



His Excellency, Governor John H. Lynch
and the Honorable Council
State House
Concord, New Hampshire 03301

Requested Action

Authorize the Community Development Finance Authority (CDFFA), under the Community Development Block Grant (CDBG) program, to amend a grant agreement with the County of Merrimack, 333 Daniel Webster Highway, Ste. 2, Boscawen, New Hampshire, in the amount of \$275,000 by extending the completion date to December 31, 2013 from the amended grant completion date of December 31, 2012, to allow for finalization of road improvement work. No additional funding is involved in this time extension request. The original grant was approved by Governor and Council on March 30, 2011, agenda item #3 and was amended for time on March 7, 2012, agenda item #5. **100% federal funds.**

Explanation

CDFFA is requesting a time extension on behalf of the County of Merrimack and Belknap-Merrimack Community Action Program's Newbury Elderly Housing project, due to delays involving an abutter lawsuit against the zoning board after the plans had been approved for the project. The Superior Court ruling favored the town and project, but the judicial process slowed progress. Since all state and local approvals are now in place, the HUD closing is now proceeding. Completion of the 34-unit elderly housing project is now expected in the fall of 2013.

This Agreement allocates a portion of the Community Development Block Grant (CDBG) funds provided to New Hampshire by the U. S. Department of Housing and Urban Development (HUD). CDFFA is administering this program as provided by RSA 162-L. The funds for this contract are from the Community Development Block Grant Fund, which is intended to help municipalities solve development problems.

Sincerely,

Katharine Bogle Shields
Executive Director

KBS/CB:acc

G&C: 11/14/12

Attachments

AMENDMENT 2

This Agreement (hereinafter called the "Amendment") dated this 9th day of October, 2012 by and between the State of New Hampshire acting by and through the Community Development Finance Authority (CDFA), (hereinafter referred to as "Grantor") and County of Merrimack, (hereinafter referred to as the "Contractor").

WHEREAS, pursuant to an initial agreement (hereinafter called the "Agreement") which was first entered into upon Governor and Council approval on March 30, 2011, agenda item #3, and as amended for time on March 7, 2012, agenda item #5, the Contractor agreed to perform certain services upon the terms and conditions specified in the Agreement and in consideration of payments by Grantor of certain sums specified therein, and;

WHEREAS, pursuant to paragraph 18 of the General Provisions of the Agreement, the contract may be amended, waived or discharged by written instrument executed by the parties hereto and approved by the Governor and Council, and;

WHEREAS, CDFA has received a written request from the Contractor to amend the Agreement;

NOW THEREFORE, in consideration of the foregoing and the covenants and conditions contained in the Agreement as set forth herein, the Contractor and CDFA hereby agree to amend the Agreement as follows:

1. Amendment of Agreement

A. To amend Section 1.7 of the General Provisions by extending the completion date from December 31, 2012 to December 31, 2013.

2. Effective Date of Amendment

This Amendment shall be effective upon its approval by the Governor and Council of the State of New Hampshire. If such approval is withheld, this document shall become null and void, with no further obligation or recourse to either party.

3. Continuance of Agreement

Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement and the obligations of the parties thereunder shall remain in full force and effect in accordance with the terms and conditions as set forth therein.

IN WITNESS WHEREOF, the parties have hereunto set their hands:

CONTRACTOR:

GRANTOR:

County of Merrimack

State of New Hampshire acting through the
Community Development Finance Authority

By: *Kathleen Bateson*
Kathleen Bateson, County Administrator

By: *Katharine Bogle Shields*
Katharine Bogle Shields, Executive Director

NOTARY STATEMENT:

On this the 12th day of October, 2012 there appeared before me
Daryl J. Weir (Notary Name) the undersigned officer personally
appeared Kathleen Bateson (Designated Officer Name) who acknowledged him/herself to
be County Administrator (Designated Officer Title) and that such officer, they are authorized to
do so, executed the foregoing instrument for the purposes herein contained, by signing him/herself in
the name of the municipality.

In witness whereof I hereunto set my hand and official seal, stamped name and expiration
date)

By: *Daryl J. Weir*



APPROVAL BY NEW HAMPSHIRE ATTORNEY GENERAL AS TO FORM, SUBSTANCE AND
EXECUTION:

By: *Michael C. Brun*, Assistant Attorney General, on Oct 22, 2012
~~Rosemary Went~~
Michael C. Brun

APPROVAL BY THE NEW HAMPSHIRE GOVERNOR AND COUNCIL:

By: _____, on _____

MUNICIPAL RE-CERTIFICATION FOR CONTRACT AMENDMENT

I, Elizabeth Blanchard, County Clerk of Merrimack County, New Hampshire do hereby certify that: (1) at the Public Hearings and meeting held on July 15, 2011, the Board of Commissioners voted to accept Community Development Block Grant funds and enter into a contract with the Community Development Finance Authority, (2) The Board of Commissioners further authorized the County Administrator to execute any documents which may be necessary to effectuate this contract or any amendments thereto; (3) I further certify that this authorization has not been revoked, annulled or amended in any manner whatsoever, and remains in full force and effect as of the date hereof; and (4) the following person has been appointed to and now occupies the office indicated under item (2) above:

Kathleen Bateson, County Administrator

Name and Title of Officer Authorized to Sign

IN WITNESS WHEREOF, I have hereunto set my hand as the Clerk of Merrimack County, New Hampshire this 15 day of October, 20 2012.

Elizabeth Blanchard
Elizabeth Blanchard, County Clerk



CERTIFICATE OF COVERAGE

The New Hampshire Public Risk Management Exchange (Primex³) is organized under the New Hampshire Revised Statutes Annotated, Chapter 5-B, Pooled Risk Management Programs. In accordance with those statutes, its Trust Agreement and bylaws, Primex³ is authorized to provide pooled risk management programs established for the benefit of political subdivisions in the State of New Hampshire.

Each member of Primex³ is entitled to the categories of coverage set forth below. In addition, Primex³ may extend the same coverage to non-members. However, any coverage extended to a non-member is subject to all of the terms, conditions, exclusions, amendments, rules, policies and procedures that are applicable to the members of Primex³, including but not limited to the final and binding resolution of all claims and coverage disputes before the Primex³ Board of Trustees. The Additional Covered Party's per occurrence limit shall be deemed included in the Member's per occurrence limit, and therefore shall reduce the Member's limit of liability as set forth by the Coverage Documents and Declarations. The limit shown may have been reduced by claims paid on behalf of the member. General Liability coverage is limited to Coverage A (Personal Injury Liability) and Coverage B (Property Damage Liability) only, Coverage's C (Public Officials Errors and Omissions), D (Unfair Employment Practices), E (Employee Benefit Liability) and F (Educator's Legal Liability Claims-Made Coverage) are excluded from this provision of coverage.

The below named entity is a member in good standing of the New Hampshire Public Risk Management Exchange. The coverage provided may, however, be revised at any time by the actions of Primex³. As of the date this certificate is issued, the information set out below accurately reflects the categories of coverage established for the current coverage year.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage afforded by the coverage categories listed below.

<i>Participating Member:</i>	<i>Member Number:</i>	<i>Company Affording Coverage:</i>
Merrimack County 333 Daniel Webster Highway Suite 2 Boscawen, NH 03303	604	NH Public Risk Management Exchange - Primex ³ Bow Brook Place 46 Donovan Street Concord, NH 03301-2624

Type of Coverage	Effective Date (mm/dd/yyyy)	Expiration Date (mm/dd/yyyy)	Limits - NH Statutory Limits May Apply	
<input checked="" type="checkbox"/> General Liability (Occurrence Form) Professional Liability (describe) <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence	1/1/2012	1/1/2013	Each Occurrence	\$ 2,000,000
			General Aggregate	\$ 2,000,000
			Fire Damage (Any one fire)	
			Med Exp (Any one person)	
<input type="checkbox"/> Automobile Liability Deductible Comp and Coll: <input type="checkbox"/> Any auto			Combined Single Limit (Each Accident)	
<input type="checkbox"/> Workers' Compensation & Employers' Liability			Statutory	
			Each Accident	\$
			Disease - Each Employee	\$
			Disease - Policy Limit	\$
<input type="checkbox"/> Property (Special Risk includes Fire and Theft)			Blanket Limit, Replacement Cost (unless otherwise stated)	

Description: McKenna House Transitional Housing Improvement Grant, #10-407-CDPF. The certificate holder is named as Additional Covered Party, but only to the extent liability is based on the negligence or wrongful acts of the member, its employees, agents, officials or volunteers. This coverage does not extend to others. Any liability resulting from the negligence or wrongful acts of the Additional Covered Party, or their employees, agents, contractors, members, officers, directors or affiliates is not covered. The Participating Member will advise of cancellation no less than 10 days notice prior to cancellation.

CERTIFICATE HOLDER:	<input checked="" type="checkbox"/>	Additional Covered Party	<input type="checkbox"/>	Loss Payee	Primex³ - NH Public Risk Management Exchange By: <i>Tammy Desor</i> Date: 10/17/2012 tdenver@nhprimex.org Please direct inquires to: Primex³ Claims and Coverage 603-225-2841 phone 603-228-3833 fax
Community Development Finance Authority Attn: Christine Conlogue 14 Dixon Ave Concord, NH 03301					



CERTIFICATE OF COVERAGE

The New Hampshire Public Risk Management Exchange (Primex³) is organized under the New Hampshire Revised Statutes Annotated, Chapter 5-B, Pooled Risk Management Programs. In accordance with those statutes, its Trust Agreement and bylaws, Primex³ is authorized to provide pooled risk management programs established for the benefit of political subdivisions in the State of New Hampshire.

Each member of Primex³ is entitled to the categories of coverage set forth below. In addition, Primex³ may extend the same coverage to non-members. However, any coverage extended to a non-member is subject to all of the terms, conditions, exclusions, amendments, rules, policies and procedures that are applicable to the members of Primex³, including but not limited to the final and binding resolution of all claims and coverage disputes before the Primex³ Board of Trustees. The Additional Covered Party's per occurrence limit shall be deemed included in the Member's per occurrence limit, and therefore shall reduce the Member's limit of liability as set forth by the Coverage Documents and Declarations. The limit shown may have been reduced by claims paid on behalf of the member. General Liability coverage is limited to Coverage A (Personal Injury Liability) and Coverage B (Property Damage Liability) only, Coverage's C (Public Officials Errors and Omissions), D (Unfair Employment Practices), E (Employee Benefit Liability) and F (Educator's Legal Liability Claims-Made Coverage) are excluded from this provision of coverage.

The below named entity is a member in good standing of the New Hampshire Public Risk Management Exchange. The coverage provided may, however, be revised at any time by the actions of Primex³. As of the date this certificate is issued, the information set out below accurately reflects the categories of coverage established for the current coverage year.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage afforded by the coverage categories listed below.

Participating Member: Merrimack County 333 Daniel Webster Highway Suite 2 Boscawen, NH 03303	Member Number: 604	Company Affording Coverage: NH Public Risk Management Exchange - Primex ³ Bow Brook Place 46 Donovan Street Concord, NH 03301-2624	
Type of Coverage	Effective Date (mm/dd/yyyy)	Expiration Date (mm/dd/yyyy)	Limits - NH Statutory Limits May Apply If Not
<input type="checkbox"/> General Liability (Occurrence Form) <input type="checkbox"/> Professional Liability (describe) <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence			Each Occurrence \$
			General Aggregate \$
			Fire Damage (Any one fire) \$
			Med Exp (Any one person) \$
<input type="checkbox"/> Automobile Liability Deductible Comp and Coll: <input type="checkbox"/> Any auto			Combined Single Limit (Each Accident) Aggregate
<input checked="" type="checkbox"/> Workers' Compensation & Employers' Liability	1/1/2012	1/1/2013	<input checked="" type="checkbox"/> Statutory
			Each Accident \$2,000,000
			Disease - Each Employee \$2,000,000
			Disease - Policy Limit \$
<input type="checkbox"/> Property (Special Risk includes Fire and Theft)			Blanket Limit, Replacement Cost (unless otherwise stated)
Description: Proof of Primex Member coverage only.			

CERTIFICATE HOLDER:	Additional Covered Party	Loss Payee	Primex³ - NH Public Risk Management Exchange
New Hampshire Community Development Finance Authority Attn: Christine Conlogue 14 Dixon Ave Concord, NH 03301			By: <i>Tammy Decker</i> Date: 10/3/2012 tdenver@nhprimex.org Please direct inquires to: Primex³ Claims and Coverage 603-225-2841 phone 603-228-3833 fax

Approval by the Governor
and Council on 3/7/12
Agenda Item # 5

His Excellency, Governor John H. Lynch
and the Honorable Council
State House
Concord, New Hampshire 03301

Amendment #1

Requested Action

Authorize the Community Development Finance Authority (CDFA), under the Community Development Block Grant (CDBG) program, to amend a grant agreement with the County of Merrimack, 333 Daniel Webster Highway, Ste. 2, Boscawen, New Hampshire, in the amount of \$275,000 by extending the completion date to December 31, 2012 from the original grant completion date of June 30, 2012, to allow for finalization of road improvement work to be completed. No additional funding is involved in this time extension request. The original grant was approved by Governor and Council on March 30, 2011, agenda item #3. **100% federal funds.**

Explanation

CDFA is requesting a time extension on behalf of the County and Belknap-Merrimack Community Action Program's Newbury Elderly Housing project, due to delays in the Town of Newbury's planning board approvals. The final approval was expected in September, but was not received until December, which was past construction season and put the project slightly behind schedule. Completion of the road work for the elderly housing project is expected for late summer of 2012.

This Agreement allocates a portion of the Community Development Block Grant (CDBG) funds provided to New Hampshire by the U. S. Department of Housing and Urban Development (HUD). CDFA is administering this program as provided by RSA 162-L. The funds for this contract are from the Community Development Block Grant Fund, which is intended to help municipalities solve development problems.

Sincerely,

Katharine Bogle Shields

Katharine Bogle Shields
Executive Director

KBS/CB:acc

G&C: 3/7/12

Attachments

IN WITNESS WHEREOF, the parties have hereunto set their hands:

CONTRACTOR:

County of Merrimack

By: Kathleen Bateson
Kathleen Bateson, County Administrator

GRANTOR:

State of New Hampshire acting through the
Community Development Finance Authority

By: Katharine Bogle Shields
Katharine Bogle Shields, Executive Director

NOTARY STATEMENT:

On this the 10th day of February, 2012 there appeared before me
Melinda A. Harrison (Notary Name) the undersigned officer personally
appeared Kathleen Bateson (Designated Officer Name) who acknowledged him/herself to
be County Administrator (Designated Officer Title) and that such officer, they are authorized to
do so, executed the foregoing Instrument for the purposes herein contained, by signing him/herself in
the name of the municipality.

In witness whereof I hereunto set my hand and official seal (provide seal, stamped name and expiration
date)

By: Melinda A. Harrison
1-27-2015



APPROVAL BY NEW HAMPSHIRE ATTORNEY GENERAL AS TO FORM, SUBSTANCE AND
EXECUTION:

By: Rosemary Wiant, Assistant Attorney General, on 2-13-12
Rosemary Wiant

APPROVAL BY THE NEW HAMPSHIRE GOVERNOR AND COUNCIL:

By: [Signature], on MAR 07 2012
DEPUTY SECRETARY OF STATE

Approved by the Governor
and Council on 3/30/11
Agenda Item #3

Original Agreement

His Excellency, Governor John H. Lynch
and the Honorable Council
State House
Concord, New Hampshire 03301

Requested Action – Award a Grant

Authorize the Community Development Finance Authority (CDFA), under the Community Development Block Grant (CDBG) program, to award a grant to the County of Merrimack, 333 Daniel Webster Highway, Ste 2, Boscawen, NH 03303, in the amount of \$275,000 for infrastructure upgrades in support of 34 units of affordable elderly housing in Newbury, beginning from the date of the Governor and Council approval until June 30, 2012. 100% federal funds.

Explanation

This Agreement allocates a portion of the Community Development Block Grant (CDBG) funds provided to New Hampshire by the U. S. Department of Housing and Urban Development (HUD). CDFA is administering this program as provided by RSA 162-L. The funds for this contract are from the Community Development Block Grant Fund, which is intended to help municipalities solve development problems.

The County of Merrimack is requesting CDBG funds to assist with upgrades to Newbury Heights Road to provide greater access for emergency vehicles and improve the drainage system to support construction of the 34 units of elderly housing, of which 100% of the residents will be of low to moderate income. Total project cost is \$5,559,400 and match funds of \$5,284,400 will come from HUD Section 202 Supportive Housing for the Elderly Program.

Sincerely,

Katharine Bogle Shields

Katharine Bogle Shields
Executive Director

KBS/BCP :acc

G&C: 3/30/11

Attachments

Subject: County of Merrimack - Newbury Elderly Housing, Inc. - Grant #10-407-CDPFI

AGREEMENT

The State of New Hampshire and the Contractor hereby mutually agree as follows:

GENERAL PROVISIONS

1. IDENTIFICATION.

1.1 State Agency Name New Hampshire Community Development Finance Authority		1.2 State Agency Address 14 Dixon Ave., Suite 102 Concord, NH 03301	
1.3 Contractor Name County of Merrimack		1.4 Contractor Address 333 Daniel Webster Highway, Ste. 2 Boscawen, NH 03303	
1.5 Contractor Phone Number 603-796-6800	1.6 Account Number N/A	1.7 Completion Date June 30, 2012	1.8 Price Limitation \$275,000.00
1.9 Contracting Officer for State Agency David Wood, Chairman, Board of Directors		1.10 State Agency Telephone Number 603-226-2170	
1.11 Contractor Signature <i>Kathleen Bateson</i>		1.12 Name and Title of Contractor Signatory Kathleen Bateson, County Administrator	
1.13 Acknowledgement: State of <i>NH</i> , County of <i>Merrimack</i> On <i>03/15/11</i> , before the undersigned officer, personally appeared the person identified in block 1.12, or satisfactorily indicated to the person whose name is signed in block 1.11, and acknowledged that s/he executed this document in the capacity indicated in block 1.12.			
1.13.1 Signature of Notary Public or Justice of the Peace <i>Melinda A. Harrison</i>			
1.13.2 Name and Title of Notary or Justice of the Peace <i>Melinda A. Harrison, Admin. Assistant</i>			
1.14 State Agency Signature <i>Katharine Bogle Shields</i>		1.15 Name and Title of State Agency Signatory Katharine Bogle Shields, Executive Director	
1.16 Approval by the N.H. Department of Administration, Division of Personnel (if applicable) By: _____ Director; On: _____			
1.17 Approval by the Attorney General (Form, Substance and Execution) By: <i>[Signature]</i> On: <i>3/15/11</i>			
1.18 Approval by the Governor and Executive Council By: <i>[Signature]</i> DEPUTY SECRETARY OF STATE MAR 30 2011			

