

GOVERNOR AND EXECUTIVE COUNCIL MINUTES
State House, Concord, New Hampshire
February 16, 2011, 10:00 a.m.

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

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Councilor Sununu offered the prayer and the Pledge of Allegiance was led by the Hooksett Memorial 3rd, 4th and 5th graders.

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The Governor and Executive Council on motion of Councilor Wheeler, seconded by Councilor Burton, accepted the minutes of February 1, 2011.

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The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor St. Hilaire, accepted the minutes of February 2, 2011.

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The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Wieczorek approved the appointment of several persons nominated for Civil Commissions from the February 2, 2011 meeting.

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

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The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor St. Hilaire, voted that Councilor Wheeler become the permanent chaplain for the Executive Council.

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RESIGNATIONS

The Governor and Council accepted the following resignation:

Director of the Division of Fire Standards and Training and Emergency Medical Services

Richard A. Mason, Portsmouth

Effective: February 16, 2011

CONFIRMATION TABLED

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

Board of Mental Health Practice

Karen Peterson Griswold, Bedford
Reappointment

Effective: February 17, 2011
Term: February 17, 2014

CONFIRMATIONS

The Governor and Council confirmed the following:

Board of Accountancy

(Certified Public Accountant)

Thomas W. Musgrave, Bedford
Succeeding: Deborah B. Butler, Concord (resigned)

Effective: February 16, 2011
Term: December 2, 2015

Board of Barbering, Cosmetology and Esthetics

(Owner of registered tanning facility)

Christine M. Infantine, Manchester
Succeeding: Kay Hoyt, Northwood (resigned)

Effective: February 16, 2011
Term: February 9, 2015

Board of Barbering, Cosmetology and Esthetics

(Cosmetology School Owner)

Gary Trottier, Claremont
Reappointment

Effective: March 26, 2011
Term: March 26, 2016

Business Finance Authority
Pamela Diamantis, Greenland
Reappointment

Effective: February 16, 2011
Term: November 3, 2013

Board of Chiropractic Examiners
John H. Merrick, Manchester
Succeeding: W. Kenneth Parrish, Gilford (resigned)

Effective: February 16, 2011
Term: August 24, 2012

Department of Corrections, Acting Non-Medical Director, Division of Medical and Psychiatric Services
Nominated by the Commissioner of the Department of Corrections
Helen Hanks, Lochmere
Succeeding: Robert MacLeod, Concord (resigned)

Effective: February 16, 2011
Term: Serves at Comm. pleasure

Fire Standards and Training Commission
(Fire Instructors and Officers Association of New Hampshire)
Nominated by the Fire Instructors and Officers Association of New Hampshire
Stephen M. Carrier, Gilford
Reappointment

Effective: February 16, 2011
Term: February 15, 2014

Board of Foresters
(Director of the Division of Forest and Lands)
Brad W. Simpkins, Hillsborough
Vacancy

Effective: February 16, 2011
Term: August 22, 2011

Board of Hearing Care Providers
(Audiologist)
Mary Louise Brozena, Portsmouth
Succeeding: Dwight R. Valdez, Amherst

Effective: February 16, 2011
Term: April 23, 2012

Board of Hearing Care Providers
(Hearing Aid Dealer)
Cheryl Kenney, Campton
Succeeding: Herbert Hodgdon II, Epsom

Effective: February 16, 2011
Term: April 23, 2012

McAuliffe-Shepard Discovery Center
(Education)
Kristina A. Lynch, Hanover
Succeeding: Richard Ashooh, Bedford (resigned)

Effective: February 16, 2011
Term: September 19, 2013

Medical Review Subcommittee
(Public Member)
Nominated by the Board of Medicine
Christine C. Fales, Goffstown
Succeeding: Debra Stohrer (resigned)

Effective: February 16, 2011
Term: June 27, 2011

Medical Review Subcommittee
Nominated by the Board of Medicine
Ira Schwartz, New Castle
Succeeding: Bruce Friedman, Etna

Effective: February 16, 2011
Term: January 1, 2014

Midwifery Council
(Midwife)
Kathryn Cranford, Laconia
Succeeding: Carol Leonard, Hopkinton (resigned)

Effective: February 16, 2011
Term: November 10, 2013

Motor Vehicle Industry Board

Lindsey Boyd-Robertson, Exeter
Succeeding: Walter F. McCarthy, Manchester (resigned)

Effective: February 16, 2011
Term: January 9, 2012

Mount Washington Commission

(State Representative Member)
Karen C. Umberger, Kearsarge
Succeeding: Martha McLeod, Franconia (resigned)

Effective: February 16, 2011
Term: January 24, 2012

Oil Fund Disbursement Board

(Public Member)
Ronald R. Poirier, Manchester
Reappointment

Effective: February 16, 2011
Term: January 1, 2014

Physical Therapy Governing Board

Nicole Lavoie, Nashua
Succeeding: Greg Woodsum, Weare

Effective: February 16, 2011
Term: January 8, 2014

Public Water Access Advisory Board

(Lakes Association)
Joseph Goodnough, Newbury
Reappointment

Effective: February 16, 2011
Term: October 27, 2013

Real Estate Appraisers Board

(Certified Residential Appraiser)
Kevin Fritschy, Londonderry
Succeeding: Kristen Eldridge, Meredith (resigned)

Effective: February 16, 2011
Term: August 12, 2013

Retirement System Board of Trustees

Nominated by the State Employees Association
Mary Kathleen McGovern, Penacook
Succeeding: Charles Koontz, Hopkinton (resigned)

Effective: February 16, 2011
Term: July 1, 2012

Department of Safety, Commissioner – Councilor Wheeler voted **no**.

John J. Barthelmes, Hopkinton
Reappointment
Salary: Grade LL \$116,170

Effective: March 31, 2011
Term: March 31, 2015

Department of Safety, Assistant Commissioner – Councilor Wieczorek and Councilor Wheeler voted **no**.

Nominated by the Commissioner of the Department of Safety
Earl Sweeney, Belmont
Reappointment
Salary: Grade JJ, Step 5 \$110,036

Effective: March 31, 2011
Term: March 31, 2015

Rivers Management Advisory Committee

(Representative of Business and Industry Association)
Allan G. Palmer, Manchester
Reappointment

Effective: February 16, 2011
Term: September 28, 2013

Speech-Language Pathology Governing Board

(Licensed SPL, Educational Setting)
Maureen W. Heckman, Weare
Succeeding: Carol Ann McGurk, Nashua

Effective: March 4, 2011
Term: March 4, 2014

Telecommunications Planning and Development Advisory Commission

(Residential Telecom User)

Theodore R. Jastrzembski, Hanover
Reappointment

Effective: February 16, 2011
Term: October 18, 2013

Telecommunications Planning and Development Advisory Commission

(Small Business Telecom User)

Elizabeth H. Merry, Sanbornton
Succeeding: Tom Daly, Nashua

Effective: February 16, 2011
Term: October 18, 2013

Traffic Safety Commission

Fran L'Heureux, Merrimack
Succeeding: William Simmons, Merrimack

Effective: February 16, 2011
Term: September 10, 2015

Water Council

(Recreational Interests)

Edward H. Hoyt, Center Ossipee
Succeeding: Ray S. Cowan, Loudon (resigned)

Effective: February 16, 2011
Term: December 16, 2014

NOMINATIONS

The Governor placed into nomination the following:

Division for Children, Youth, and Families Advisory Board

(Merrimack County)

Debra M. Coe, Concord
Reappointment

Effective: Upon Confirmation
Term: July 1, 2013

Community College System of New Hampshire Board of Trustees

(Law Enforcement)

Nicholas J. Halias, Pembroke
Reappointment

Effective: Upon Confirmation
Term: June 30, 2015 (Per RSA 188-F)

Community College System of New Hampshire Board of Trustees

(Business/ Industry)

Paul J. Holloway, Rye
Reappointment

Effective: Upon Confirmation
Term: June 30, 2014 (Per RSA 188-F)

Community College System of New Hampshire Board of Trustees

(Business/ Industry)

Ronald J. Rioux, Exeter
Reappointment

Effective: Upon Confirmation
Term: June 30, 2015 (Per RSA 188-F)

Community College System of New Hampshire Board of Trustees

(Public Member)

Connie M. Roy-Czyzowski, Bedford
Reappointment

Effective: Upon Confirmation
Term: June 30, 2015 (Per RSA 188-F)

Community College System of New Hampshire Board of Trustees

(Labor)

Kim M. Trisciani, Manchester
Reappointment

Effective: Upon Confirmation
Term: June 30, 2015 (Per RSA 188-F)

Compensation Appeals Board

(Labor)

Anne C. Eaton, Concord
Reappointment

Effective: Upon Confirmation
Term: February 13, 2014

Compensation Appeals Board

(Employer/ Insurer)

Dennis Teravainen, Hooksett

Reappointment

Effective: Upon Confirmation

Term: February 13, 2014

Board of Licensure of Interpreters for the Deaf and Hard of Hearing

(Recommended by N.H. Registry of Interpreters for the Deaf)

Luce Aubry, Portsmouth

Succeeding: Karen Phillips, Londonderry (resigned)

Effective: Upon Confirmation

Term: October 10, 2013

Board of Licensed Dietitians

Audrey L. Kanik, New Boston

Succeeding: Marilyn Mills, Manchester

Effective: Upon Confirmation

Term: December 6, 2013

Board of Home Inspectors

Robert J. Gray, Derry

Reappointment

Effective: Upon Confirmation

Term: December 18, 2015

Joint Promotional Program Screening Committee

(Chambers of Commerce)

Timothy G. Sink, Concord

Reappointment

Effective: Upon Confirmation

Term: July 13, 2013

Judicial Council

(Attorney)

Philip H. Utter, Exeter

Reappointment

Effective: Upon Confirmation

Term: October 18, 2013

Liquor Commission: Commissioner

Michael R. Milligan, Merrimack

Succeeding: Earl Sweeney, Belmont (Acting Commissioner)

Salary: Grade GG, Step 4, \$86,131

Effective: Upon Confirmation

Term: July 1, 2015

Medical Review Subcommittee

Nominated by the Board of Medicine

Teresa Ponn, Manchester

Reappointment

Effective: Upon Confirmation

Term: January 1, 2014

Board of Medicine

Amy Feitelson, Rye

Reappointment

Effective: April 21, 2011

Term: April 21, 2016

NH Motor Vehicle Industry Board

Lloyd H. Freese, Manchester

Reappointment

Effective: Upon Confirmation

Term: January 9, 2015

#1 **CONSENT CALENDAR - DONATIONS:**

NEW HAMPSHIRE EMPLOYMENT SECURITY

- A. Authorized to accept a donation from the US Census Bureau in the form of payment for travel-related expenses for an NHES employee to attend the annual Local Employment Dynamics Partnership Workshop in Arlington, VA, with an estimated value of \$1,950.

DEPARTMENT OF CORRECTIONS

- B. Authorized to accept donations from Child and Family Services of NH, Manchester, NH, for renovations to the Family Connection Center in Concord in the amount of \$10,000 and deposit the same into the Inmate Recreation Fund.

NEW HAMPSHIRE HOSPITAL

- C. Authorized to accept donations from October 1, 2010 through December 30, 2010 from contributors in the amount of \$2,444.92 and deposit same into the NH Hospital Resident Benefit Fund.
- D. Authorized to accept nonmonetary donations with a value of \$622, received during the period of October 1, 2010 through December 30, 2010.

#2 **CONSENT CALENDAR – TUITION REQUEST:** - Councilor Wheeler voted **no**.

- A. **HEALTH & HUMAN SERVICES - Public Health Services-** Request permission to pay Emory University, Atlanta, GA, the sum of \$500.00 for the sole purpose of enrolling Christin H. D’Ovidio, Program Specialist III, in the course entitled “Fundamentals of Evaluation”.

OFFICE OF ENERGY AND PLANNING

#3 The Governor and Council on motion of Councilor Burton, seconded by Councilor St. Hilaire, and with Councilor Wheeler voting **no**, authorized the request to conduct a one day conference on Saturday, June 11, 2011, at the Radisson Hotel Manchester, Manchester, NH, to provide training to local land use board members, for a total cost not to exceed \$28,750. (2)Further authorized to accept registration and exhibitor fees, in an amount not to exceed \$28,750, along with estimated financial support from the Department of Transportation of \$750 to offset the cost of the conference. (3)Further authorized to enter into an agreement with JPA III Management Company Inc., d/b/a Radisson Hotel Manchester, Manchester, NH, to provide facility rental, audio/visual equipment, refreshments, and meals, at a total cost not to exceed \$25,954. (4)Further authorized to make an advance payment in the amount of \$500. Effective upon G&C approval through June 11, 2011. **100% Other Funds (Registration/Exhibitor Fees).**

JUDICIAL COUNCIL

#4 The Governor and Council on motion of Councilor Burton, seconded by Councilor St. Hilaire and with Councilor Wheeler voting **no**, authorized the request to receive additional General Funds from funds not otherwise appropriated in the amount of \$275,000. Effective upon G&C approval through June 30, 2011. **100% General Funds. Contingent upon Fiscal Committee approval on February 18, 2011.**

OFFICE OF THE ADJUTANT GENERAL

The Governor and Council acted as follows:

#5 Authorized Michael J. Pelletier, Goffstown, NH, be nominated 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.

#6 Authorized Shawn M. O’Brien, Fremont, NH, be nominated for promotion to the rank of Colonel, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

#7 Authorized Lezli G. Clark, Pembroke, NH, be nominated for promotion to the rank of Major, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

#8 Authorized Jared P. Boucher, Lebanon, ME, be nominated for promotion to the rank of Major, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

#9 Authorized Jeanne B. Jones, Laconia, NH, be nominated for promotion to the rank of Colonel, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

#10 Authorized to amend a memorandum of agreement with the Fish and Game Department (previously approved by G&C on 1-14-09, item #6), to perform Habitat Management and Monitoring, by extending the completion date from March 31, 2011 to September 30, 2011.

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

#11 Authorized a Working Capital Warrant in the amount of \$500,000,000 to cover expenditures for the month of March.

#12 Authorized to accept and place on file the Report and Findings of Councilor Daniel St. Hilaire with regard to the financing of certain capital improvements, the purchase of certain capital equipment and the refinancing of certain existing indebtedness in connection with Concord Hospital, Concord, NH.

#13 Authorized the Bureau of Public Works Design and Construction to enter into a contract with Gerard A. Laflamme Inc., Londonderry, NH, for energy conservation upgrades at the NH Supreme Court and John O. Morton Buildings, Concord, NH, for a total price not to exceed \$97,700. Effective upon G&C approval through August 31, 2011. **100% Capital – General Funds.**

#14 Authorized the Bureau of Public Works Design and Construction to enter into a contract with Hutter Construction, Corp., New Ipswich, NH, for ARRA – Glencliff Wood Chip Facility and Hydrowheel Upgrades, Benton, NH, as part of the US Department of Energy, ARRA Grant, for a total price not to exceed \$3,851,994. (2)Further authorized a contingency in the amount of \$80,000, bringing the total to \$3,931,994. Effective upon G&C approval through January 30, 2012. **94% ARRA – Federal, 6% Capital/General Funds.**

STATE TREASURY

#15 The Governor and Council on motion of Councilor Burton, seconded by Councilor Wheeler authorized the request to issue a warrant from funds not otherwise appropriated in the amount of \$101,236 and the State Treasurer to issue checks in the amount of \$101,235.94 to the rightful owners of abandoned or unclaimed funds.

DEPARTMENT OF CULTURAL RESOURCES

#16 **TABLED** - The Governor and Council on motion of Councilor Sununu, seconded by Councilor Wheeler voted to **table** the request of the Division of the Arts to enter into a service agreement with the artists as detailed in letter dated December 23, 2010, to create and acquire various works of art for the Merrimack Courthouse Project, in an amount not to exceed \$8,050. Effective upon G&C approval through June 30, 2011. **100% Percent for the Arts Funds.**

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

The Governor and Council acted as follows:

#17 Authorized to enter into a grant agreement with the Cheshire County Conservation District to conduct a food safety education program for farmers, in the amount of \$11,213.95. Effective upon G&C approval through May 1, 2011. **100% Federal Funds.**

#17A Authorized to enter into a grant agreement with the Coos County Conservation District to conduct an equipment sharing program for high tunnel growers, in the amount of \$8,950. Effective upon G&C approval through December 31, 2011. **100% Federal Funds.**

#17B Authorized to enter into a grant agreement with the International Institute of NH, to conduct an educational program to encourage the consumption of specialty crops by low income residents, in the amount of \$23,312. Effective upon G&C approval through December 31, 2011. **100% Federal Funds.**

#17C Authorized to enter into a grant agreement with the NH Institute of Agriculture & Forestry, to conduct an equipment sharing program for small farms, in the amount of \$26,575. Effective upon G&C approval through December 31, 2012. **100% Federal Funds.**

#17D Authorized to enter into a grant agreement with the University of NH, to conduct an educational program for NH bedding plant growers, in the amount of \$22,420. Effective upon G&C approval through June 1, 2013. **100% Federal Funds.**

#17E Authorized to enter into an agreement with the University of NH, to conduct a research and education program on greenhouse production for winter vegetables, in the amount of \$72,824. Effective upon G&C approval through June 1, 2013. **100% Federal Funds.**

ATTORNEY GENERAL

The Governor and Council acted as follows:

#18 Authorized to conduct a daylong pre-conference training for multidisciplinary sexual assault resource teams scheduled for June 8, 2011 and entitled "Second Statewide SART Training" and a two-day advanced conference scheduled for June 9-10, 2011, entitled the Seventeenth Statewide Conference on Domestic and Sexual Violence and Stalking, at the Radisson Hotel Manchester, at a cost not to exceed \$64,086. **46% Agency Income, 54% Federal Funds.** (2)Further authorized to accept and expend registration fees, in the amount not to exceed \$29,250, to help defray the cost of the conference and facility expenses. Effective upon G&C approval through June 30, 2011. **100% Agency Income.**

#19 Authorized to enter into an agreement with Kevin Becker, Concord, NH, to develop a training curriculum and assist in establishing a Network of Trauma Informed Mental Health Clinicians (Network) to provide psychological trauma services to family members of homicide victims (co-victims) and other trauma victims, in an amount not to exceed \$10,000. Effective upon G&C approval through December 31, 2011. **100% Federal Funds.**

NEW HAMPSHIRE EMPLOYMENT SECURITY

#20 The Governor and Council on motion of Councilor Burton, seconded by Councilor St. Hilaire authorized the request to amend a lease agreement with Littleton Area Learning Center LLC., Littleton, NH, (previously approved by G&C on 3-8-06, item #25A), for rental of 6,510 square feet of office space for an additional two months, at a total cost of \$13,020. Effective March 1, 2011 through April 30, 2011. **100% Federal Funds.**

DEPARTMENT OF CORRECTIONS

The Governor and Council acted as follows:

#21 Authorized to make a one-time **retroactive** payment of salary and benefits to Dental Assistant, Sheena Damboise, in the amount of \$506.93, for the period of October 9, 2009 through February 25, 2010, with current State Fiscal year funds. **100% General Funds.**

#22 Authorized to enter into a lease agreement with the Strafford County Commissioners, Dover, NH, for the purpose of probation/parole space, in an amount not to exceed \$158,760. Effective April 1, 2011 through March 31, 2016. **100% General Funds.**

#23 Authorized to enter into a contract with Maxim Healthcare Services Inc., d/b/a Maxim Staffing Solutions, Newton, MA, for the provision of Temporary Nursing Services for the NH Department of Corrections, in the amount of \$42,524. Effective upon G&C approval through June 30, 2012. **100% General Funds.**

PUBLIC UTILITIES COMMISSION

#24 The Governor and Council on motion of Councilor Wiczorek, seconded by Councilor Wheeler authorized the request to accept and expend public utility companies assessment fees to cover a budget shortfall for increased Indirect Costs in the amount of \$81,647. Effective upon G&C approval through June 30, 2011. **100% Utilities Assessment Funds. Contingent upon Fiscal Committee approval on February 18, 2011.**

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Council acted as follows:

#25 Authorized to transfer funds for the Bureau of Trails for the quarter ending December 31, 2010.

#26 Authorized the Division of Travel and Tourism Development to award a grant to the Northern Community Investment Corporation, Lancaster, NH, for the out-of-state marketing project under the Joint Promotional Program, in the amount of \$10,000. Effective upon G&C approval through June 30, 2011. **100% General Funds.**

#27 Authorized the Division of Forests and Lands to exchange, at no cost to the State, the 19-acre state property known as "Craney Hill State Forest", in the Town of Henniker, for a 48.5-acre parcel of land known as the "Millken Lot" abutting Annett State Forest, in the Town of Rindge. (2)Further authorized to accept title by Warranty Deed, at no cost to the State, from Robert L. Tisdale and Sandra E. Tisdale to a 48.5-acre parcel of land known as the "Millken Lot", abutting Annett State Forest, in the Town of Rindge. This item is approved subject to the land remaining open to hunting, fishing and snowmobiles.

#28 Authorized the Division of Forests and Lands to grant a Utilities Easement to Unutil of NH, at Hampton Beach State Park in the town of Hampton. (2)Further authorized to accept \$1,100 of administrative fees, and deposit it into "the Forest Improvement Account". No State Funding.

#29 Authorized the Office of Workforce Opportunity to enter into a **sole source** memorandum of understanding with the Community College System of NH, to support CCSNH in securing federal funds available to expand the capacity of the CCSNH to offer specific education and training options for dislocated workers, and others, in the amount of \$7,000. Effective upon G&C approval through April 28, 2011. **100% Federal Funds.**

#29A Authorized the Division of Parks and Recreation to renew a contract with Cale Parking Systems USA Inc., Tampa, FL, (previously approved by G&C on 6-4-09, late item A), for the purchase, installation and technical support of 8 additional wireless pay stations for Hampton Beach State Park and 3 additional wireless pay stations at North Hampton Beach State Park, in the amount of \$227,430.15. Effective upon G&C approval through June 30, 2012. **100% Hampton Capital Improvement Funds.**

#29B Authorized the Division of Parks and Recreation to enter into a **retroactive** lease agreement with FNX Broadcasting of NH LLC d/b/a WFEX-FM, Lynn, MA, to continue use at the NH State Police Communication Building at the summit of Pack Monadnock Mountain, Miller State Park in Peterborough, for a total amount of \$10,200 for the first year, and a 3% increase annually thereafter. Effective February 1, 2011 through the next five years, with the option to renew for up to three additional five-year period.

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

#30 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Wheeler authorized the request to enter into a **sole source** contract with Franklin Pierce University, for the purpose of conducting winter hibernacula surveys for endangered and special concern bats in NH for a total of \$6,667.50. Effective upon G&C approval through June 30, 2011. **95% Federal, 5% Conservation License Plate Funds.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council acted as follows:

#31 Authorized to **retroactively** amend an existing agreement with the Strafford Regional Planning Commission, Dover, NH, (previously approved by G&C on 9-9-09, item #57), to provide technical planning assistance to member coastal communities, by extending the completion date to December 31, 2011 from December 31, 2010. No Additional Funding. **100% Federal Funds.**

#32 Authorized to **retroactively** amend an agreement with the University System of NH – Plymouth State University, Plymouth, NH, (previously approved by G&C on 7-15-09, item #60), for the Enhancing North Country Volunteer Monitoring Programs project, by extending the completion date to June 30, 2011 from December 31, 2010. No Additional Funding. **100% Federal Funds.**

- #33 Authorized to enter into an agreement with Aquatic Control Technology Inc., Sutton, MA, for the purpose of milfoil control activities in Willand Pond, Dover, and in Post Pond, Lyme, in the amount of \$19,985. Effective upon G&C approval through December 31, 2011. **100% Lakes Restoration Funds.**
- #34 Authorized to enter into an agreement with the City of Nashua, NH, to support the replacement of nine diesel refuse hauler trucks with nine functionally equivalent compressed natural gas-powered trucks, in an amount not to exceed \$410,894. Effective upon G&C approval through December 31, 2012. **68% Federal, 32% AEP Settlement Funds.**
- #35 Authorized to enter into a grant agreement with the Glendale Cove Association Inc., Glendale, NH, for the purpose of milfoil control activities in portions of Smith Cove, Lake Winnepesaukee, Glendale, NH, in the amount of \$7,200. Effective upon G&C approval through December 31, 2011. **100% Lake Restoration Funds.**
- #36 Authorized to enter into a grant agreement with the Rocky Pond Lake Association, Gilmanton, NH, for the purpose of milfoil control activities in Rocky Pond, Gilmanton, NH, in the amount of \$4,000. Effective upon G&C approval through December 31, 2011. **100% Lake Restoration Funds.**
- #37 Authorized to enter into a grant agreement with the Town of Freedom, NH, for the purpose of milfoil control activities in portions of Danforth Ponds, Freedom, NH, in the amount of \$2,835. Effective upon G&C approval through December 31, 2011. **100% Lake Restoration Funds.**
- #38 Authorized to enter into a grant agreement with the Town of Wolfeboro, NH, for the purpose of milfoil control activities in portions of Front and Back Bays of Lake Winnepesaukee, Wolfeboro, NH, in the amount of \$5,100. Effective upon G&C approval through December 31, 2011. **100% Lake Restoration Funds.**
- #39 Authorized to enter into a grant agreement with the Town of Alton, NH, for the purpose of milfoil control activities in portions of Alton Bay and the Merrymeeting River, Alton, NH, in the amount of \$3,555. Effective upon G&C approval through December 31, 2011. **100% Lake Restoration Funds.**
- #40 Authorized to enter into a grant agreement with the Town of Brookline, NH, for the purpose of milfoil control activities in Lake Potanipo, Brookline, NH, in the amount of \$3,202.50. Effective upon G&C approval through December 31, 2011. **100% Lake Restoration Funds.**
- #41 Authorized to enter into a grant agreement with the Town of Francestown, NH, for the purpose of milfoil control activities in Scobie Pond, Francestown, NH, in the amount of \$5,096. Effective upon G&C approval through December 31, 2011. **100% Lake Restoration Funds.**
- #42 Authorized to award an Aquatic Resource Mitigation Fund grant to the Town of Belmont in the amount of \$30,000 to complete wetland enhancement work at the Tioga River Wildlife and Conservation Area. Effective upon G&C approval through June 30, 2012. **100% ARM Funds.**
- #43 Authorized a Supplemental Loan Agreement with the City of Somersworth, by lowering the Original Loan Agreement by, \$1,305,378.19 from \$1,836,616 to \$531,237.81, which finalizes the loan amount used to finance the Sewerage Improvements Program (Phase II). Effective upon G&C approval. **100% CW SRF Repayment Funds.**
- #44 Authorized a loan agreement with the Swain's Lake Village Water District in the amount of \$250,000 to finance the development of an alternative groundwater supply. Effective upon G&C approval. **79% Federal, 21% Capital (General) Funds.**
- #45 Authorized to award a Local Source Water Protection grant to the Town of Belmont, NH, in the amount of \$10,000 to complete a project to protect public drinking water systems. Effective upon G&C approval through May 31, 2012. **100% Federal Funds.**
- #46 Authorized to award a Local Source Water Protection grant to the City of Claremont, NH, in the amount of \$8,700 to complete a project to protect public drinking water systems. Effective upon G&C approval through May 31, 2012. **100% Federal Funds.**

#47 Authorized to award a Local Source Water Protection grant to the Tamworth Pines Cooperative Inc., Tamworth, NH, in the amount of \$7,775 to complete a project to protect public drinking water systems. Effective upon G&C approval through May 31, 2012. **100% Federal Funds.**

#48 Authorized to enter into a **sole source** memorandum of agreement with the US Geological Survey, Pembroke, NH, to assess remediation progress at the OK Tool/Savage Well Superfund Site in Milford NH, in the amount of \$50,000. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

#49 Authorized to enter into an agreement with Pier People LLC, d/b/a Wentworth by the Sea Marina, New Castle, NH, to pay for operation and maintenance costs for the Clean Vessel Act boat sewage pumpout station, in the amount of \$1,500. Effective upon G&C approval through January 31, 2012. **100% Federal Funds.**

#50 Authorized to enter into a Grant Agreement with Isaacson Structural Steel Inc., Berlin, NH, to support the purchase and installation of replacement engines in three pieces of material handling equipment, in an amount not to exceed \$31,000. Effective upon G&C approval through June 30, 2011. **100% ARRA Federal Funds.**

#51 Authorized Donald Bates's request to remove breakwater to create a gap at the shore on a docking system consisting of an L-shaped breakwater with two piers connected by a cantilevered walkway along the breakwater and a finger pier in a "W-shaped" configuration, on frontage on Lake Winnepesaukee in Alton.

#52 Authorized Town of Bristol's request to amend a permit to construct a seasonal dock with two seasonal finger docks in an "F" shaped configuration on Newfound Lake in Bristol, (previously approved by G&C on 3-26-08, item #103).

#53 Authorized Wendell T. Smith III's request to install a concrete pad to anchor a seasonal dock to be connected to an existing seasonal dock by a walkway, on frontage on Little Bear Island on Lake Winnepesaukee in Tuftonboro.

#54 Authorized Hilltop Partnership's request to perform work on property having 2,136 ft of frontage on Squam Lake in Center Harbor, (previously approved by G&C on 11-15-06, item #94).

#55 Authorized Jack Szemplinski's request to perform work on an average of 184 ft of frontage on Lake Winnepesaukee in Alton.

#56 Authorized Bonnie Dunbar Trust's request to install a seasonal dock with seasonal access in a "L" shaped configuration on an average of 414 ft of frontage on Lake Winnepesaukee and Beaver Brook, in Alton.

#57 Authorized Gerald Kraines Et Al.'s request to perform work on a property on Emerson Pond, in Rindge.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

Bureau of Facilities and Assets Management

#58 Authorized to enter into a short-term License for use of Premises (License) with the Concord Coalition to End Homelessness, Concord, NH, to provide exclusive use of its approximately 13,058 square foot residential space at the Anna Philbrook Center for use by the Concord Coalition to End Homelessness.

#59 Authorized to make a one-time payment to D'Eramo Contracting LLC, Merrimack, NH, for emergency roof repair and chimney replacement in the amount of \$35,575. Effective **retroactive** to January 5, 2011. **40% Federal, 60% General Funds.**

Office of Minority Health and Refugee Affairs

#60 Authorized to enter into a **retroactive** contract with Somali Development Center Inc., Boston, MA, through its subsidiary, the NH Somali Development Center, to provide direct services to NH refugees, in the amount of \$87,000. Effective October 1, 2010 through September 30, 2011. **100% Federal Funds.**

#61 Authorized to enter into a **retroactive** contract with Lutheran Community Services of NH, Inc., Concord, NH, to provide direct services to NH refugees, in the amount of \$100,000. Effective October 1, 2010 through September 30, 2011. **100% Federal Funds.**

Division of Family Assistance

#62 Authorized with Councilor Wieczorek, and Councilor Wheeler voting **no**, to reclassify position #12203 Clerk Interviewer, salary grade 9, to Family Services Specialist Trainee/I, salary grade 13. **46.47% Federal, 53.53% General Funds.**

Division of Public Health Services

#63 Authorized Rural Health and Primary Care Section, to enter into an agreement with Abigail Olden, Advanced Practice Registered Nurse, Meredith, NH, to receive reimbursement for payment of educational loans through the State Loan Repayment Program, in an amount not to exceed \$22,500. Effective April 1, 2011 or upon G&C approval, whichever is later, through March 31, 2014.

#64 Authorized the Bureau of Health Statistics and Informatics, Environmental Public Health Tracking Program, to enter into an agreement with Katalizt LLC, Portsmouth NH, to provide staff resources for the NH Environmental Public Health Tracking Network development of a web-based system that will compile environmental and public health data from various databases with the DHHS and the NH Department of Environmental Services, in an amount not to exceed \$163,829. Effective upon G&C approval through July 31, 2011. **100% Federal Funds.**

#64A Authorized the Bureau of Laboratory Services, Public Health Laboratories and the Bureau of Disease Control, Food Protection Section to accept and expend Other funds (Red Tide), in the amount of \$19,154 from the Department of Environmental Services, for laboratory analyses of shellfish tissue samples for red tide toxins. Effective upon G&C approval through June 30, 2011. **100% Other (Red Tide) Funds.**

#64B Authorized the Bureau of Infectious Disease Control to amend a **sole source** agreement with NH Hospital Association, Concord, NH, (previously amended by G&C on 9-9-09, item #112F), to implement improvement plans related to lessons learned regarding H1N1 response that were identified in after action reports, by increasing the price by \$520,000 from \$2,054,275 to \$2,574,275. Effective upon G&C approval. **100% Federal Funds.**

Bureau of Behavioral Health

#65 Authorized to amend an agreement with Riverbend Community Mental Health Inc., Concord, NH, (previously approved by G&C on 6-9-10, item #107), to provide Assertive Community Treatment services, by increasing the price by \$110,000 from \$234,770 to \$344,770. Effective March 1, 2011, or upon G&C approval, whichever is later, through June 30, 2011. **100% General Funds.**

#66 Authorized to amend an agreement with The Mental Health Center of Southern NH d/b/a CLM Center for Life Management, Derry, NH, (previously approved by G&C on 6-9-10, item #116), to provide Assertive Community Treatment services, by increasing the price by \$80,000 from \$28,770 to \$108,770. Effective March 1, 2011, or upon G&C approval, whichever is later, through June 30, 2011. **100% General Funds.**

New Hampshire Hospital

#67 Authorized to pay The Joint Commission, Oakbrook Terrace, IL, annual fees in the amount of \$5,725 for the Accreditation/Certification program. Effective upon G&C approval through June 30, 2011. **70% General, 30% Federal Funds.**

#68 Authorized to increase the annual salary of Aneek Singh Fisher, MD, Physician in Charge by \$3,000 for being board certified in Psychiatry. **1.1% Agency Income, 66% General, 32.9% Federal Funds.**

Bureau of Homeless and Housing Services

#69 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 \$86,222.45. Effective **retroactive** to July 1, 2010 through June 30, 2011. **100% Federal Funds.**

#70 Authorized to enter into an agreement with Southwestern Community Services Inc., Keene, NH, to provide services to homeless individuals in the amount of \$85,681.85. Effective **retroactive** to July 1, 2010 through June 30, 2011. **100% Federal Funds.**

#71 Authorized to enter into an agreement with Strafford County Community Action Committee Inc., Dover, NH, to provide services to homeless individuals in the amount of \$38,271.85. Effective **retroactive** to July 1, 2010 through June 30, 2011. **100% Federal Funds.**

#72 Authorized to enter into an agreement with Tri-County Community Action Program Inc., Berlin, NH, to provide services to homeless individuals in the amount of \$130,181.85. Effective **retroactive** to July 1, 2010 through June 30, 2011. **100% Federal Funds.**

#73 Authorized to enter into an agreement with Seacoast Mental Health Center, Portsmouth, NH, to provide services to homeless individuals in the amount of \$13,817. Effective **retroactive** to July 1, 2010 through June 30, 2011. **100% Federal Funds.**

NEW HAMPSHIRE VETERANS HOME

#74 The Governor and Council on motion of Councilor Wheeler, seconded by Councilor St. Hilaire authorized the request to accept monies totaling \$152,739.78 received during the period of October 1, 2010 to December 31, 2010 as a result of fundraising drives from various organizations and from personal contributions.

DEPARTMENT OF EDUCATION

#75 The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea, with Councilor Wheeler voting **no**, authorized the request the Division of Instruction to contract with the Arts Alliance of Northern NH as Project Manager for Measuring Up: NH Arts Education Data Project, in an amount not to exceed \$25,000. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

#76 Authorized the Division of State Police to accept and expend an additional \$30,926 of federal funds from the NH Highway Safety Agency entitled DWI Patrols for the purpose of combating the DWI and Drug Impaired problem statewide. Effective upon G&C approval through June 30, 2011. **100% Agency Income – Transfer Funds.**

#77 Authorized the Division of State Police to accept and expend \$28,324 of federal funds from the NH Highway Safety Agency entitled NHSP TAR (Technical Accident Reconstruction) Crash Zone Training, for the purpose of funding up to seventeen officers in training on C.A.D. (computer-aided drawing) Zone Basic and Advanced CAD Zone. Effective upon G&C approval through June 30, 2011. **100% Agency Income.**

#78 Authorized to amend item #73, previously approved by G&C on 11-4-09, by reallocating federal pass-through ARRA funds, in the amount of \$35,492, from the NH Department of Justice for the purpose of funding overtime and out-of-state training for the Diversion Program by the Investigative Services Bureau. Effective upon G&C approval through June 30, 2012. **Federal ARRA Funds. Contingent upon Fiscal Committee approval on February 18, 2011.**

#79 Authorized the Division of State Police to accept and expend an additional \$750,000 of federal pass-through funds from the Department of Justice, Office of Justice Programs for the purpose of reducing and deterring serious crime in NH. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Contingent upon Fiscal Committee approval on February 18, 2011.**

#80 Authorized the application of Christian Camps and Conferences Inc., - Camp Brookwoods and Camp Deer Run located on Lake Winnepesaukee in Alton, NH, for a congregate mooring field renewal of 16 moorings.

- #81 Authorized the application of Squam Lakes Association located on Squam Lake in Holderness, NH, for a congregated mooring field renewal of 12 moorings.
- #82 Authorized the application of Eastern Shores Condominium Association located on Lake Winnepesaukee in Laconia, NH, for a congregated mooring field renewal of 13 moorings.
- #83 Authorized the application of Piping Rock Shores Landowners Association located on Lake Winnepesaukee in Wolfeboro, NH, for a congregated mooring field renewal of 5 moorings.
- #84 Authorized the application of Belmore Court Condominium located on Newfound Lake in Bristol, NH, for a congregated mooring field renewal of 9 moorings.
- #85 Authorized the application of Blueberry Shores at Newfound LLC located on Newfound Lake in Bristol, NH, for a congregated mooring field renewal of 48 moorings.
- #86 Authorized the application of Onaway Camp Trust located on Newfound Lake in Hebron, NH, for a congregated mooring field renewal of 5 moorings.
- #87 Authorized the application of Southerlee Shores Association located on Lake Winnepesaukee in Moultonboro, NH, for a congregated mooring field renewal of 12 moorings.
- #88 Authorized the application of Long Island Bridge Campground LLC located on Lake Winnepesaukee in Moultonboro, NH, for a congregated mooring field renewal of 27 moorings.
- #89 Authorized the application of Merrimack Valley YMCA – Camp Nokomis located on Lake Winnepesaukee in Meredith, NH, for a congregated mooring field renewal of 8 moorings.
- #90 Authorized the application of Red Fox Village Property Owner’s Association Inc located on Newfound Lake in Bristol, NH, for a congregated mooring field renewal of 30 moorings.
- #91 Authorized the application of Lake Shore Park Association located on Lake Winnepesaukee in Gilford, NH, for a congregated mooring field renewal of 36 moorings.

DEPARTMENT OF TRANSPORTATION

The Governor and Council acted as follows:

- #92 Authorized to accept and place on file the Annual Report for the fiscal year ending June 30, 2010.
- #93 Authorized DOT and the Department of Environmental Services to enter into a memorandum of understanding for water supply land conservation grants to permanently protect critical water supply lands within the region served by the I-93 expansion, for \$3,000,000. Effective upon G&C approval through June 30, 2016.
100% Federal Funds.
- #94 Authorized the Bureau of Right of Way to sell a State owned 2.67 acre parcel of land located near the easterly side of NH Route 13 in Milford to Soiland Inc., for \$30,000, plus a \$1,100 administrative fee. (2) Further authorized to compensate Tinkham Realty Inc., in the amount of \$1,800 for real estate services. Effective upon G&C approval.
- #95 Authorized the Bureau of Right of Way to assign a Special Committee to conduct a public hearing to purchase land needed for the project approved by G&C on 6-23-10, item #172, to address the five deficient bridges within the I-293 Exit 4 interchange in the City of Manchester, all of which are on the State Redlist and construct minor improvements to I-293 within the interchange.
- #96 Authorized to amend a contract with Green Mountain Communications Inc., Pembroke, NH, (previously amended by G&C on 6-10-10, item #199), for the purpose of amending the completion date from March 31, 2011 to December 1, 2011. Effective upon G&C approval. No additional Funding.

#97 Authorized the Bureau of Aeronautics to amend a master agreement with Hoyle, Tanner & Associates, Inc., Manchester, NH, to assist the Bureau by providing on-call aviation planning, engineering and technical support services for aviation projects statewide, by extending the end date from March 1, 2011 to June 1, 2011. Effective upon G&C approval. No Additional Funding.

#98 Authorized the Bureau of Aeronautics to award a grant to the Nashua Airport Authority, to conduct obstruction removal and a runway approach survey at Boire Field, Nashua, NH, in the amount of \$694,200. Effective upon G&C approval through February 28, 2014. **97.44% Federal, 2.56% General Funds.**

#99 Authorized the Bureau of Aeronautics to award a grant to the Nashua Airport Authority, for a Federal Aviation Administration Reimbursable Agreement for navigational aid equipment and construction services at Boire Field, Nashua, NH, in the amount of \$951,600. Effective upon G&C approval through February 28, 2014. **97.44% Federal, 2.56% General Funds.**

#100 Authorized the Bureau of Construction to amend a contract with George Cairns and Sons Inc., Windham, NH, (previously amended by G&C on 8-11-10, item #75), for roadway construction of I-93 (new northbound barrel), through the Exit 3 interchange area in Windham, by increasing the amount by \$1,000,000 from \$28,269,102.80 to \$29,269,102.80. Effective upon G&C approval through November 1, 2011. **100% Federal Funds, Non-ARRA. ARRA Project.**

#101 Authorized with Councilor Wheeler voting **no**, the Bureau of Construction to enter into a contract with Severino Trucking Company Inc., Candia, NH, for the reconstruction and widening of I-93 through the Exit 5 (NH 28) interchange area in the Town of Londonderry, as well as constructing wetland mitigation, associated with the widening of I-93 from Salem to Manchester, on the basis of a low bid of \$36,722,729.23. (2)Further authorized a contingency in the amount of \$1,836,136.46 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through June 27, 2014. **100% Federal Funds.**

#102 Authorized the Bureau of Construction to enter into a contract with Weaver Brothers Construction Co. Inc., Concord, NH, for improvements at the intersection of NH 10 and East Thetford Road/On The Common in the Town of Lyme, on the basis of a low bid of \$188,658.75. (2)Further authorized a contingency in the amount of \$28,298.81 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through August 19, 2011. **100% Federal Funds.**

#103 Authorized the Bureau of Construction to enter into a contract with Pike Industries Inc., Belmont, NH, for pavement rehabilitation and bridge rehabilitation work on six bridges along approximately 6 miles of US Route 4 in the towns of Lee and Durham, on the basis of a low bid of \$6,227,628.98. (2)Further authorized a contingency in the amount of \$311,381.44 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through August 24, 2012. **100% Federal Funds.**

#104 Authorized the Bureau of Construction to enter into a contract with Pike Industries Inc., Belmont, NH, for paving of approximately 5.2 miles of US 302 located in District I in the counties of Grafton and Coos, on the basis of a single bid of \$952,237.50. (2)Further authorized a contingency in the amount of \$95,223.75 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through September 16, 2011. **100% Federal Funds.**

#105 Authorized the Bureau of Construction to enter into a contract with Nelson Communications Services Inc., Center Conway, NH, for intersection improvements on NH Route 153 and NH Route 25 in Effingham, on the basis of a low bid of \$58,475. (2)Further authorized a contingency in the amount of \$8,771.25 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through June 24, 2011. **100% Federal Funds.**

#106 Authorized the Bureau of Construction to enter into a contract with Visi-Flash Rentals Eastern Inc., West Bridgewater, MA, for identification of locations for installation of warning signs and upgrading existing warning signs located on rural state and local roadways throughout the Towns of Barrington, Epping, Exeter, and Farmington to improve safety, on the basis of a low bid of \$147,651.56. (2)Further authorized a contingency in the amount of \$22,147.73for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through August 26, 2011. **100% Federal Funds.**

ITEM REMOVED FROM TABLE

The Governor and Council on motion of Councilor St. Hilaire, seconded by Councilor Wieczorek, voted to remove item #67- which was tabled at the 2-2-11 Meeting

DEPARTMENT OF SAFETY

#67 The Governor and Council on motion of Councilor St. Hilaire, seconded by Councilor Burton voted to approve the request of the Division of Motor Vehicles to accept and expend “NH CDL Program Improvement” funds in the amount of \$125,917 from the US Department of Transportation Federal Motor Carrier Safety Administration. (2)Further authorized to establish consultant positions for the purpose of developing programming code for the Division of Motor Vehicles’ computer system to efficiently track motor vehicle and criminal offenses for CDL operators. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

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The Governor and Council discussed the appeal for indemnification, under RSA 99-D, of Representative Edmond Gionet.

After discussion with Anne Edwards and Allen Brooks of the Attorney General’s office, the Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton, voted to **deny** the appeal.

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The Governor and Council deliberated on the Susan Marie (Ricchio) Winter pardon hearing.

After discussion, the Governor and Council on motion of Councilor Sununu, seconded by Councilor Burton , and further on a roll call vote as follows: Councilor Burton – yes, Councilor St. Hilaire – yes, Councilor Sununu – yes, Councilor Wieczorek – yes, Councilor Wheeler – yes, voted to grant a full pardon.

The Governor concurred.

*

Next regular Governor and Executive Council meeting is scheduled for Wednesday, March 16, 2011, at the State House, Concord, NH.

The Honorable Board then Adjourned at 12:40 p.m.