GOVERNOR AND EXECUTIVE COUNCIL MINUTES State House, Concord, New Hampshire

April 27, 2011, 10:00 a.m.

The Governor and Executive Council convened at 10:00 a.m. with all members present.

Councilor Wheeler offered the prayer and the Pledge of Allegiance was led by Governor Lynch.

The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Wheeler, accepted the minutes of April 13, 2011.

The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor St. Hilaire, approved the appointment of several persons nominated for Civil Commissions from the April 13, 2011 meeting.

The Governor placed in nomination the several persons who applied for Civil Commissions.

The Governor and Council, on motion of Councilor Sununu, seconded by Councilor Wieczorek, voted to set the date for a special election for State Representative, Rockingham County, District 14.

The filing period will begin on May 2, 2011 and end on May 6, 2011. The primary election will be July 7, 2011. The special election will be September 6, 2011.

RESIGNATIONS

The Governor and Council accepted the following resignation:

Occupational Therapy Governing Board

(Licensed Occupational Therapist)

Eileen Thayer, Epsom Effective: April 27, 2011

Water Management Planning Area Advisory Committee for the Lamprey River

(Local River Management Advisory Committee Representative)

Brian Giles, Lee Effective: April 27, 2011

Water Management Planning Area Advisory Committee for the Lamprey River

(Community Citizen Representative from a town or city in WMPA)

James DuPrie, Concord Effective: April 27, 2011

CONFIRMATION TABLED

The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Wheeler, voted to **table** the following confirmation:

Board of Licensure for Alcohol and Other Drug Use Professionals

(MLADC)

Cheryl A. Wilkie, Concord Effective: April 27, 2011 Succeeding: Eileen M. Fiori, Nashua (term limited) Term: January 28, 2014

CONFIRMATIONS

The Governor and Council confirmed the following:

Advanced Manufacturing Education Advisory Council

(Superintendent)

Mark C. Conrad, Nashua Effective: April 27, 2011 Succeeding: Christopher Hottel, Gilmanton (resigned) Term: December 18, 2011

Board of Licensure for Alcohol and Other Drug Use Professionals

(MLADC)

Catherine M. Iacuzzi, Canaan Effective: April 27, 2011 Succeeding: William T. Kohut, Sr., Dover (term limited) Term: January 28, 2014

Assessisng Standards Board

(Municipal official of a town of a population greater than 5000)

Fred B. Keach, Concord Effective: April 27, 2011
Reappointment Term: March 24, 2013

Community College System of New Hampshire

(Alumni Member)

Melanie Levesque, Brookline Effective: April 27, 2011 Succeeding: Amy Rice, New Boston (resigned) Term: June 30, 2013

Compensation Appeals Board

(Attorney)

Nominated by the Commissioner of the Department of Labor

Hamilton R. Krans, Jr., Dover Effective: May 26, 2011 Reappointment Term: May 26, 2014 Compensation Appeals Board

(Attorney)

Nominated by the Commissioner of the Department of Labor

Christopher T. Regan, Durham Effective: April 27, 2011 Reappointment Term: April 14, 2014

Judicial Retirement Plan Board of Trustees

(Business experience)

Deborah B. Butler, Concord Effective: April 27, 2011
Reappointment Term: November 19, 2013

McAuliffe-Shepard Discovery Center

(Business)

Byron O. Champlin, Concord Effective: April 27, 2011 Reappointment Term: April 17, 2014

Private Investigative Agencies and Security Services Advisory Board

(Law Enforcement Community)

Vincent A. Baiocchetti III, Gilmanton Iron Works Effective: April 27, 2011

Vacancy Term: April 27, 2013.(RSA 106-F:3-a,I)

Private Investigative Agencies and Security Services Advisory Board

(Licensed Investigator) Dennis M. Davey, Wolfeboro

Dennis M. Davey, Wolfeboro Effective: April 27, 2011

Vacancy Term: April 27, 2014.(RSA 106-F:3-a,I)

Private Investigative Agencies and Security Services Advisory Board

(Licensed Investigator)

Quentin Estey, Peterborough Effective: April 27, 2011

Vacancy Term: April 27, 2013.(RSA 106-F:3-a,I)

Private Investigative Agencies and Security Services Advisory Board

(General Public)

Kathleen M. Kimball, Antrim Effective: April 27, 2011

Vacancy Term: April 27, 2012.(RSA 106-F:3-a,I)

Private Investigative Agencies and Security Services Advisory Board

(Licensed Investigator/Bail Recovery)

Seldon E. Nason Jr., Webster Effective: April 27, 2011

Vacancy Term: April 27, 2012.(RSA 106-F:3-a,I)

Private Investigative Agencies and Security Services Advisory Board

(General Public)

Gary M. Sloper, Concord Effective: April 27, 2011

Vacancy Term: April 27, 2014.(RSA 106-F:3-a,I)

Railroad Appeals Board

(Alternate/Legal Profession)

David Woodbury, New Boston Effective: April 27, 2011
Reappointment Term: April 23, 2014

Recreational Therapy Governing Board

Rebecca L. K. Taylor, Manchester Effective: April 27, 2011 Succeeding: Robert C. DuPont, Penacook (resigned) Term: October 25, 2013 Advisory Council on Unemployment Compensation

(Employees)

Robert E. Martel, Dunbarton Effective: April 27, 2011
Reappointment Term: March 26, 2014

NOMINATIONS

The Governor placed into nomination the following:

Agricultural Advisory Board

(Grafton County)

Denis Ward, Monroe Effective: Upon confirmation Succeeding: Jesse Laflamme, Monroe (term limited) Term: January 31, 2016

Commissioner of the Department of Banking

Ronald A. Wilbur, Concord Effective: Upon confirmation Succeeding: Peter Hildreth, Concord (resigned) Term: January 1, 2013

Salary: Grade II; step max - \$104,364

Department of Environmental Services, Director of the Waste Management Division

Nominate by the Commissioner of the Department of Environmental Services

after consultation with the Waste Management Council

Michael J. Wimsatt, Concord Effective: May 13, 2011 Reappointment Term: May 13, 2015

Salary: Group HH, step max - \$98,691

Medical Review Subcomittee

(Represents the Board of Medicine) Nominated by the Board of Medicine

Robert P. Cervenka, Jaffrey Effective: Upon confirmation Succeeding: Amy Feitelson, Rye Term: December 3, 2013

Board of Natural Scientists

(Soil Scientist)

Nancy B. Rendall, Gilmanton Effective: Upon confirmation

Reappointment Term: June 30, 2015

Penalty Appeal Board

(Management)

Gayle E. Troy, Dunbarton Effective: Upon confirmation

Reappointment Term: April 11, 2014

University System of New Hampshire Board of Trustees

William F. J. Ardinger, Concord Effective: June 30, 2011 Reappointment Term: June 30, 2015

University System of New Hampshire Board of Trustees

John W. Small, New Castle Effective: June 30, 2011 Reappointment Term: June 30, 2015

Board of Veterinary Medicine

Nominated by the NH Veterinary Medical Association

Robert A. Brust, Henniker Effective: Upon confirmation

Succeeding: Jennifer Sula, Salisbury Term: March 5, 2016

Waste Management Planning Area Advisory Committee for the Lamprey River

(Community citizen from a town or city in WMPA)

Nominated by the Commissioner of the Department of Environmental Services

Brian A. Giles, Lee Effective: Upon confirmation

Succeeding: James DuPrie, Lee (resigned)

Term: Completion of Lamprey River Plan

Waste Management Planning Area Advisory Committee for the Lamprey River

(Representative of Conservation Interest in the WMPA)

Nominated by the Commissioner of the Department of Environmental Services

Douglas A. Bechtel, Penacook Effective: Upon confirmation

Vacancy Term: Completion of Lamprey River Plan

#1 **CONSENT CALENDAR - DONATIONS:**

DEPARTMENT OF JUSTICE

A. Authorized to accept a gift of used laptops, computers and a used 42" Plasma Screen TV, from the US District Court, Concord, NH, valued at approximately \$1,800. Effective upon G&C approval.

NEW HAMPSHIRE HOSPITAL

B. Authorized to accept nonmonetary donations in the amount of \$281 that were received during the period of January 1, 2011 through March 31, 2011.

NEW HAMPSHIRE HOSPITAL

C. Authorized to accept donations in the amount of \$1,410.17 that were received during the period of January 1, 2011 through March 31, 2011.

DEPARTMENT OF ADMINISTRATIVE SERVICES

D. Authorized to accept a donation of approximately \$682 from Hinckley Allen Snyder LLP, Concord, NH, to pay for coffee and pastries that will be provided at a Vendor Conference entitled "Doing Business with the NH State and Local Government" on May 4, 2011.

#2 <u>CONSENT CALENDAR – TUITION REQUESTS:</u>

- A. ENVIRONMENTAL SERVICES Request permission to pay Divers Den Dive Shop, Manchester, New Hampshire the sum of \$525.00 for the sole purpose of enrolling Robert Gordon, Construction Technician, in the course entitled "PADI Open Water Diving" the course begins on June 6, 2011 and ends on July 11, 2011. Source of funds: 100% Other Funds (Dam Maintenance Program Fund)
- B. ENVIRONMENTAL SERVICES Request permission to pay Divers Den Dive Shop, Manchester, New Hampshire the sum of \$525.00 for the sole purpose of enrolling Charles St. Jacques, Construction Technician, in the course entitled "PADI Open Water Diving" the course begins on June 6, 2011 and ends on July 11, 2011. Source of funds: 100% Other Funds (Dam Maintenance Program Fund)
- C. ENVIRONMENTAL SERVICES Request permission to pay Divers Den Dive Shop, Manchester, New Hampshire the sum of \$525.00 for the sole purpose of enrolling Eric Scott, Construction Technician, in the course entitled "PADI Open Water Diving" the course begins on June 6, 2011 and ends on July 11, 2011. Source of funds: 100% Other Funds (Dam Maintenance Program Fund)

#3 <u>CONSENT CALENDAR – TRAVEL REQUESTS:</u>

- A. **BANKING** Request permission for (1) employee, Kathleen Sheehan, Bank Examiner, or designee, to travel to Irvine, CA for seven (7) days, May 7, 2011 through May 13, 2011 to attend an Out of State Examination. **A CASH ADVANCE of \$1,160.00** is also requested for Kathleen Sheehan. **Total Cost: \$1,592.00**. Source of Funds: 100% Other Examination Fees.
- B. **SAFETY-Division of State Police** Request permission for (1) employee, Carrie Nolet, Lieutenant, or designee, to travel to Quantico, VA, for 69 days from July 10, 2011 through September 16, 2011 to attend the FBI National Academy's Advanced Leadership Training. Permission is also requested for a waiver to exceed the 300-mile radius by State vehicle. **Total Cost: \$889.77**. Source of Funds: 81% Highway Funds 19% Turnpike Funds

COMMUNITY DEVELOPMENT FINANCE AUTHORITY

The Governor and Council acted as follows:

- Authorized to amend a grant agreement with the Town of Hampton, NH, (originally approved by G&C on 3-26-08, item #5), to help municipalities solve development problems, in the amount of \$500,000, by extending the completion date to June 30, 2013 from June 30, 2011. No Additional Funding. **100% Federal Funds.**
- #5 Authorized to award a grant to the Town of Northwood, NH, in the amount of \$299,000 to correct health and safety deficiencies at Tower View Cooperative manufactured housing park. Effective upon G&C approval through June 30, 2012. **100% Federal Funds.**
- Authorized to enter into an agreement with the Town of Raymond, NH, for septic system improvements, for the benefit of Lamprey River Cooperative, in the amount of \$270,000. Effective upon G&C approval through June 30, 2012. **100% Federal Funds.**
- #7 Authorized to amend an agreement with the County of Merrimack, Boscawen, NH, in the amount of \$500,000 (previously approved by G&C on 1-13-10), by extending the completion date to December 2011 from June 30, 2011. No Additional Funding. **100% Federal Funds.**
- #8 Authorized to amend a grant agreement with the Town of Charlestown, NH, in the amount of \$250,000 (previously approved by G&C on 2-9-10), by extending the completion date to June 30, 2012 from June 30, 2011. No Additional Funding. **100% Federal Funds.**

OFFICE OF THE ADJUTANT GENERAL

- #9 Authorized to confirm Major Strider Sulley, Portsmouth, NH, for promotion to the rank of Lieutenant Colonel, NH, Air National Guard.
- #10 Authorized to nominate Major William P. Lemaire, Rochester, NH, for promotion to the rank of Lieutenant Colonel, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.
- #11 Authorized to nominate Major Roy P. Hunter IV, Londonderry, NH, for promotion to the rank of Lieutenant Colonel, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

- #12 Authorized to accept and place on file the report specifying the status of all action plans, revised plans, waiver requests and recommendations submitted as per the Laws of 2010, Chapter 241:2 Travel and Fleet Operation Cost Reductions. **Informational Item.**
- Authorized the Bureau of Court Facilities to enter into a Lease Extension Agreement with Sullivan County, Newport, NH, for 16,206 sq ft of courtroom and office space for the Sullivan County Superior & Probate Court, in an amount not to exceed \$412,766.88. Effective May 1, 2011 through April 30, 2013. **100% Transfer Funds transfer from AOC, General Funds.**
- #13A Authorized the Risk Management Unit to amend a contract with Choicelinx Corporation, Manchester, NH, (originally approved by G&C on 6-13-07, item #42, in the amount of \$723,000, amended on 6-17-09, item #28, for an additional \$788,070), for the administration of the internet-based benefit enrollment and eligibility services for state employees, retirees and their eligible dependents, in an amount not to exceed \$98,509 from \$1,511,070 to \$1,609,579. Effective July 1, 2011 through September 30, 2011. 40% General, 16% Federal, 26% Enterprise, 18% Restricted Funds.
- #13B Authorized to make transfers from the Salary Adjustment Fund to the Department of Safety's permanent personnel service accounts in the amount of \$51,000 for April through June, 2011, per G&C approval April 13, 2011, item #10-B-II. (2)Further authorized to make transfers from the Benefit Adjustment Fund to the Department of Safety's benefit accounts in the amount of \$25,000 for April 1, through June 30, 2011, per G&C approval April 13, 2011, item #10B-II.

STATE TREASURY

#14 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton authorized the request to issue a warrant from funds not otherwise appropriated in the amount of \$112,226 and the State Treasurer to issue checks in the amount of \$112,225.15 to the rightful owners of abandoned or unclaimed funds.

DEPARTMENT OF CULTURAL RESOURCES

The Governor and Council acted as follows:

- Authorized with Councilor Wheeler voting **no**, the Division of Arts to award an Arts in Healthcare grant in the amount of \$3,000 to the Pontine Theatre, Portsmouth. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**
- #16 Authorized with Councilor Wheeler voting **no**, to award a one year operating grant in the amount of \$9,765 to the NH Philharmonic, Manchester. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

JOINT BOARD OF LICENSURE AND CERTIFICATION

#16A The Governor and Council on motion of Councilor Burton, seconded by Councilor Sununu authorized the request to budget and expend \$20,000 in examination fees collected from the Principles and Practices of Engineering and Land Surveying Examinations and the Fundamentals of Engineering and Land Surveying Examinations for direct expenses of these examinations. Effective upon G&C approval through June 30, 2011. 100% General Funds.

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

The Governor and Council acted as follows:

#17 Authorized to enter into a grant with the Town of Brentwood, NH, in the amount of \$12,885 for the Exeter River Water Quality Improvements at Rowell Road West. Effective upon G&C approval through April 30, 2013. **100% Other Funds – State Conservation Committee.**

#17A Authorized to enter into a grant with Green Mountain Conservation Group, Effingham, NH, for the Youth Coalition for Clean Water project to be conducted in Effingham, NH, in the amount of \$15,000. Effective upon G&C approval through April 30, 2013. 100% Other Funds – State Conservation Committee.

ATTORNEY GENERAL

The Governor and Council acted as follows:

- #18 Authorized to appoint Lisa English to an Assistant Attorney General at a salary level of \$61,000.02. Effective upon G&C approval through December 9, 2014. **100% Other Agency Income (Banking).**
- #19 Authorized to amend and accept and expend item in the amount of \$9,156 (previously approved by G&C on 12-8-10, item #127), by reallocating \$2,850 of the funds received from DHHS, Division of Public Health Services, for the purpose of funding the NH Sudden Unexplained Infant Death research pilot project. Effective upon G&C approval through June 30, 2011. **100% transfer from other agencies (origin Federal funds).**
- #20 Authorized to enter into a contract with Nonni's Italian Eatery (Nonni's-Chi, LLC), Concord, NH, for the purpose of providing refreshments and a handicapped accessible room for the annual Municipal Trustees Seminars, in an amount not to exceed \$3,200. Effective upon G&C approval through June 16, 2011. **100% Other Funds** (Fees).

DEPARTMENT OF CORRECTIONS

#21 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Sununu authorized the request to **retroactively** amend G&C item #82, approved on 9-22-10, a subgrant in the amount of \$28,470, and also amend #78, approved on 11-17-10, a subgrant in the amount of \$20,125 from the NH Department of Justice, for the implementation of the Division of Community Corrections' Second Chance Act Demonstration Project, by extending the end dates from March 31, 2011 to June 30, 2011. **100% Agency Income** (**16.5% non-profit grant, 83.5% federal at origin).**

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

- #22 Authorized the Office of Workforce Opportunity to enter into a contract with General Electric Company, Hooksett, NH, to implement employer-based training under the NH Job Training Program, in the amount of \$100,000. Effective upon G&C approval through June 30, 2012. **100% Training Fund.**
- #23 Authorized with Councilor Wheeler voting **no**, the Division of Travel and Tourism Development to enter into a contract with Rumbletree Inc., North Hampton, NH, for domestic and international advertising and promotional services in the amount of \$8,785,060. Effective July 1, 2011 through June 30, 2013, with the option to renew for one additional two year period. **100% General Funds.**
- #24 Authorized the Office of Workforce Opportunity to amend a **sole source** contract with Cindy L. Naiditch, Chichester, NH, (previously approved by G&C on 7-14-10, item #62A), for consultant services, by increasing the amount by \$25,000 from \$50,987.85 to \$75,987.85, and by extending the end date from June 30, 2011 to June 30, 2012. **33% Job Training Program, 67% Federal Workforce Investment Act Funds.**
- Authorized the Division of Parks and Recreation to enter into an agreement with Felix Septic Service Inc., Manchester, NH, for septic pumping and disposal at six state park facilities, in the amount of \$10,142.90. Effective July 1, 2011 through June 30, 2012. **99% Park, 1% General Funds.**
- #26 Authorized the Division of Forests and Lands to expend an additional \$14,420 from the State Forest Nursery Account for the purpose of extending the funding for existing temporary labor to conduct seedling cultural activities at the State Forest Nursery. Effective upon G&C approval through June 30, 2011. **100% State Forest Nursery Funds.**

- #27 Authorized to budget and expend carried forward Conservation Number Plate Trust Funds from Fiscal Year 2010 to Fiscal Year 2011 in the amount of \$9,650. Effective upon G&C approval through June 30, 2011. **100% Conservation Number Plate Trust Fund.**
- #28 Authorized to accept and place on file the report regarding season passes issued for Cannon Mountain during fiscal year 2011.
- #29 Authorized to accept and place on file the report for the transfer of funds for the Bureau of Trails for the quarter ending March 31, 2011.
- #30 Authorized to accept and place on file the report for the transfer of funds for Cannon Mountain Ski area for the quarter ending March 31, 2011.
- Authorized the Division of Travel and Tourism to enter into a contract with Yankee Publishing Inc., Dublin, NH, for production of the NH Visitors Guide and Supporting Publications, at no cost to the state. Effective upon G&C approval through June 30, 2013, with the option to renew for one two-year period.
- #31A Authorized the Office of Workforce Opportunity to **retroactively** accept and expend \$744,000 in ARRA federal funds from the US Department of Labor to be sub-granted to the NH Department of Employment Security for the purpose of providing payments to Trade Adjustment Assistance certified claimants seeking reimbursement of 65% of their qualified health insurance premium, and to defray the cost of NHUIS system enhancements specific to the tracking and reporting of Health Coverage Tax Credit activities. The US Department of Labor has Authorized additional federal funds to be used as "gap filler" payments for eligible individuals who have enrolled with the Internal Revenue Service for an advance tax credit but have not yet been processed and approved. Effective October 1, 2010 through September 30, 2012. **100% Federal ARRA Funds. Contingent upon Fiscal Committee approval on May 2, 2011.** (2)Further authorized Employment Security to **retroactively** accept and expend the \$744,000 in ARRA federal funds above. **100% Agency Income (ARRA) Funds.** (3)Further authorized DRED and NHES to enter into a **retroactive** memorandum of agreement in the total amount of \$744,000, for reimbursement of the costs incurred by NHES administering the Health Coverage Tax Credit grant.
- #31B Authorized the Bureau of Trails to amend contracts with the snowmobile clubs as detailed in letter dated April 12, 2011, (originally approved by G&C on 12-8-10, item #78, in the amount of \$1,472,603.49), for winter trail grooming and plowing, by increasing the amount by \$24,159.14 from \$1,800,489.07 to \$1,824,648.21. Effective upon G&C approval through May 1, 2011. **100% OHRV and Snowmobile Funds.**

FISH AND GAME DEPARTMENT

- #32 Authorized to enter into a contract with M.H. Beecy Appraisal Services, Manchester, NH, to conduct an appraisal to federal standards for portions of property owned by Peter Holmes in Alton, NH, in the amount of \$1,800. Effective upon G&C approval through June 30, 2011. 75% Federal, 25% Other (Wild Habitat Funds).
- Authorized to accept and expend \$47,900 from the State of NH, Department of Safety, Homeland Security Grant Funds, for the purchase of Homeland Security First Responder Equipment. Effective upon G&C approval through August 31, 2011. **100% Transfer (Homeland Security) Funds.**
- #33A Authorized to exchange the fee interest in the 9.8 acre Milton Wildlife Management Area for a conservation easement donated by the Carl Siemon Family Charitable Trust on 366+/- acres of forestland adjacent to and including the former WMA in Milton, NH. (2)Further authorized to accept a \$29,300 grant from the DES Aquatic Resources Mitigation Fund as approved by G&C on 3-16-11, item #74). (3)Further authorized to reimburse the Carl Siemon Family Charitable Trust \$15,000 for the costs of a survey of the lands to be conserved. (4)Further authorized to transfer \$12,500 to the Land Conservation Endowment Fund for easement monitoring and stewardship on behalf of NH Fish and Game Department, pursuant to an MOA approved by G&C on 6-25-08, item #16. 100% Other (Wildlife Habitat Funds).

#33B Authorized to purchase a conservation easement on 1054 acres of land on the southwest slope of Mount Kearsarge in the Towns of Sutton and Warner from the Society for the Protection of NH Forests, in the amount of \$162,000. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.** (2)Further authorized to accept \$12,000 from the Society for the Protection of NH Forests to endow easement monitoring in perpetuity. (3)Further authorized to transfer \$12,000 to the Land Conservation Endowment Fund for easement monitoring and stewardship on behalf of NH Fish and Game Department, pursuant to an MOA approved by G&C on 6-25-08, item #16). **100% Other (Wildlife Habitat Funds).**

DEPARTMENT OF ENVIRONMENTAL SERVICES

- Authorized to accept and expend \$1,826 in federal funds from the Environmental Protection Agency to cover shortfalls in salary and benefits due to a temporary upgrade. Effective upon G&C approval through June 30, 2011. 50% Federal, 50% General Funds.
- #35 Authorized to accept and expend \$30,000 in additional funds for the Laboratory Cost Center to be used to cover salary shortfalls. Effective upon G&C approval through June 30, 2011. **100% Water Analysis Fees.**
- #36 Authorized to approve a loan agreement with the City of Nashua, in the amount of \$5,000,000 to finance the Harbor Avenue Area Sewer Separation Project. Effective upon G&C approval. **100% CWSRF Repayment Funds.**
- #37 Authorized to award an ARRA Brownfields Revolving Loan Fund cleanup grant totaling \$200,000 to the Town of Bethlehem, for addressing environmental contamination. Effective upon G&C approval through September 30, 2012. **100% ARRA Federal Funds.**
- #38 Authorized loan agreements with the Town of Gorham, and the Town of Milford, in the total amount of \$1,269,690 to finance wastewater improvement projects. Effective upon G&C approval. **50.5% Repayment account, 49.5% Federal ARRA Funds.**
- #39 Authorized to enter into a Cooperative Agreement with the University of NH, Office of Sponsored Research, Durham, NH, to provide an Aquatic Resource Mitigation Fund grant in the amount of \$400,000 to conduct restoration and water quality improvements in the Berry Brook watershed to include habitat protection in Dover. Effective upon G&C approval through December 31, 2012. **100% Aquatic Resource Mitigation Funds.**
- Authorized to **retroactively** amend an agreement with Connecticut River Joint Commission, Charlestown, NH, (previously approved by G&C on 12-3-08, item #30), for the Education and Outreach for the New Connecticut River Water Resources Plan Project, by extending the completion date to May 30, 2011 from December 31, 2010. No Additional Funding. **100% Federal Funds.**
- #41 Authorized to enter into a Joint Funding Agreement with the US Geologic Survey, Pembroke, NH, in the amount of \$20,000 to complete a project to protect public drinking water systems. Effective upon G&C approval through December 31, 2011. **100% Federal Funds.**
- 442 Authorized to amend a **sole source** contract with Weston Solutions Inc., Manchester, NH (originally approved by G&C on 1-16-08, item #48, in the amount of \$589,383), to cover additional cleanup activities at the OK Tool/Savage Well Superfund Site in Milford, NH, by increasing the amount by \$415,000 from \$3,643,729 to \$4,058,729). Effective upon G&C approval through June 30, 2012. **90% Federal, 10% Capital (General) Funds.**
- Authorized to enter into **retroactive** grant agreements with the Pemi-Baker Solid Waste District, Bath, NH, and with the Town of Londonderry, NH, in the total amount of \$9,406 to fund Household Hazardous Waste collection projects. Effective July 1, 2010 through June 30, 2011. **100% Hazardous Waste Funds.**
- Authorized to award an Aquatic Resource Mitigation Fund grant to the Rockingham County Conservation District, to restore two rare aquatic resource communities which are severely impaired in Rye, in the amount of \$43,000. Effective upon G&C approval through June 30, 2013. **100% Aquatic Resource Mitigation Funds.**

- Authorized to enter into a grant agreement with the Town of Meredith, NH, in the amount of \$2,812.50 for the purpose of milfoil control activities in Meredith Bay and Hawkins Brook, Meredith, NH. Effective upon G&C approval through December 31, 2011. **100% Lake Restoration Funds.**
- #46 Authorized to enter into an agreement with the Flint Pond Improvement Association, Hollis, NH, for the purpose of milfoil control activities in Flint Pond, Hollis, NH, in the amount of \$10,675. Effective upon G&C approval through December 31, 2011. (2)Further authorized to enter into an agreement with Aquatic Control Technologies Inc., Sutton, MA, for the purpose of sampling and monitoring research as part of an herbicide treatment in Flint Pond, Hollis, NH. Effective upon G&C approval through March 31, 2012. **100% Lake Restoration Funds.**
- 447 Authorized to enter into a memorandum of agreement with the City of Manchester, NH, to fund the state share of remediation and repair of the Dorrs Pond Dam in Manchester, in n amount not to exceed \$125,000. Effective upon G&C approval through June 30, 2012. **100% Capital Funds.**
- #48 Authorized to amend an agreement with the US Army Corps of Engineers (originally approved by G&C on 9-27-06, item #55), for Phase 3 of the water quality sampling and analysis of the Upper Merrimack River for planning public water and wastewater projects. Effective upon G&C approval through June 30, 2015. No Funding.
- 449 Authorized to award a Local Source Water Protection grant to the Town of Errol, in the amount of \$9,560 to complete a project to protect public drinking water systems. Effective upon G&C approval through May 31, 2012. 100% Federal Funds.
- #50 Authorized to enter into a **sole source** contract with Dr. Peter J. Thompson, Durham, NH, for geologic mapping services, in the amount of \$4,864. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**
- Authorized to enter into an agreement with the Lakes Regional Planning Commission, Meredith, NH, to complete the Lake Winnipesaukee Watershed Management Plan: Development of a Watershed Management Plan for Center Harbor Phase I", in the amount of \$55,000. Effective upon G&C approval through December 31, 2013. **100% Federal Funds.**
- #52 Authorized to **retroactively** amend a contract with FB Environmental Associates LLC, Portland, ME, (originally approved by G&C on 6-17-09, late item A-1), by removing Object 3 Task 7 in the scope of work for the phase II coastal beach bacteria study, and by reducing the amount by \$6,000 from \$127,000 to \$121,000, and by extending the completion date to June 30, 2011 from March 31, 2011. No Additional Funding. **100% Federal Funds.**
- #53 Authorized to amend an agreement with the State of Maine Department of Marine Resources (originally approved by G&C on 7-14-10, item #64), for the purpose of providing services and deliverables in support of a 2009 National Environmental Information Exchange Network Grant for the Gulf of Maine region, by extending the end date of the agreement with December 31, 2011 from June 30, 2011. No Additional Funding. **100% Pass Thru Federal Funds.**
- #54 Authorized Sharon Weston Revocable Trust's request to perform work on property having 190 ft of shoreline frontage on the Piscataqua River in New Castle (Previously approved by G&C on 11-4-09, item #41).
- #54A Authorized to amend a contract with Windsor Solutions Inc., Lake Oswego, OR, (originally approved by G&C on 5-12-10, item #63), for the development of a data-exchange flow of Facility Data to the Exchange Network Node System, by increasing the price by \$15,018 from \$184,982 to \$200,000, thereby utilizing the previously approved contingency allowance of \$15,018, and by extending the end date to April 30, 2012 from April 30, 2011. **100% Federal Funds.**

- #54B Authorized to enter into a contract with John Turner Consulting Inc., to provide construction testing services associated with the reconstruction of the Alton Power Dam in the Town of Alton, in the amount of \$3,940. Effective upon G&C approval through June 30, 2012. **100% Dam Project Funds.**
- #54C Authorized the Town of Hanover's request to perform work on property having an average of 1,383 ft of frontage on the Connecticut River in Hanover.
- #54D Authorized to enter into an agreement with the Town of Brentwood, NH, to complete the Exeter River Geomorphic Assessment and Watershed-Based Plan: Middle Exeter River Implementation: Phase I, Rowell Road West Improvements Project, in the amount of \$49,152. Effective upon G&C approval through December 31, 2013. **100% Federal Funds.**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

Office of the Commissioner

455 Authorized with Councilor Wheeler voting **no**, the Division for Children, Youth and Families to enter into a contract with Dr. Michael F. Kalinowski, Durham, NH, to conduct a Child Care Market Rate Survey, in the amount of \$39,000. Effective July 1, 2011 through June 30, 2013 with the option to renew for two additional two-year periods. **100% Federal Funds.**

Office of Medicaid Business and Policy

Authorized to amend a **sole source** agreement with the University of NH, Institute for Health Policy and Practice, Durham, NH, (originally approved by G&C on 6-9-99, item #49), to obtain vendor services on Department projects, by increasing the price of \$180,000 from \$1,667,442 to \$1,847,442. Effective upon G&C approval through June 30, 2011. **50% General, 50% Federal Funds.**

Division for Children, Youth and Families

#57 Authorized a renewal option with Bethany Christian Services of New England, Candia, NH, (originally approved by G&C on 6-17-09, item #117), for the provision of community and faith-based recruitment and retention of foster and adoptive parents services, by increasing the price by \$100,000 from \$105,188 to \$205,188, and by extending the completion date from June 30, 2011 to June 30, 2013. **100% Federal Funds**.

Division of Family Assistance

- #58 **FAILED** The Governor and Council on motion of Councilor St. Hilaire, seconded by Councilor Burton voted to approve this item. Councilors Sununu, Wieczorek, and Wheeler voted **no.** The item **failed.** Request to enter into a contract with Southern NH Services, Manchester, NH, to provide Work Skills Work Experience services to achieve Federal Temporary Assistance to Needy Families work participation requirements for the NH Employment Program, in an amount not to exceed \$5,336,741.28. Effective upon G&C approval through June 30, 2013, with the option to renew for up to four years. **73.4% Federal, 26.6% General Funds.**
- #59 **FAILED** The Governor and Council on motion of Councilor St. Hilaire, seconded by Councilor Burton voted to approve this item. Councilors Sununu, Wieczorek, and Wheeler voted **no.** The item **failed.** Request to amend a contract with Southern NH Services Inc., Manchester, NH (originally approved by G&C on 6-13-07, item #388), to provide staffing for the NH Employment Program in the delivery of employment and training services to clients of the Financial Assistance to Needy Families program, by increasing the price by \$2,205,438 from \$4,280,615.73 to \$6,486,053.73, and by extending the end date from June 30, 2011 to June 30, 2013. **33% General. 67% Federal Funds.**

Public Health Services

460 Authorized the Bureau of Population Health and Community Services, Healthy Eating and Physical Activity Section, Special Supplemental Nutrition for Women, Infants and Children, to enter into an agreement with Karen Estey, Peterborough, NH, to perform covert compliance investigative buys on NH WIC Authorized grocery stores, in an amount not to exceed \$9,000. Effective upon G&C approval through June 30, 2013, with the option to renew for two additional two year agreements. 100% Federal Funds.

Activity Section, Senior Farmers' Market Nutrition Program, to enter into an agreement with Community Acton Program of Belknap and Merrimack Counties Inc., Concord, NH, to provide administrative oversight for the implementation of the Senior Farmers' Market Nutrition Program in NH, in an amount not to exceed \$92,116. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

Bureau of Behavioral Health

#62 Authorized to hold an organized meeting at Nonni's Italian Eatery at the Holiday Inn, Concord, NH, for a conference entitled "NH's Peer Support System: Leadership for the Future", to be held May 25, 2011, for an amount not to exceed \$4,922. (2)Further authorized to pay a total of \$4,622 for: venue accommodations and conference materials/supplies. (3)Further authorized advance payment of \$400 to secure the date and facility. Effective upon G&C approval through June 30, 2011. **100% General Funds.**

Bureau of Homeless and Housing Services

- #63 Authorized to enter into an agreement with Southwestern Community Service Inc., Keene, NH, to provide services to homeless individuals in the amount of \$110,262. Effective **retroactive** to November 1, 2010 through October 31, 2011. **100% Federal Funds.**
- #64 Authorized to enter into an agreement with Community Action Program Belknap-Merrimack Counties Inc., Concord, NH, to provide services to homeless individuals in the amount of \$66,519. Effective **retroactive** to December 1, 2010 through November 30, 2011. **100% Federal Funds.**

NEW HAMPSHIRE VETERANS HOME

The Governor and Council acted as follows:

- #65 Authorized to pay \$157,974 in overtime/holiday for permanent personnel services out of salaries for critical care vacant positions due to pending recruitment for the period of July 1, 2010 through April 4, 2011.
- #66 Authorized to **retroactively** pay Patricia Dunn, Recreation Assistant I, \$850.44 for prior year direct care stipend wages with current fiscal years funds that were not processed from December 7, 2007 through June 3, 2010. **24% General, 33% Federal, 43% Other Funds.**
- #67 Authorized to **retroactively** pay Erin Gilman, Recreation Assistant I, \$630.29 for prior year direct care stipend wages with current fiscal years funds that were not processed from November 7, 2008 through June 3, 2010. **24% General, 33% Federal, 43% Other Funds.**
- #68 Authorized to **retroactively** pay Christine Garrity, Recreation Therapy Assistant I, \$666.63 for prior year direct care stipend wages with current fiscal years funds that were not processed from January 18, 2008 through June 3, 2010. **24% General, 33% Federal, 43% Other Funds.**
- #69 Authorized to **retroactively** pay Martha Bolduc, Social Worker Consultant, \$495.19 for prior year direct care stipend wages with current fiscal years funds that were not processed from August 29, 2008 through June 3, 2010. **24% General, 33% Federal, 43% Other Funds.**
- #70 Authorized to **retroactively** pay James Mazzuchelli, Social Worker, \$441.37 for prior year direct care stipend wages with current fiscal years funds that were not processed from November 7, 2008 through June 3, 2010. **24% General, 33% Federal, 43% Other Funds.**

DEPARTMENT OF EDUCATION

- #71 NOT USED
- #72 NOT USED
- #73 NOT USED

#74 The Governor and Council on motion of Councilor Burton, seconded by Councilor Sununu, and with Councilor Wheeler voting **no**, authorized the request to grant funds in the amount of \$16,000 to the NH School Administrators Association, Concord, NH, to support the NHSAA Commissioner's June Conference and Annual Meeting being held June 26-29, 2011 at the Mountain View Grand Resort and Spa in Whitefield, NH. **100% Federal Funds**.

DEPARTMENT OF SAFETY

- #75 Authorized the Division of Motor Vehicles to enter into a contract extension with Draeger Safety Diagnostics Inc., Durango, CO, (originally approved by G&C on 7-19-06, item #159F), to continue to provide, maintain and support the statewide Breath Alcohol Ignition Interlock Program. Effective July 19, 2011 through July 18, 2013.
- #76 Authorized the Division of Motor Vehicles to enter into a contract extension with Consumer Safety Technology Inc., Des Moines, IA, (originally approved by G&C on 7-19-06, item #159E), to continue to provide, maintain, and support the statewide Breath Alcohol Ignition Interlock Progra. Effective July 19, 2011 through July 18, 2013.
- #77 Authorized with Councilor Wheeler voting **no**, the Division of State Police to exercise a renewal option and to contract with Psychotherapy Associates (originally approved by G&C on 8-19-09, item #220D), for the provision of pre-employment psychological exams of law enforcement personnel, in an amount not to exceed \$13,184, an increase from \$12,800 to \$25,984. Effective July 1, 2011 through June 30, 2013, with the option to renew for up to one two-year term with no more than a 3% increase per said term, not to exceed beyond June 30, 2015. **28% Highway**, **6% Turnpike**, **33% Transfers from other Agency (DHHS 70% General, 30% Federal**), **33% Navigation Safety Funds**.
- #78 Authorized the Division of Homeland Security and Emergency Management to enter into a contract with JPA III Management Co., Inc., d/b/a the Radisson Hotel Manchester, for the purpose of providing conference facilities and food service, and HSEM to conduct the 7th Annual Emergency Preparedness training conference on June 16, 2011, in the amount not to exceed \$21,984.60. Effective upon G&C approval through June 16, 2011. **100% Federal Funds.**
- #79 Authorized the Director of State Police to restore 55 hours and 41 minutes of sick leave to Trooper Christopher Carter, who was unable to perform his normal or routine duties for part of the day on October 8, 2010, and from October 12, 2010 through October 18, 2010, from an injury suffered in line of duty.
- #80 Authorized to enter into a **sole source** contract with Eastman Kodak Co., Rochester, NY, to provide preventative maintenance, service and repairs to equipment, for an amount not to exceed \$22,596. Effective July 1, 2011 through June 30, 2012. **100% Highway Funds.**
- #81 Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the sub-applicants as detailed in letter dated March 16, 2011, for implementation of projects identified through the evaluation of natural hazards, in the amount of \$456,070. Effective upon G&C approval through December 31, 2012. **100% Federal Funds.**
- Authorized the Division of State Police to **retroactively** amend a contract with Northeast Scale Company Inc., Auburn, NH, (previously approved by G&C on 3-4-09, item #57), for unforeseen repairs that needed to be done at the Weigh in Motion System and the Static Scale, in an amount not to exceed \$7,749, increasing the contract from \$114,005 to \$121,754. Effective September 1, 2010 through June 30, 2011. **100% Highway Funds**.
- #83 Authorized the Division of Motor Vehicles to exercise a contract with NIIT Technologies Inc., Atlanta, GA, for the purpose of providing technical applications development services in support of the maintenance and current product enhancement requirements, in an amount not to exceed \$467,420. Effective upon G&C approval through June 30, 2013. **13% Highway, 87% Federal Funds.**

#84 Authorized the permit application of the Lakeside at Winnipesaukee Homeowner's Association located on Lake Winnipesaukee in Alton, NH, for a congregate mooring field, renewal of 11 moorings.

DEPARTMENT OF TRANSPORTATION

The Governor and Council acted as follows:

- #85 Authorized to accept and place on file the Monthly Equipment Acquisition Plan status report for the period ending March 31, 2011.
- #86 Authorized the Bureau of Highway Design to amend a contract with The Louis Berger Group Inc., Manchester, NH and Morristown, NJ, (originally approved by G&C on 3-9-05, item #90, in the amount of \$14,784,272), for the final design for the Southern Section for the reconstruction and widening of I-93 from Salem to Manchester, by extending the completion date from April 29, 2011 to October 28, 2011. No Additional Funding.
- #87 Authorized the Bureau of Construction to enter into a contract with New England Signal Systems Inc., Northwood, NH, for traffic signal systems replacement on NH Route 101 at the intersection with NH Route 12 and Main Street in the City of Keene, on the basis of a low bid of \$294,402. Effective upon G&C approval through August 26, 2011. **100% Betterment Funds.**
- #88 Authorized the Bureau of Right of Way to pay various owners \$73,700.50 as documented in the Contemplated Awards List for amounts greater than \$5,000 for the period extending from March 11, 2011 through April 4, 2011. Effective upon G&C approval.
- 489 Authorized the Bureau of Planning and Community Assistance to enter into agreements totaling \$3,254,874 with the sub-recipients as detailed in letter dated March 29, 2011, to provide funding and services for projects, for improvement under the State Aid Highway Program and the Federal Secondary System Reclamation and Rehabilitation Program. Effective upon G&C approval through June 30, 2013. 12.28% Federal, 87.72% State Aid Highway Funds.

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ITEM REMOVED FROM TABLE

The Governor and Council on motion of Councilor St. Hilaire, seconded by Councilor Burton, voted to remove item #34- which was tabled at the 3-16-11 Meeting

DEPARTMENT OF ADMINISTRATIVE SERVICES

#34 The Governor and Council on motion of Councilor St. Hilaire, seconded by Councilor Wieczorek, voted to approve the request of the Bureau of Public Works Design and Construction to enter into a contract with Pellowe Construction LLC, Alton, NH, to mothball Huntress House, Concord, NH, for a total price not to exceed \$56,950. Effective upon G&C approval through 60 days from notice to proceed. **100% General Funds.**

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ITEM REMOVED FROM TABLE

The Governor and Council on motion of Councilor Sununu, seconded by Councilor St. Hilaire, and with Councilor Wheeler voting **no**, voted to remove item #2- which was tabled at the 4-13-11 Meeting

BUSINESS FINANCE AUTHORITY

#2 The Governor and Executive Council on motion of Councilor Sununu, seconded by Councilor St. Hilaire, and with Councilor Wheeler voting **no**, voted to approve the request to hold a <u>Public Hearing</u> to approve an award of a State Guarantee under RSA 162-A:13-a with respect to a loan from Enterprise Bank to Gourmetgiftbaskets.com, Inc. located in Manchester, New Hampshire. Action will Authorized a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

EXTRACT FROM THE MINUTES OF THE MEETING OF THE GOVERNOR AND COUNCIL HELD ON APRIL 27, 2011 COUNCIL CHAMBER, CONCORD, NEW HAMPSHIRE

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The Governor and Council, on motion of Councilor Sununu, seconded by Councilor St. Hilaire, with Councilor Wheeler voting **no**, voted to remove item #2 which was tabled at the April 13, 2011 meeting. The Governor announced that the next matter to be considered would be the award of a State guarantee under the Working Capital Line of Credit Guarantee Program of the Business Finance Authority in connection with a loan to be made by Enterprise Bank to Gourmetgiftbaskets.com, Inc. He said that he and the members of the Council had received written material from the Authority with respect to the proposed loans and State guarantee. Councilor Sununu introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 AWARDING A STATE GUARANTEE UNDER RSA 162-A:13 WITH RESPECT TO A LOAN FROM ENTERPRISE BANK TO GOURMETGIFTBASKETS.COM, INC." and moved its adoption, which was seconded by Councilor St. Hilaire. Those voting in favor were: The Governor, Councilor Burton, Councilor St. Hilaire, Councilor Sununu, and Councilor Wieczorek; those abstaining were Councilor (s): None; and those voting against were Councilor(s): Wheeler. The Governor declared that the resolution was passed.

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A RESOLUTION UNDER RSA 162-A:18 AWARDING A STATE GUARANTEE UNDER RSA 162-A:13-a WITH RESPECT TO A LOAN FROM ENTERPRISE BANK TO GOURMETGIFTBASKETS.COM, INC.

WHEREAS, the Governor and Council (the "Governor and Council") of the State of New Hampshire (the "State") have received from the Business Finance Authority of the State of New Hampshire (the "Authority") its written recommendation that the Governor and Council make certain findings and determinations pursuant to RSA 162-A:18 with respect to the award of a guarantee of the Authority in an amount equal to seventy-five percent (75%) of the principal amount of a loan up to \$2,000,000 from Enterprise Bank to Gourmetgiftbaskets.com, Inc. pursuant to RSA 162-A:13-a (the Working Capital Loan Guarantee Program or the "WAG Program");

WHEREAS, the proposed guarantee would require the pledge of the full faith and credit of the Authority in an amount not to exceed seventy-five percent (75%) of the proposed financing;

WHEREAS, pursuant to the provisions of RSA Chapter 162-A, the Governor and Council is authorized to approve the recommendation of the Authority and to award the recommended guarantee upon the making of specific findings after public hearing;

WHEREAS, the Governor and Council have received all the documentation and information with respect to the proposed award of the Authority's guarantee which they have requested; and

WHEREAS, further action by the Authority with respect to the proposed transaction is subject to the passage of this resolution and cannot be taken until after its passage;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. <u>Findings and Determinations.</u> On the basis of the documentation and information received by the Governor and Council, and after a public hearing, the Governor and Council find:

(a) Special Findings.

- (i) The award of the guarantee as proposed will contribute significantly to the success of the financing.
- (ii) Reasonable and appropriate measures have been taken to minimize the risk of loss to the Authority and to ensure that any private benefit from the award of the guarantee will be only incidental to the public purpose served thereby.

(b) General Findings.

- (i) The award of the guarantee as proposed will serve a public use and provide a public benefit.
- (ii) The award of the guarantee as proposed is within the policy of, and the authority conferred by RSA Chapter 162-A.
- (iii) The award of the guarantee as proposed will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens.
- (iv) The award of the guarantee as proposed will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.
- 2. <u>Approval.</u> The Governor and Council approve the Authority's taking such further action under the Act with respect to the award of the guarantee as may be required and authorize the Authority to take such further action with respect to such proposed execution as is necessary and appropriate to carry out the proposed transaction.
 - 3. Effective Date. This resolution shall take effect upon its passage.

Passed and Agreed to April 27, 2011.

ITEM REMOVED FROM TABLE

The Governor and Council on motion of Councilor Sununu, seconded by Councilor Burton, and with Councilor Wheeler voting **no**, voted to remove item #3- which was tabled at the 4-13-11 Meeting

BUSINESS FINANCE AUTHORITY

#3 The Governor and Executive Council on motion of Councilor Sununu, seconded by Councilor St. Hilaire, and with Councilor Wheeler voting **no**, voted to **table** the request to hold a <u>Public Hearing</u> to approve an award of a State Guarantee under RSA 162-A:13 with respect to a loan from Profile Bank to Country Tire & Service Center, LLC located in Rochester, New Hampshire. Action will Authorized a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

EXTRACT FROM THE MINUTES OF THE MEETING OF THE GOVERNOR AND COUNCIL HELD ON APRIL 27, 2011 COUNCIL CHAMBER, CONCORD, NEW HAMPSHIRE

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The Governor and Council, on motion of Councilor Sununu, seconded by Councilor Burton, with Councilor Wheeler voting **no**, voted to remove item #3 which was tabled at the April 13, 2011 meeting. The Governor announced that the next matter to be considered would be the award of a State guarantee under the Guaranteed Asset Program of the Business Finance Authority in connection with a loan to be made by Profile bank to Country Tire & Service Center, LLC. He said that he and the members of the Council had received written material from the Authority with respect to the proposed loans and State guarantee. Councilor Sununu introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 AWARDING A STATE GUARANTEE UNDER RSA 162-A:13 WITH RESPECT TO A LOAN FROM PROFILE BANK TO COUNTRY TIRE & SERVICE CENTER, LLC" and moved its adoption, which was seconded by Councilor St. Hilaire. Those voting in favor were: The Governor, Councilor Burton, Councilor St. Hilaire, Councilor Sununu, and Councilor Wieczorek; those abstaining were Councilor (s): None; and those voting against were Councilor(s): Wheeler. The Governor declared that the resolution was passed.

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A RESOLUTION UNDER RSA 162-A:18 AWARDING A STATE GUARANTEE UNDER RSA 162-A:13 WITH RESPECT TO A LOAN FROM PROFILE BANK TO COUNTRY TIRE & SERVICE CENTER, LLC.

WHEREAS, the Governor and Council (the "Governor and Council") of the State of New Hampshire (the "State") have received from the Business Finance Authority of the State of New Hampshire (the "Authority") its written recommendation that the Governor and Council make certain findings and determinations pursuant to RSA 162-A:18 with respect to the award of a guarantee of the Authority in an amount equal to seventy-five percent (75%) of the principal amount of a loan up to \$200,000 from Profile Bank to Country Tire & Service Center, LLC., pursuant to RSA 162-A:13 (the Guaranteed Asset Program or the "GAP Program");

WHEREAS, the proposed guarantee would require the pledge of the full faith and credit of the Authority in an amount not to exceed seventy-five percent (75%) of the proposed financing;

WHEREAS, pursuant to the provisions of RSA Chapter 162-A, the Governor and Council is authorized to approve the recommendation of the Authority and to award the recommended guarantee upon the making of specific findings after public hearing;

WHEREAS, the Governor and Council have received all the documentation and information with respect to the proposed award of the Authority's guarantee which they have requested; and

WHEREAS, further action by the Authority with respect to the proposed transaction is subject to the passage of this resolution and cannot be taken until after its passage;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. <u>Findings and Determinations.</u> On the basis of the documentation and information received by the Governor and Council, and after a public hearing, the Governor and Council find:

(a) Special Findings.

- (i) The award of the guarantee as proposed will contribute significantly to the success of the financing.
- (ii) Reasonable and appropriate measures have been taken to minimize the risk of loss to the Authority and insure that any private benefit from the award of the guarantee will be only incidental to the public purpose served thereby.

(b) General Findings.

- (i) The award of the guarantee as proposed will serve a public use and provide a public benefit.
- (ii) The award of the guarantee as proposed is within the policy of, and the authority conferred by RSA Chapter 162-A.
- (iii) The award of the guarantee as proposed will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens.
- (iv) The award of the guarantee as proposed will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.
- 2. <u>Approval.</u> The Governor and Council approve the Authority's taking such further action under the Act with respect to the award of the guarantee as may be required and authorize the Authority to take such further action with respect to such proposed execution as is necessary and appropriate to carry out the proposed transaction.
 - 3. Effective Date. This resolution shall take effect upon its passage.

Passed and Agreed to April 27, 2011.

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Next regular Governor and Executive Council meeting is scheduled for Wednesday, May 11, 2011, at the State House, Concord, NH.

The Honorable Board then Adjourned at 12:00 p.m.