to this Agreement made in duplicate this _____ day of _____, _____, and shall be bound by its provisions:
 - A. The City of Manchester, New Hampshire, a municipal corporation acting by and through Manchester Water Works, a department of the City, hereinafter called "MWW", having a principal place of business at 281 Lincoln Street, Manchester, NH 03103.
 - B. The STATE OF NEW HAMPSHIRE, hereinafter called the "State", acting by and through the Commissioner, New Hampshire Department of Transportation (NHDOT), 7 Hazen Drive, PO Box 483, Concord, NH, 03302-0483.
2. The State, through its consultant (McFarland-Johnson), has submitted a set of plans to MWW to be incorporated into the Manchester Airport Access Road project plans for the installation of water facilities within the highway right-of-way; and MWW has reviewed and approved these plans.
3. This Agreement covers the Use and Occupancy of the Controlled Access Right-of-Way (CAROW) of East Point Drive as shown on the attached plans. Such occupancy having been granted by execution of this document covers the installation of an 8" ductile iron water main at the location described as follows: Beginning at a 20"x8" tapping sleeve to be installed by MWW in an existing 20" ductile iron water main beneath the east side of US Route 3 (South River Road), the new 8" ductile iron water line, constructed in accordance with the Force Account Agreement between the State and MWW to be executed for this project, will proceed westerly along the southerly side of East Point Drive to an 8" gate valve to be located at Station 359+00 at the west end of East Point Drive, in the Town of Bedford, County of Hillsborough, New Hampshire.

The approved plans titled Manchester Airport Access Road Utility Plans, dated April 2007, as prepared by McFarland-Johnson, and including certain modifications requested by MWW, are hereby incorporated in this Agreement.
4. MWW shall submit any further proposed alterations to said plans in writing to the State for review and approval by the State.
5. MWW shall submit its written maintenance policies and procedures, which are to be used for the inspection, repair, and maintenance of said facilities to the State for review and approval. Such procedures shall be approved by the State prior to initial operation of the constructed facilities.
6. MWW shall give the State reasonable notice of scheduled or nonscheduled maintenance of the water facilities except emergency repairs, for which MWW shall contact the State while such emergency repairs are being done. Regular maintenance, inspection, and updating by MWW shall not be conducted without prior notification to the State as described below in Paragraph 11.
7. The costs and expenses for any future installation and maintenance of the water facilities shall be the responsibility of MWW.

8. MWW agrees that access to the water facilities for scheduled or nonscheduled maintenance or for any other purpose shall be made in accordance with the following procedure:
 - A. MWW shall notify the NHDOT Bureau of Highway Maintenance District 5 with at least seventy-two (72) hours notice of scheduled maintenance to the water facilities within the CAROW. In addition, MWW shall submit to NHDOT Bureau of Highway Maintenance District 5 any temporary traffic control plans for these maintenance activities for review and approval.
 - B. MWW shall notify the NHDOT Bureau of Highway Maintenance District 5 immediately upon any nonscheduled emergency maintenance to the water facilities within the CAROW.
 - C. At least one lane of traffic shall remain open during either scheduled maintenance or nonscheduled emergency repair activities to ensure that constant accessibility to future State facilities, including the State Police facility, is maintained.
9. The Use and Occupancy of the CAROW by MWW shall be at the sufferance of the State. The State may terminate this Agreement upon ten (10) days notice in writing to MWW at the above address. Upon the termination of this Agreement pursuant to this paragraph, MWW shall have 1 year to remove said water facilities and all appurtenances from the CAROW.
10. MWW shall promptly and at its sole expense make such relocations and adjustments, including removal of facilities if required by the State, as may be necessary to accommodate highway or bridge construction, reconstruction, repair, or maintenance. Such relocation and adjustment shall be at the sole expense of MWW. Notwithstanding any statute or regulation to the contrary which may now exist or hereafter be created, no cost of such relocation or adjustment shall be eligible for participation by the State or Federal Highway Administration (FHWA); and MWW hereby waives any right it may now have or hereafter acquire to request such participation. EXCEPT THAT, the provisions of RSA 228:22 shall govern where applicable.
11. A one-time exception shall be granted to the terms described above in Paragraph 10. The State will pay all costs associated with the future relocation of the connection of this water facility to the relocated 20" water main beneath South River Road during reconstruction of South River Road as part of the overall Manchester Airport Access Road Project (NHDOT Project Bedford-Manchester-Londonderry-Merrimack 11512F).
12. MWW agrees that the State, its agencies and their employees, agents, and representatives shall not incur any legal liability whatsoever to MWW for any damage to the water facilities or to any other property or employee of MWW or to any other person or entity hired by or affiliated with MWW resulting from or arising out of any ownership and use of and operations within the CAROW, including but not limited to inspection, maintenance, cleaning, snow removal, construction, reconstruction, rehabilitation, and repair.
13. MWW shall indemnify, defend, and hold harmless the State, NHDOT, United States Department of Transportation (USDOT), FHWA, and their employees, agents, and representatives against any and all claims, actions, causes of action, demands, liabilities, losses, penalties, damage of any kind, and failure to comply with any utility-type commission's permitting, regulations, and guidelines, including all actions for indemnity and/or contribution, and including reasonable attorneys' fees, resulting from or arising out of any MWW or State ownership, use of, and

operations within the CAROW, including but not limited to inspection, maintenance, cleaning, snow removal, construction, reconstruction, rehabilitation, and repair of either the Water or the highway facilities. The indemnification provided under this paragraph shall include, but not be limited to, any and all claims or demands for loss of revenue, income, business or economic opportunity, customers, profits, presence of and occupation of, and service resulting from or arising out of any inability or failure of the water facilities to provide service as intended by MWW.

14. Any damage to the CAROW and the highway facilities contained therein which, as determined by the State, is caused by, results from, or arises out of any future installation, maintenance, or presence of the water facilities, in the event of an emergency, as determined by the State, shall be repaired by the State. MWW shall fully compensate the State for all costs associated with the repair of any such damage to the CAROW and shall repair damage to the water facility. Otherwise the State shall notify MWW of the need for such repair which will be scheduled by MWW after consultation with the State.
15. Upon breach of any provision of this Agreement by MWW, the State may either (a) enforce the breach provision by means of an injunction proceeding, or (b) seek damages, including all consequential damages that arise out of the breach, or both. In any such action to enforce the Agreement or collect damages for its breach, MWW shall reimburse the State for all attorneys' fees reasonably incurred by the State in such action.
16. Notwithstanding any provision of this Agreement, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this Agreement.
17. Notwithstanding any provision of this Agreement, nothing herein shall be deemed to constitute a waiver of the limits of liability of the City of Manchester as defined in the Statutes of the State of New Hampshire.
18. This Agreement may be amended only by an instrument in writing signed by the parties hereto and only after approval of such amendment by the State of New Hampshire and the FHWA, if applicable.
19. This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assigns including all agencies, departments, bureaus, authorities, boards, commissions, and committees of the State.
20. The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit. The State also shall not be responsible for any negligent/intentional acts of third parties.
21. MWW shall not assign or otherwise transfer any interest in this Agreement without the prior written notice to the State, except that no consent shall be required for a transfer or assignment to a wholly owned subsidiary or affiliate of MWW or any parent company of MWW.
22. This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire Agreement and understanding between the parties, and supersedes all prior Agreements and understandings relating hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE STATE OF NEW HAMPSHIRE
Department of Transportation

THE CITY OF MANCHESTER
Manchester Water Works

BY: 
William J. Cass, P. E.
Director of Project Development

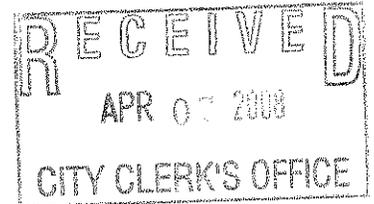
BY: _____
(Signature)

(Typed Signature)

(Title)

 CAG
FOR
CRAIG
GREEN

S:\BEDFORD\11512\UTILITY FOLDERS\AGREEMENTS\USE & OCCUPANCY AGREEMENTS\MANCHESTER WATER WORKS\AGRU&O-2ND REVISION MWW WATER 21FEB08.DOC



CITY OF MANCHESTER
DEPARTMENT OF HIGHWAYS
ENVIRONMENTAL PROTECTION DIVISION

April 7, 2008

The Honorable Board of Mayor and Aldermen
One City Hall Plaza
Manchester, New Hampshire 03101

RE: Warrant for Sewer Charges Levy 2007
Period #4

Dear Board Members:

Please be advised that the warrant for Sewer Charges encompassing all delinquent sewer rental charges from 11/16/07-2/14/08 in accordance with RSA:9 and 252:10, that are to be committed to the Collector of Taxes will be included on the agenda for the 4/15/08 meeting of the Board of Mayor and Aldermen. A clerk will submit the amount of said warrant at the time of the meeting.

Sincerely,

June George
Business Service Officer

/JG

City of Manchester New Hampshire

In the year Two Thousand and Eight

AN ORDINANCE

"Amending Section 70.78 Penalty of the Code of Ordinances of the City of Manchester to temporarily suspend the Increased Penalty provided for certain parking violations."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by inserting a temporary amendment to Section 70.78 Penalty as bolded (**bold**).

§ 70.78 PENALTY.

Any other ordinance notwithstanding the increased penalty for a violation listed in Code of Ordinances of the City of Manchester § 70.78 may be suspended by the Parking Manager for any violation incurred prior to May 1, 2008 and for which the Basic Penalty is fully paid between May 15, 2008 and July 15, 2008 pursuant to the Late Fee Forgiveness Program. After July 15, 2008 this temporary ordinance shall be void and of no further effect.

- II. This ordinance shall take effect on May 15, 2008.

April 1, 2008. In Board of Mayor and Aldermen. Passed to be Enrolled under suspension of rules.

City of Manchester New Hampshire

In the year Two Thousand and Eight

A RESOLUTION

“Amending the FY2005, 2007, 2008 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Forty Two Thousand Dollars (\$42,000) for the 2008 CIP 411808 Fire Ladder Truck Repair Project.”

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2005, 2007, & 2008 CIP as contained in the 2005, 2007, & 2008 CIP budget; and

WHEREAS, Table 3 contains all sources of Cash funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to provide funding in the amount of \$42,000 for rust and other necessary repairs to Fire Department Ladder Trucks; and

WHEREAS, uncommitted funds in at least that amount are available from various other CIP projects;

NOW, THEREFORE, be it resolved that the 2005, 2007, & 2008 CIP be amended as follows:

By decreasing:

| | |
|---|-------------------------|
| FY2005 CIP 811105 – Facilities Municipal Deferred Maintenance Program - | \$ 1,008.65 Cash |
| FY2007 CIP 710907 – Bridge Maintenance Program - | \$17,975.95 Cash |
| FY2007 CIP 711007 – R.O.W. Maintenance Program - | \$ 39.45 Cash |
| FY2007 CIP 711307 – Facilities Municipal Deferred Maintenance Program - | \$17,975.95 Cash |
| FY2007 CIP 711407 – Sign Inspection & Maintenance Program - | <u>\$ 5,000.00</u> Cash |
| | \$42,000.00 |

By adding:

FY2008 CIP 411808 – Fire Ladder Truck Repair Project - \$42,000.00 Cash

Resolved, that this Resolution shall take effect upon its passage.