AGENDA

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

November 22, 2005
Aldermen Forest, Gatsas,
Osborne, Porter, Lopez

5:00 PM
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Osborne calls the meeting to order.

2. The Clerk calls the roll.

3. Appeal of the denial of taxi driver's license.
   A motion is in order to enter non-public session under the provisions of RSA 91-A:3 II(c).
   A roll call vote is required on the motion.

4. Communication from Thomas Arnold, Deputy City Solicitor, providing an update on the status of cable casting origination points.
   Gentlemen, what is your pleasure?

5. Communication from Joseph Lahr, Executive Director of MCAM TV 23 requesting adoption by the Board of Mayor and Aldermen of a resolution regarding SB 1504, the Broadband Investment and Consumer Choice Act.
   Gentlemen, what is your pleasure?

6. Communication from Thomas Meehan regarding the street performer ordinance.
   Gentlemen, what is your pleasure?

7. Ordinance regarding smoking at West Little League in Cullerot Park and other city parks submitted by Alderman Forest.
   Gentlemen, what is your pleasure?

TABLED ITEM

A motion is in order to remove the following item from the table for discussion.

8. Communication from Kenneth DeSchuiteneer, Metro Cab Co., Inc., requesting consideration of an increase in taxi rates.

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

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City of Manchester
Office of the City Solicitor

One City Hall Plaza
Manchester, New Hampshire 03101
(603) 624-6523 Fax (603) 624-6528
TTY: 1-800-735-2964
Email: solicitor@ci.manchester.nh.us

Thomas R. Clark
City Solicitor

Thomas I. Arnold, III
Deputy City Solicitor

Daniel D. Muller, Jr.
~~Kenneth R. Bernard~~
Michele A. Battaglia
~~Marc van Zanten~~

September 27, 2005

Committee on Administration/Information Systems
c/o Leo Bernier, Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Comcast Cable Origination Points

Gentlemen:

The Committee has requested that Dr. Grace Sullivan and I provide an update on the status of cable casting origination points.

As you are aware Amendment Number 1 to the City of Manchester, New Hampshire Cable Television Renewal Franchise dated June 9, 2003 provided that Comcast would "construct, install and activate hard-wire origination capability to (1) the Manchester School Department Administration Building; (2) the Gill Stadium; (3) the JFK Memorial Coliseum and (4) the Verizon Wireless Arena ..."

The origination points at Gill Stadium and JFK Memorial Coliseum have been installed and are currently operational.

On March 31, 2004 the Superintendent of Schools wrote to the Mayor and requested that origination points be installed at the Manchester West High School gym and athletic facility and the Manchester Memorial High School gym and athletic facility rather than at the school administration building and the Verizon Wireless Arena. On April 20, 2004 the Mayor wrote to Bryan Christensen of Comcast to inquire as to whether Comcast would be willing to install origination points at West High School and Memorial High School without cost.

On August 3, 2004 Comcast wrote to Mike Colby and gave cost estimates for installing the origination points at the School Administration Building and Verizon Wireless Arena ($28,818.50) and for installing origination points at West High School and Memorial High School ($52,006.00). By letter from Bryan Christensen to Mayor Baines dated July 4, 2005 Comcast indicated that the additional cost of installing

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origination points at West High School and Memorial High School ($4,669.50) could come from the PEG Access/Telecommunication funding payment of $50,000.00 to be made on or before July 15, 2005.

As Comcast is unwilling to absorb the extra cost of installing origination points at West High School and Memorial High School the matter was referred to the School Department to locate funding for the additional cost.

Recently Dr. Sullivan has agreed to fund the extra cost involved in changing the origination points.

As the location of the four origination points that Comcast is to install is provided for in Amendment Number 1 to the Cable Franchise Agreement, changing two of the origination points will require a vote of the Board of Mayor and Aldermen. Consequently, this committee could make a recommendation to the Board of Mayor and Aldermen that the two origination points be changed, should it choose to do so.

Please let me know if I can provide any further information or assistance.

Very Truly Yours

Thomas I. Arnold III

Thomas I. Arnold, III
Deputy City Solicitor

TIA/hms

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Manchester Community Access Media, Inc.
TV23 - Public Access Cable Television for Manchester, New Hampshire
540 N Commercial Street. Manchester, NH 03101
www.mcam.org P: 603-622-3023 F: 603-622-9323

Dear Honorable Mayor Baines & Board of Aldermen

Currently there are several bills before the US Congress that threaten, restrict, or hinder municipal and citizen's rights regarding the ever-gray telecom area: H.R.3146, S.1349 and S.1504.

PLEASE resolve to oppose this legislation and help protect community media and citizen's rights, and the interests of all telecom end-users. Thank you for your time.

Enclosed is a resolution form that has been signed by several towns in New Hampshire, including Bedford and Londonderry, and many hundreds across the country. I ask you to join in and help protect community media.

Respectfully,

9-30-05

Joseph Lahr
Executive Director
MCAM TV23

RE: SB 1504, the "Broadband Investment and Consumer Choice Act".

If passed, this bill:

- **Wipes out existing cable franchise agreements and abolishes local cable franchising.** Franchising helps ensure that the cable companies meet *local* needs. It ensures the protection of public space when it is used for commercial activity, and provides local accountability for customer service and other standards. It also establishes a fair "rent" for use of our community's public space by private, for-profit cable companies.

- **Substantially reduces (and perhaps eliminates) the franchise fee that broadband and video providers pay to use local public property.** While a restricted fee may be

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allowed, cities will have to prove that it only covers a limited amount of "management costs." Currently, franchise fees are used for things like street signs, public safety and community projects; and to support Public, Education and Government (PEG) Access TV operations.

Restricts the number of PEG channels that a community can receive, and eliminates *any* provisions to support PEG use of cable TV. *The loss of franchise agreements would dismantle current community access activities.* No more City meetings on TV, local educational programming, public access TV or use of institutional network that serves schools, and libraries. Local channel to "Advertise" upcoming events for organizations such a Lions Clubs, churches, scouts, public libraries, music groups, etcNo more local voices on community TV. Instead: turn off the lights, go home, and shut up.

- **Abolishes requirements that cable service be provided wherever there is sufficient population density in a community.** Electricity is not available only where the electric company decides to provide service - all areas with sufficient population density must be able to receive that service. Cable and broadband should be treated the same way.

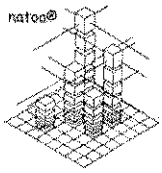
- **Explicitly allows cable and other video delivery companies to "redline" and deny service on any basis.** This could include race, economic make-up of an area or even senior citizen status. Entire neighborhoods could be simply "left out" of the communications loop because they are economically disadvantaged.

- **Severely restricts options and opportunities for public sector development of communications systems for education & public safety.**

- **Limits competition in broadband markets by eliminating requirements to provide access to other would-be service providers.** Those who own the pipes get to decide who can deliver services. Further, it eliminates provisions for leased access, which gives local businesses the right to buy time on local cable. Far fewer options will exist for the presentation of alternate voices.

- **Prohibits state and local governments from establishing any regulations related to rates (prices), terms or quality of services provided.** It may even prohibit cities from charging fees to these companies for building permits.

- **Eliminates the role played by local government officials in helping residents who have problems with their cable TV service.** No longer would you be able to go to the City to complain. Any local enforcement or even input into such issues would be removed. Yet the public space in our community is being used to generate record profits for the cable giants.



ACTION ALERT – S. 1504

Broadband Investment and Consumer Choice Act

- **Contact your congressional leaders today – tell them to oppose S.1504**
- Provide them with the real facts.
- Tell them about the real impact – the real harm – that this legislation would cause to local governments and to local residents.
- Inform them of the real benefits that local franchising provides to and within your community today!

Senators Ensign and McCain have introduced the Broadband Investment and Consumer Choice Act (S. 1504). This legislation is a blatant attempt to eviscerate the lawful power of state and local elected leaders, to undermine the principles of federalism, and to create an unnecessary and unwarranted subsidy – out of the budgets of local governments -- for an already healthy and wealthy private telecommunications sector. It has been estimated by one NATOA member that the bill would immediately cost local governments on the order of $300 million per year in lost franchise fees alone, and much more in the future.

Your action is required NOW!!! The telephone and cable industry incumbents are telling members of Congress that local governments are not harmed by this legislation. There are some who claim that local government will be able to retain its franchise fee, PEG channels and PEG support, and that the bill even provides consumer protections. The bill does NOT protect local government revenue, it provides less than adequate capacity for PEG, eliminates PEG capital support and I-Nets, and turns what little consumer protection it permits over to the FCC for development and the states for enforcement.

Here's a little more about what this legislation will really do.

- All current cable franchising authority is eliminated.

- All current cable franchise agreements are preempted.

- Eliminates the 5% cable franchise fee and replaces it with a fee that must be both "reasonable" and limited to rights-of-way management costs and also not exceed 5%, and then allows industry to petition the FCC to reduce the fee still further -- this results in a huge subsidy to industry, paid for out of local government budgets.

- Substantially reduces the revenues that are includable in the definition of "Gross Revenues" so that, even if the 5% franchise fee were left untouched, local

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governments' fee revenues would decline significantly due to the much smaller revenue base.

- Restricts PEG to a maximum of 4 channels, and specifies that the local government has the responsibility for determining, in cases where the number of channels must be reduced, which PEG users will no longer be provided access (*i.e.*, what categories of access users must bear the burden of the PEG channel capacity that the bill would eliminate).

- Eliminates all PEG support – capital and operating grants for PEG are eliminated, which will greatly threaten the continued viability of much of PEG programming.

- Moves all customer service issues to the FCC, to be enforced only by the State PUC.

- Eliminates any build-out requirements for any video service provider, thereby permitting providers to engage in any form of discriminatory redlining of neighborhoods they wish.

- Preempts any state or local law that is not generally applicable to all businesses, therefore threatening electric code and other safety obligations specifically pertaining to only certain classes of businesses (*e.g.*, utilities or rights-of-way users).

- Prohibits the imposition of any fee for issuance of rights-of-way construction permits.

- Requires local governments to act on construction permits in a timely manner as determined by the FCC or federal courts.

- Prohibits municipal provisioning of communications services without giving a right of first refusal to private industry and gives industry unfettered access to all municipal facilities and financing in the event private industry chooses to provide services.

- Eliminates local governments' ability to obtain I-Nets.

- Removes current federal law protections against preemption of local zoning decisions relating to cell towers.

Contact your congressional leaders today – tell them to oppose S.1504
Provide them with the real facts. Tell them about the real impact – the real harm – that this legislation would cause to local governments and to local residents, and the real benefits that local franchising provides to and within your community today.

Do not delay – contact your members while they are home for the August recess!!!

Need help gearing up for that Congressional visit? NATOA will host two audio conference calls August 10 and August 11 specifically for local government employees and advisors – Effectively Communicating with Your Elected Leaders. Join local government advocate Mike Bracy and NATOA's Executive Director, Libby Beaty, for a one-hour session that will refresh your advocacy skills and review the critical issues to be addressed in your telecom outreach meetings.

Check the Conference/Events page of the NATOA Website for dates, times and additional information on this upcoming opportunity.

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REVIEWS OF HR 3146 and S1404 from the cable attorneys Epstein & August

My read of **HR 3146** is that it provides for continuing annual payments (to the extent local franchise authorities have a mechanism to secure them, which may depend on state law), but HR 3146 does NOT provide for telco capital equipment and facilities payments, and it does NOT provide for INet or other franchise related costs. Thus it does NOT provide for telcos being on level playing field with incumbent operators. This creates a huge problem. If telcos are NOT on level playing field with cable ops, then cable ops can get relief from existing licenses under their level playing field clauses AND cable ops will not have to negotiate for these items in future renewals. So there are major problems with H 3146, and there is a consensus to that effect among municipal/access attorneys.

The McCain Ensign bill (**S1504**) is worse, as it eliminates franchising for both telcos and cable ops (not just telcos) and likewise requires no telco matching/level playing field relative to incumbent cable licenses. My sense is that you should convey that telcos must be on a level playing field relative to cable ops with respect to ALL franchise obligations, not just with respect to annual payments and number of channels. Thus PEG access capital/equipment and INet payments and INet maintenance must be emphasized.

Bill August
Epstein & August, LLP
101 Arch Street, 9th Floor
Boston, MA 02110

tel: 617.951.9909
fax: 617.951.2717

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Manchester Community Television

530 S. Porter St., Manchester, NH 03103 • Phone: (603) 628-6099 • Fax: (603) 665-6827
E-mail: manchestertv@comcast.net • World Wide Web: http://www.manchesteraccess.com

Board of Mayor and Aldermen
City of Manchester
1 City Hall Plaza
Manchester, NH 03101

October 4, 2005

Dear Mayor Baines and Board of Mayor and Aldermen:

I respectfully request that the Board of Mayor and Aldermen resolve to oppose several bills before the United States Congress regarding telecommunications. These bills are H.R. 3146, S.1349, and S.1504. If these bills are enacted, municipal franchise fees and educational and government access channels could be eliminated.

Please feel free to contact me if you have any questions or concerns in regard to this matter.

Sincerely,

Grace L. Sullivan

Grace L. Sullivan, Ed.D
MCTV Director

RECEIVED
OCT - 4 2005
CITY CLERK'S OFFICE

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City of Manchester
New Hampshire

In the year Two Thousand and Five

A Resolution

"A Resolution urging the United States Congress to reject legislation that would unduly restrict the role of local governments in providing broadband Internet access, managing public rights of way, or awarding franchises to video providers and to approve legislation that would preserve the option for local governments to participate in the provision of communications services."

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

WHEREAS, the City of Manchester, New Hampshire supports universal, affordable broadband Internet access; and

WHEREAS, City participation in the provision of broadband communications services may be necessary to achieve universal, affordable broadband Internet access; and

WHEREAS, the City supports vibrant community media through public, educational and government (PEG) access which uses capacity and equipment provided for through video franchises and which relies in part on financial support from video carriers; and

WHEREAS, City management of the public rights of way and City zoning requirements for wireless facilities ensure that deployment of telecommunications and video equipment and facilities respects public safety, pedestrian and vehicular traffic mobility, and sensitive, historical and cultural resources; and

WHEREAS, no federal or state agency has the resources or detailed understanding of the local rights of way or zoning issues to properly manage such rights of way or to respect local zoning concerns; and

WHEREAS, the City should be fairly compensated for use of the public rights of way; and

WHEREAS, the United States Congress is currently considering legislation that would drastically limit the important local role in the formulation and implementation of telecommunications and video policy; and

City of Manchester
New Hampshire

In the year Two Thousand and **Five**

A Resolution

"A Resolution urging the United States Congress to reject legislation that would unduly restrict the role of local governments in providing broadband Internet access, managing public rights of way, or awarding franchises to video providers and to approve legislation that would preserve the option for local governments to participate in the provision of communications services."

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

WHEREAS, one bill, **S. 1504** (Ensign-McCain), would: impose value, cumbersome and unnecessary restrictions on municipal participation in the provision of broadband Internet access or any other communications services; replace local video franchising with a nationwide franchise; replace locally controlled PEG access with a minimal national standard with no provision for financial support; replace locally determined franchise fees with a uniform national fee structure which would likely reduce revenue to the city; preempt local zoning of wireless facilities; and severely restrict the City's successful right of way management policies; and

WHEREAS, one bill, **H.R. 2726** (Sessions), would prohibit local governments from providing broadband Internet access services or any other telecommunications, information or cable service in any locality in which a private entity is offering a similar service; and

WHEREAS, two bills, **H.R. 3146** (Blackburn-Wynn) and **S. 1349** (Smith-Rockefeller) would preempt local franchising for telephone companies entering the video market and replace these with weaker national requirements; and

WHEREAS, in contrast to the previously enumerated bills, one bill, **S. 1294** (Lautenberg-McCain), would preserve the ability of cities to participate in the provision of broadband Internet access and other communications services by barring states from restricting such activities by local governments; and

WHEREAS, the legislation currently being considered by Congress may be a prelude to provisions that may appear in a comprehensive re-write of the Telecommunications Act of 1996 in the coming months;

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City of Manchester
New Hampshire

In the year Two Thousand and **Five**

A Resolution

"A Resolution urging the United States Congress to reject legislation that would unduly restrict the role of local governments in providing broadband Internet access, managing public rights of way, or awarding franchises to video providers and to approve legislation that would preserve the option for local governments to participate in the provision of communications services."

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

NOW, THEREFORE, be it further **RESOLVED**, that the Board of Mayor and Aldermen of the City of Manchester, New Hampshire finds that preserving the option of municipal participation in the provision of broadband communications services is necessary to promote universal, affordable broadband Internet access; and be it

FURTHER RESOLVED, that the Board of Mayor and Aldermen of the City of Manchester, New Hampshire affirms the important role of local government in encouraging competition among telecommunications and video providers, managing the public rights of way, implementing local zoning policies, and ensuring vibrant community media; and be it

FURTHER RESOLVED, that the Board of Mayor and Aldermen of the City of Manchester, New Hampshire **opposes S. 1504, H.R. 3146, S. 1349** and any other legislation that would prevent local government from requiring video providers who use the public rights of way to obtain a local franchise, pay reasonable franchise fees, or provide reasonable support for PEG access; and be it

FURTHER RESOLVED, that the Board of Mayor and Aldermen of the City of Manchester, New Hampshire **opposes S. 1504** and **H.R. 2726** and any other legislation that would prevent or unnecessarily restrict municipalities from participating in the provision of broadband Internet access or other communications services; and be it

FURTHER RESOLVED, that the Board of Mayor and Aldermen of the City of Manchester, New Hampshire **supports S. 1294** and any other legislation that would preserve the abilities of cities to participate in the provision of broadband Internet access or other communications services; and be it

FURTHER RESOLVED, that the City Clerk of the City of Manchester, New Hampshire shall cause a copy of this Resolution to be sent to all members of the New Hampshire Congressional Delegation.

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October 18, 2005

RECEIVED
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CITY CLERK'S OFFICE

To whom it may concern,

This letter is being written in regards to the ordinance pertaining to street performance in Manchester, NH. As the ordinance stands now a performer must request permission from the police department and also pay a 10 dollar fee for the specific date of request. It is my hope that this ordinance can be repealed for the following reasons.

First and foremost it is a very unfortunate policy when the police department must be consulted and permission granted for street performers who simply wish to express their creativity in a peaceful fashion.

Secondly, permits for a specific day make the process not only prohibitive but near impossible. Street performance is very dependent upon weather conditions making it difficult to know an exact day when performance is possible.

Thirdly, charging a 10 dollar fee for a daily permit is absolutely too high for something that should be free. With all the taxes taken from residents every year it doesn't make sense to charge someone for trying to give back to the community.

These reasons should hopefully clarify that this ordinance holds no benefits for the people of Manchester, NH. This ordinance actually robs them of culture and curtails their freedoms. Hopefully this letter will be considered and proper action taken. There are many more reasons why this ordinance should be repealed but to avoid a lengthy, winded letter the most important ones were listed. We thank you for your time and look forward to this concern being discussed.

A Citizen of New Hampshire,

T. B. M.

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CITY OF MANCHESTER
Board of Aldermen

Memo To: Board of Mayor and Aldermen

From: Alderman Armand Forest
Ward 12

Date: May 2, 2005

Re: Ordinance regarding smoking at West Little League

Enclosed is a draft ordinance relating to smoking at West Little League in Cullerot Park. The ordinance will also allow the Parks Commission to designate other no smoking areas within other City parks.

I have spoken with the Parks Department regarding the matter and would like to have the Ordinance referred to the Committee on Bills on Second Reading. I will introduce it tomorrow evening and ask for your support in referring the matter to the Committee.

C: Ron Ludwig

May 3, 2005.
In Board of Mayor and Aldermen.

On motion of Alderman Forest, duly seconded by Alderman Shea, it was voted to refer to the Committees on Administration/Information Systems and Bills on Second Reading. with

City Clerk

Committee on Administration/Information Systems providing recommendation to the Committee on Bills on Second Reading.

One City Hall Plaza, Manchester, NH 03101 Phone (603) 624-6455 Fax (603) 624-6481
www.ManchesterNH.gov

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DRAFT

96.06.2 SMOKING AT CITY PARKS.

(A) West Little League in Cullerot Park. In order to protect the health, welfare and safety of the citizens of the city and all other persons also attending activities at the West Little League, no person shall, at any time, smoke any tobacco, tobacco related product, filter or other plant or weed while on the premises controlled by West Little League at Cullerot Park.

(B) Other City Parks. The Parks, Recreation and Cemetery Commission is hereby authorized to designate additional no smoking areas within other city parks and shall post notice of any such regulation at the affected city parks.

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CITY OF MANCHESTER

Office of the City Clerk

Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy City Clerk

Paula L-Kang
Deputy Clerk
Administrative Services

Matthew Normand
Deputy Clerk
Licensing & Facilities

Patricia Piecuch
Deputy Clerk
Financial Administration

MEMORANDUM

To: Ron Ludwig, Parks, Recreation & Cemetery Director

From: Lisa Thibault, City Clerk's Office

Date: May 27, 2005

Subject: Smoking Ordinance for City Parks

Please be advised that at a meeting of the Committee on Administration held on May 23, 2005 it was voted to refer the attached draft ordinance to the Parks & Recreation Commission for input and a report back to the Committee at their next meeting.

The Committee also voted to have the Parks & Recreation Department contact all little league organizations, provide them with a copy of the draft ordinance and ask that a representative attend the next meeting of the Committee on Administration, which is tentatively scheduled for Tuesday, July 26 at 5:30 PM to discuss this matter.

Thank you.

Attachment

One City Hall Plaza, Manchester, NH 03101 Phone (603) 624-6455 Fax (603) 624-6481
www.ManchesterNH.gov

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CITY OF MANCHESTER
Parks, Recreation & Cemetery Department

625 Mammoth Road
Manchester, NH 03104-5491
(603) 624-6565 Administrative Office
(603) 624-6514 Cemetery Division
(603) 624-6569 Fax

COMMISSION

Stephen Johnson, Chairman
Sandra Lambert, Clerk
George "Butch" Joseph
Michael Worsley
Dennis Smith
Ronald Ludwig, Director

July 6, 2005

Committee on Administration & Information Systems
Armand Forest, Chairman
One City Hall Plaza
Manchester, NH 03101

Re: Smoking Ordinance

Dear Alderman Forest,

Please be advised that the Parks, Recreation, and Cemetery Commission has agreed to endorse the No-Smoking ordinance currently being proposed in the Committee on Administration and Information Systems.

They would like to see language added to the ordinance that would require organizations to designate smoking areas on site if at all possible.

Sincerely,

Ronald E. Ludwig
Director

Cc: Alderman Ted Gatsas
Alderman Ed Osborne
Alderman Paul Porter
Alderman Mike Lopez

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JUL - 7 2005
CITY CLERK'S OFFICE

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9/27/05 - Tabled

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SEP - 7 2005
CITY CLERK'S OFFICE

Metro Cab Co. Inc.
151 Elm St.
Manchester NH, 03101
603-622-3701
08/25/05

City of Manchester
Aldermenic Committee
on Transportation
c/o Mathew Normand
1 City Hall Plaza
Manchester NH, 03101

Re: Taxi rate increase request

Dear committee members:

Please give careful consideration to the following request:

1. Change the current meter rate from .25 each 1/6th of a mile to .25 to each 1/10th of a mile
2. Change waiting time from .25 each minute to .50 per minute.
3. Allow the taxis to operate on time and mileage.

It has been nearly five years since the rates were increased and at the time gas was $1.35 per gallon and it is now $2.70 per gallon.

Taxi insurance was $7,200.00 per vehicle and it is $10,100.00 per vehicle now.

Parts were approximately $3,000.00 per month and they are currently $6,000.00 per month.

It was very easy to get drivers five years ago as they could make a decent living but now becoming a driver is unappealing as drivers can not make a decent pay.

The last increase was on the drop of the meter and created a loss of business as short fares suffered and long fares were effected minimally.

Manchester currently has the lowest rates in the nation. The denial of this request will seriously jeopardize the future of the taxi service in Manchester.

An airport taxi picking up at the airport and dropping off at the Ramada Inn would charge $17.00. The meter would run $12.00.

Thank you

Kenneth A. DeSchuiteneer
President