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Newsletter for the Commercial Construction Industry

AGC Working Towards A Better Industry & Environment

This legislative session, AGC of NH has focused its environmental efforts on making amendments to current statutes, such as the definition of prime wetlands. AGC of NH supported bill, Senate Bill 19 will allow for better and more accurate delineation of prime wetlands, easing requirements and regulations for contractors. While environmental groups initially opposed the bill because it included a size limitation of 5 acres or more, an amendment was introduced that removed the size limitation. Following the introduction of the amendment, the full Senate passed the bill and it moved onto the House.



While in the House, the bill only received opposition from Chris Albert of the New Hampshire Association of Natural Resource Scientists. This group opposed the use of the language "very poorly drained soil," stating that it is not scientific enough because it doesn't include functions and values assessments. This group believes that further testing should be conducted to determine the boundary of a prime wetland. AGC of NH believes that the use of the scientifically defined term of "very poorly drained soils" is adequate, and provides a way to reduce the environmental subjectiveness on today's contractors and developers. Trying to adapt functions and values to these designations and boundaries will only drive up costs and add time delays to future project.

Reducing the burden on contractors and providing an environmentally responsible way to develop is a key factor in the economic recovery of the construction industry. AGC of NH believes that protecting the environment is important, but that it should be done so reasonably, and without overreaching regulations. The Association believes that Senate Bill 19 achieves this, and promotes consistency throughout towns of what a prime wetland truly is.

The Associated General Contractors of NH, Inc.
48 Grandview Rd
Bow, NH 03304
603-225-2701

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DOT & Administrative Services Join AGC of NH For Breakfast



On April 21, AGC of NH will hold its first event of the year—a breakfast meeting featuring presentations from Department of Transportation Commissioner George Campbell and Administrative Services Director Michael Connor at the Derryfield in Manchester, NH. Each will give a presentation covering funding, project outlook, and regulations for their respective agencies. As the 2011 construction season begins, this event is one you won't want to miss. It will provide you insight for the departments, and what to expect for the future. Turn to page 7 for a registration flyer.

Sponsorship opportunities are available as well. Gold level sponsorships are sold out, but companies can still sponsor at the Silver level for just \$400. Sponsorship forms can be found at www.agcnh.org under "AGC Resources," and then under "AGC Events."

Rock Crushing Workshop For Stakeholders

The Department of Environmental Services (DES) is offering an additional workshop to help stakeholders understand the requirements set forth by new rules involving rock crushing plants and stationary engineers. The new rules are intended to protect air quality in New Hampshire, as well as simplify the air permitting process for these source types. The rock crushing rules are codified in NH Code of Administrative Rules Env-A 2800. The stationary engine or RICE rules are codified in 40 CFR 63 subpart ZZZZ.

The workshop will be held on March 24 beginning at 8:30 AM. For more information on the workshop and/or to register, contact:

Sara J. Johnson, M.S.

Small Business Technical Assistance Program
NH Department of Environmental Sciences
Phone (603) 271-1379

Email: sara.johnson@des.nh.gov

Website: des.nh.gov/organizatn/divisions/air/pehb/apps/rock-crushers.htm

Member News:

Normandeu Associates Acquires Pandion Systems, Inc.

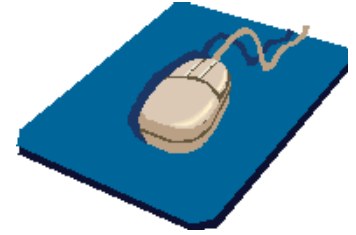
AGC of NH member Normandeu Associates recently acquired Pandion Systems, Inc. of Gainesville, Florida. Pandion Systems, Inc. is an environmental science, ecology, and communications company with special expertise in avian and bat ecology, wild-life interactions with manmade structures, policy applications and public participation. Pandion is nationally known for its ReBAT technology, an integrated acoustic monitoring system for bats; and is actively developing ATOM acoustic thermographic offshore monitoring for birds and bats.

"Pandion is highly regarded by clients, governmental agencies and industry as respected experts in wildlife issues," stated Pamela S. Hall, President & CEO of Normandeu Associates. "They are a great addition to our company and very important for our long term strategy for growth." In addition to environmental services, Pandion also offers educational activities that cover all aspects of wind energy for teachers in grades 6-12.

Normandeu Associates was founded in 1970 as an environmental consulting firm. Today the company has regional offices in 10 states. For more information on Normandeu Associates, visit www.normandeu.com.

AGC of America Project Manager Webinar Series

For construction professionals who wish to improve their project management skills, but do not have the time for a traditional classroom course, AGC of America is offering online Project Manager Webinars. Each course is 90 minutes long, and participants can elect to purchase the corresponding Participant's Manual to use as a reference during the course. Members are eligible for a discounted course and publication rate.



The following courses will be offered in the coming weeks:

March 10: Contract Administration for Project Managers
Contract Administration for Project Managers provides early-career construction project managers a focus on risk management and the contract. Participants will gain an understanding of how contracts can help (or hinder) them in completing the project, specifically the legal issues surrounding killer clauses.

April 5: Project Administration for Project Managers
Project Administration for Project Managers provides early-career construction project managers a broad overview of the role of project managers in achieving project success. Participants will gain an understanding of their role in project safety procedures, planning, scheduling, and closeout.

April 26: Risk Management for Project Managers
Risk Management for Project Managers provides early-career construction project managers a picture of their role in documentation and risk. Participants will gain an understanding of project documentation and the activities required to best manage risk to successfully manage a project.

May 17: Leadership for Project Managers
Leadership for Project Managers provides early-career construction project managers with the tools they need to manage a truly successful project. Leadership requires a commitment to understanding others, to building relationships and making decisions in the best interest of the project. Project managers need to be more successful than skilled technicians, they need to be able to successfully lead the team members on their projects.

For more information on pricing and registration, go to http://www.agc.org/cs/events/project_manager_webinar_series.



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Loss of Registration Fees Amounts to \$232 Million in Lost Projects

New Hampshire's Department of Transportation (DOT) has shared that if the registration fee increases are repealed or allowed to sunset, approximately \$232 million worth of projects will be lost over ten years and an additional \$15 million per year from the betterment program. During the presentation of the budget, the Governor included the registration fees as a mechanism for funding the highway system. However, with the Republican majority in both the Senate and the House, it is unlikely that the registration fees will be kept in tact. The loss of projects affects safety, travel, jobs, and more. AGC of NH is concerned that the loss of funding will further hurt the commercial construction industry.

AGC of NH notified the membership about three bills, House Bill 645, House Bill 646, and Senate Bill 78, that were introduced that would repeal the registration fee increases. AGC of NH believes it is important to keep the registration fees at their current level to support the highway system. Larry Major of Pike Industries attended the hearings on Senate Bill 78 and House Bill 645 and 646 during the week of February 15. AGC of NH's Gary Abbott also testified during the hearings about the importance of maintaining the highway fund. He presented the most recent *A Safer Road to Tomorrow* publication, *Transportation: Funding New Hampshire's Needs* to support his argument. Senate Bill 78 was voted ought to pass by the Senate Ways & Means Committee. The status of House Bills 645 and 646 has not been posted yet.

AGC of NH is continuing to follow the status of these bills, and will continue to advocate for adequate highway funding. The table below shows what projects will be dropped if the registration fees sunset or are repealed:

2012	
Alton 1412D- NH 28/Stockbridge Corner Rd Intersection	1.5 M
Concord 12004- Sewalls Falls Rd bridge replacement	14.0 M
Durham- Newmarket 13080- NH 108 rehabilitation & shoulders	4.2 M
Milford- Nashua 10136- NH 101A Intersection improvements	3.0 M
Nashua 10136 A- NH 101A widening, Celina Ave- Amherst St.	3.6 M
Walpole- Charlestown 14747- NH 12 reconstruction	4.0 M
	30.3 M
2013	
Haverhill- Bath 10436- US 302 reconstruction	2.5 M
Keene-Swanzey 1-309P- NH 9/10/12/101 multi- use trail bridge	3.1 M
Lebanon 10034A- Mechanic Street reconstruction	2.5 M
Milford- Nashua 10136- NH 101A intersection improvements	3.0 M
Plaistow- Kingston 10044G- NH 125 reconstruction	6.0 M
Walpole- Charlestown 14747- NH 12 reconstruction	4.0 M
Wilton- Bedford 13692- NH 101 safety improvements	3.0 M
	24.1 M
2014	
Durham- US 4/NH 108 interchange reconfiguration	0.5 M
Hinsdale- Brattleboro 12210- NH 119 bridge replacement	16.5 M
Keene 10309B- Winchester St. reconstruction	2.0 M
	19.0
2015	
Barnstead-Alton 14121- NH 28 rehabilitation	1.6 M
Exeter 14090A- Park St. bridge replacement	2.5 M
Keene 10309B- Winchester St. reconstruction	2.2 M
Keene- Swanzey 13090L- NH 12/101 interim widening	5.3 M
Madison- Conway- Conway Bypass (south seg.)	11.5 M
Ossipee 10431- NH 16 rehabilitation at NH 28 intersection	3.5 M

Continued on page 9...



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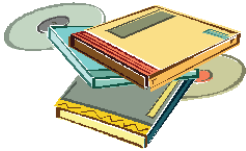
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Flag Training Seminar

April 8, 2011
8:30 AM - 12:30 PM

The AGC of NH Flag Training Course will cover flagging procedures including NH DOT regulations on flag person training, proper use of paddles and flags, placement of flaggers on the job site, qualities of a good flag person, equipment and proper placement of signs.



Course material include a newly designed disk of materials for each attendee. The disk contains the State of New Hampshire Flagger Handbook, a video clip titled "Professional Flagging", produced by the Iowa Department of Transportation, a template you may use as a guideline when preparing your own flagging training course completion cards, a checklist of things to consider before entering the work site, and a checklist to review with all personnel you train.

All participants who complete the course and pass a short exam will receive a pocket card signifying course completion.



Location

AGC of NH Office
48 Grandview Road
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Instructors

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Facts About Flagging

- ▶ *More fatalities occur involving flag persons than any other single construction category.*
- ▶ *Trained flaggers are required on all NH DOT highway projects.*
- ▶ *NH DOT requires that any contractor or subcontractor supplying a flagger shall have an employee designated to train flag personnel.*
- ▶ *Designated trainers are required to complete a flagging course at least every four years.*
- ▶ *Proper signage, lane closures and flagging techniques are essential to accident and litigation free job sites.*
- ▶ *Flaggers have the greatest impact on company image. They are the first and last personnel seen on any site.*



**Mail to: AGC of NH,
48 Grandview Road,
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or fax to: (603) 226-3859
or email:
bcaradonna@agcnh.org*

Registration Form

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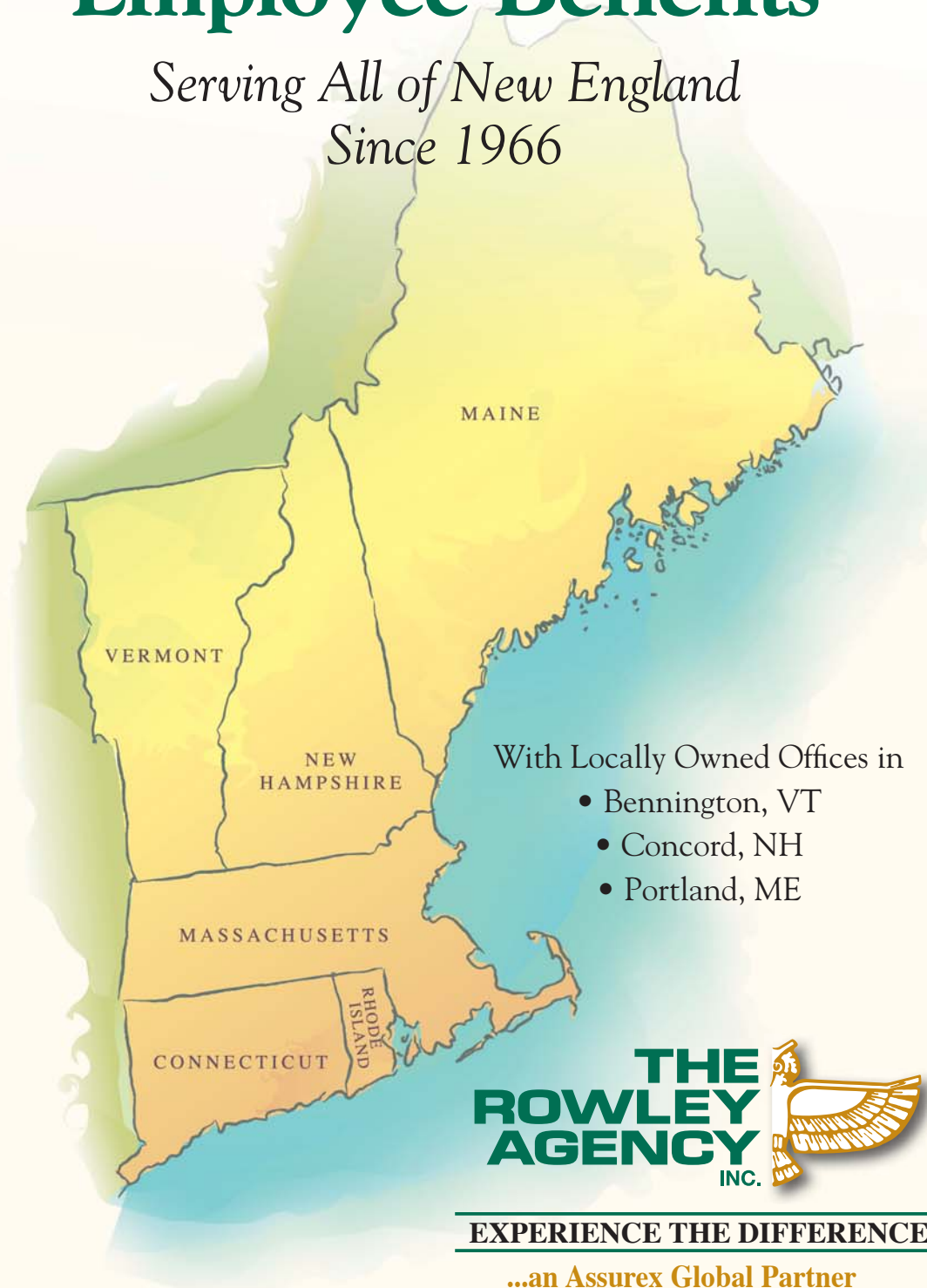
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BREAKFAST WITH DOT & ADMINISTRATIVE SERVICES

Thursday, April 21st, 2011 at the Derryfield in Manchester, NH

**What is the project outlook for 2011?
 How much funding will there be for projects in the future?
 Will I have to learn new requirements or follow new regulations?**

Are these questions and more on your mind as the 2011 construction season gets ready to start up? If so, you won't want to miss AGC of NH's breakfast with the Department of Transportation (DOT) and Administrative Services. Come to hear the answers to these questions and more from agency leaders.

SPEAKERS



Public Works Director
Michael Connor
Administrative Services



Commissioner
George Campbell
Department of Transportation

AGENDA

*7:30 AM - Registration
 8:00 AM - Breakfast
 Presentations to follow
 Questions & Answers*

TOPICS TO BE DISCUSSED

- Funding for DOT & Administrative Services
- Project Outlook for 2011
- Requirements and regulations for 2011

Registration Form:

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***Registration deadline is Friday, April 13th.**

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Ossipee 13910- NH 25/NH 16 intersection improvement	2.0 M
	28.6 M
2016	
Jefferson- Randolph 13602B- US 2 reconstruction	3.2 M
Madison- Conway- Conway Bypass (south seg.)	19.0 M
Salem 12334- NH 28 Salem Depot	2.5 M
	24.7 M
2017	
Colebrook, NH 26 bridge rehabilitation over Mohawk River	1.0 M
Keene- Swanzey 10309J- NH 9/101 "T" int. improvements	2.5 M
Littleton- Waterford, I-93 rehab, exit 41- VT (2 red list bridges)	12.0 M
Madison- Conway- Conway Bypass (south seg.)	7.5 M
Nashua, East Hollis Street reconstruction	2.2 M
	25.2 M
2018	
Belmont- Laconia, NH 106 reconstruction south of bypass	3.0 M
Madison- Conway- Conway Bypass (south seg.)	14.0 M
Nashua, Main Street reconstruction, Hollis St.- Orchar Ave	2.2 M
Plaistow- Kingston 10044E- NH 125 reconstruction	7.5 M
	26.7 M
2019	
Dummer- Errol, NH 16 Rehabilitation	5.0 M
Madison- Conway- Conway Bypass (south seg.)	14.0 M
Plaistown- Kingston 10044E- NH 125 reconstruction	8.0 M
	27.0 M
2020	
Bedford, NH 101 widening from NH 114 to Wallace Rd	7.0 M
Epping, NH 125 reconstruction from NH 27 to NH 87	4.2 M
Jaffrey, Main Street roundabout (NH 124/US 202, "dog-leg")	6.2 M
New London, NH 114, Main Street reconstruction	2.0 M
Wilton- Bedford, NH 101 improvements	7.0 M
	26.4 M
Total:	232 M

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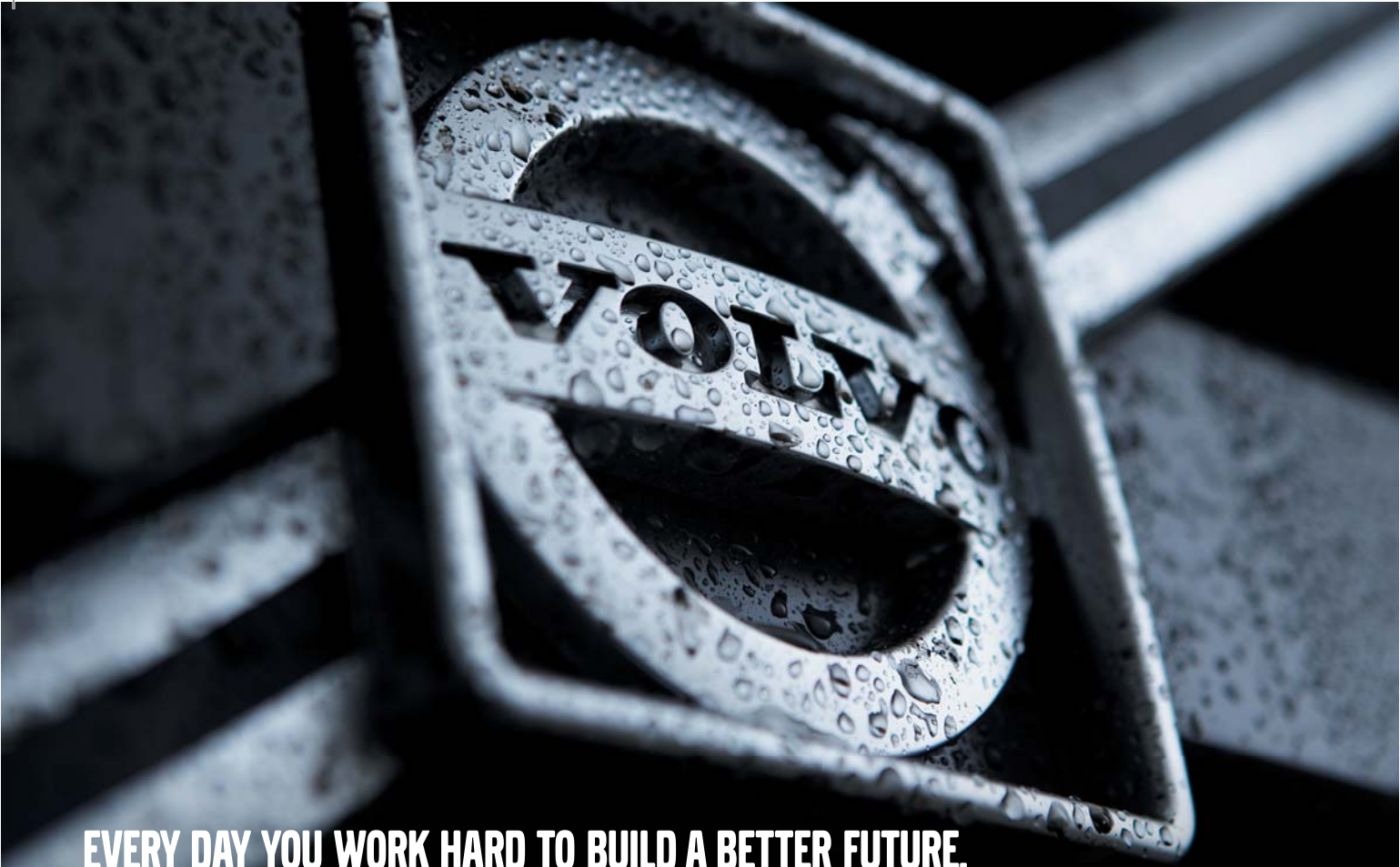
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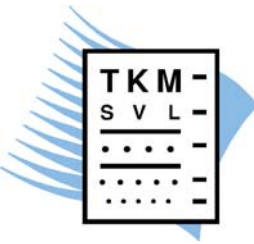
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Medical Fee Schedule Bill is Re-Referred

On February 25, the Senate Commerce Committee voted to re-refer Senate Bill 71, creating a medical fee schedule for workers' compensation claims. This action means that the Committee will study the bill over the summer, and re-introduce the legislation in the 2012 Legislative Session. The bill's sponsor, Senator Boutin, moved to re-refer the bill because of the competing sides, stating that a re-referral will allow those opposing and supporting the bill to work together towards a compromise.



Although it was noted before the hearing that the bill would likely be re-referred, room 102 of the Legislative Office Building was packed wall to wall with workers' compensation stakeholders. On the opposition were hospital and medical associations. They questioned what effect the passage of this bill would have on the quality of care given to an injured worker.

In support of the bill were AGC of NH, NH Motor Transport Association, The Business & Industry Association, the NH Auto Dealers Association, and the American Insurance Association. AGC of NH's Gary Abbott testified in support of the bill, saying that the Association would like to actively participate in the work sessions that will be held over the summer. Gary Abbott handed the committee a position paper outlining the importance of the bill, a similar bill that was passed for New Hampshire's prison system to control costs, common questions & answers surrounding the bill, and lastly a letter of support from Lorrie Sliter, president of CWS Fence & Guardrail.

Additional supporting testimony showed that New Hampshire is one of a small number of states that do not have legislation controlling workers' compensation costs, and data showing the positive effect controlling workers' compensation costs will have on businesses. The testimony will provide the Senate Commerce Committee with important background information when they look at the bill in the summer.

This is a top human resources issue for AGC of NH, and the Association will continue working towards the passage of legislation that controls workers' compensation costs.

Asbestos Contractor Supervisor Refresher Conference

AGC of NH member, RPF Associates, is offering an Asbestos Contractor Supervisor Refresher Conference on May 10. RPF Associates is a New Hampshire and Massachusetts licensed training provider for Asbestos and Lead RRP courses. To register for the conference, and to see what other trainings they have available, visit www.airpf.com.

Law Exempts Temporary/Portable Heaters from Licensure Requirements

AGC of NH has been informed that the use of temporary/portable heaters and other similar temporary/portable equipment does not fall under fuel gas licensing law requirements. The Association had become concerned that members would fall under this requirement if House Bill 355 passed. House Bill 355 enables state and local fire and building officials to issue citations for violations of the fire code and for fireworks, gas fitting, and electric code violations.

AGC of NH talked with Jeff Cyr, Chief Mechanical Inspector for the Department of Safety, regarding the bill and possible license requirement. Mr. Cyr replied that temporary/portable heaters, etc. are already exempt from current law; "In the National Fuel Gas Code (NFPA) chapter 1, section 1.1.1.2 (1) 'This code shall not apply to the following items; (1) Potable LP- Gas appliances and equipment of all types that are not connected to a fixed fuel gas piping system.'"

The fuel gas licensing law refers to fixed fuel gas piping systems from the second stage regulator through the end use appliance. The temporary heaters are pre-assembled and designed to be used as a unit or system. While the code does make reference that the installer should be qualified in the installation, operation and maintenance of the portable unit heaters; following the manufacturer's installation and operating instructions is compliance with the law.

Mr. Cyr stated that the Department of Safety is available should members need additional information or education regarding this matter.

Members Testify on Importance of Withholding of Wages



This legislative session, AGC of NH's Human Resources Committee worked to introduce language into the withholding of wages statute to allow employers to help employees with items such as bill paying, repairs, bail, etc. House Bill 647 would allow employers to deduct wages from an employee's paycheck for costs incurred by the employer. The employer is not allowed to benefit financially from the withholding, so items such as uniforms could not be deducted from an employee's paycheck.

Caroline Bergeron of Harvey Construction and Tim Paris of Hutter Construction both attended the hearing on February 22, and testified in support of the bill in front of the House Labor, Industrial & Rehabilitative Services Committee. AGC of NH's Gary Abbott testified in support of the bill as well. The Committee held the executive session for the bill on March 1. The Labor Committee voted the bill unanimously ought to pass.



AGC UPDATE
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