

GOVERNOR AND EXECUTIVE COUNCIL MINUTES
State House, Concord, New Hampshire
February 2, 2011, 10:00 a.m.

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The Governor and Executive Council convened at 10:00 a.m. with Councilors Burton, St. Hilaire, Sununu, and Wheeler present. Councilor Wicczorek was delayed because of the weather, but he joined the meeting later on.

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Councilor St. Hilaire offered the prayer and led the Pledge of Allegiance.

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The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Wheeler, accepted the minutes of January 19, 2011.

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The Governor and Executive Council, on motion of Councilor St. Hilaire, seconded by Councilor Wheeler approved the appointment of several persons nominated for Civil Commissions from the January 19, 2011 meeting.

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

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RESIGNATIONS

The Governor and Council, accepted the following resignation:

Air Resources Council

(General Public)

Linda Garrish Thomas, Manchester

Effective: February 2, 2011

Community College System Board of Trustees

(Business and Industry)

Lori Hitchcock, Portsmouth

Effective: February 2, 2011

Non-Medical Director of the Division of Medical and Psychiatric Services of the Department of Corrections

Robert MacLeod, DHA, Concord

Effective: February 2, 2011

Real Estate Appraisers Board

(Certified Residential Appraiser)

Kristen Eldridge, Meredith

Effective: February 2, 2011

CONFIRMATIONS

The Governor and Council confirmed the following:

Department of Administrative Services, Director, Division of Personnel

Nominated by the Commissioner of the Department of Administrative Services

Karen D. Hutchins, Concord

Effective: February 2, 2011

Reappointment

Term: January 1, 2015

Salary: Grade HH, Step 4 - \$93,812

Air Resources Council

(General Public)

Robert Duval, Manchester

Effective: February 2, 2011

Reappointment

Term: November 21, 2014

Air Resources Council

(Manufacturing)

Steven J. Walker, Peterborough

Effective: February 2, 2011

Reappointment

Term: November 1, 2014

State Council on the Arts

Susan V. Duprey, Concord
Succeeding: Edra Toth, Farmington (resigned)

Effective: February 2, 2011
Term: October 28, 2011

State Council on the Arts

Timothy G. Sink, Concord
Succeeding: Karen Smith, Exeter (resigned)

Effective: February 2, 2011
Term: November 23, 2013

Athletic Trainers Governing Board

Kerri A. Lafond, Keene
Reappointment

Effective: February 2, 2011
Term: January 8, 2014

Board of Court Reporters

(Public Member)
Brent T. Lemire, Litchfield
Reappointment

Effective: February 2, 2011
Term: January 30, 2016

Enhanced 911 Commission

Nominated by the NH Association of Chiefs of Police
James S. Valiquet, Newbury
Reappointment

Effective: February 2, 2011
Term: July 8, 2013

Electricians' Board

(Master Electrician)
Peter Cicolini, Middleton
Succeeding: Gerald McCarthy, Farmington

Effective: February 2, 2011
Term: July 1, 2015

Electricians' Board

(Master Electrician)
Raymond R. Hebert, Manchester
Succeeding: Thomas J. Malley, Nashua (resigned)

Effective: February 2, 2011
Term: June 30, 2012

Fire Standards and Training Commission

(Fire Prevention Society)
Nominated by the Fire Prevention Society
Mark W. Tetreault, Epsom
Reappointment

Effective: February 14, 2011
Term: February 14, 2014

Health Services Planning and Review Board

Nominated by the NH Association of Counties
Robert M. Chase, Laconia
Reappointment

Effective: February 2, 2011
Term: December 15, 2013

Board of Home Inspectors

(Public Member)
Gayle Robertson, Windham
Reappointment

Effective: February 2, 2011
Term: December 18, 2015

Board of Home Inspectors

(Home Inspector)
David J. Roth, Hollis
Reappointment

Effective: February 2, 2011
Term: December 18, 2015

Department of Information Technology: Acting Commissioner

S. William Rogers, Jr. Dover

Vacancy

Salary: \$104,500

Effective: February 2, 2011

Term: until Comm. is confirmed & sworn

Lakes Management Advisory Committee

(Member representing the Scientific Community)

James F. Haney, Milton

Reappointment

Effective: February 2, 2011

Term: August 22, 2013

Medical Review Subcommittee

David C. Conway, Henniker

Succeeding: Malcom MacKenzie, Nelson

Effective: February 2, 2011

Term: December 3, 2013

Medical Review Subcommittee

(Physician)

Nominated by the Board of Medicine

Paul J. Scibetta, Jr., Holderness

Succeeding: Richard Hockman, Bedford (resigned)

Effective: February 2, 2011

Term: December 3, 2011

NH Motor Vehicle Industry Board

Archie C. Burnett III, Milford

Reappointment

Effective: February 2, 2011

Term: January 9, 2015

Occupational Therapy Governing Board

(Licensed Occupational Therapist)

Eileen Thayer, Epsom

Reappointment

Effective: February 2, 2011

Term: January 8, 2014

Respiratory Care Practitioners Governing Board

Robert G. Fishwick, Allenstown

Reappointment

Effective: February 2, 2011

Term: January 8, 2014

Rivers Management Advisory Committee

(Rep. of Local River Management Advisory Committee)

Nominated by the Commissioner of the Department of Environmental Services

Kathryn P. Nelson, Nashua

Reappointment

Effective: February 2, 2011

Term: September 5, 2013

Waste Management Council

(Private Solid Waste Management Industry)

David J. Tooley, Portsmouth

Reappointment

Effective: February 2, 2011

Term: December 23, 2014

Water Council

(Public Member)

Nancy E. Christie, Pittsfield

Reappointment

Effective: February 5, 2011

Term: February 5, 2015

NOMINATIONS

The Governor placed into nomination the following:

Board of Accountancy

(Certified Public Accountant)

Thomas W. Musgrave, Bedford

Succeeding: Deborah B. Butler, Concord (resigned)

Effective: Upon confirmation

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: Upon confirmation

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: Upon confirmation

Term: November 3, 2013

Board of Chiropractic Examiners

John H. Merrick, Manchester

Succeeding: W. Kenneth Parrish, Gilford (resigned)

Effective: Upon confirmation

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: Upon confirmation

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: Upon confirmation

Term: February 15, 2014

Board of Foresters

(Director of the Division of Forest and Lands)

Brad W. Simpkins, Hillsborough

Vacancy

Effective: Upon confirmation

Term: August 22, 2011

Board of Hearing Care Providers

(Audiologist)

Mary Louise Brozena, Portsmouth

Succeeding: Dwight R. Valdez, Amherst

Effective: Upon confirmation

Term: April 23, 2012

Board of Hearing Care Providers

(Hearing Aid Dealer)

Cheryl Kenney, Campton

Succeeding: Herbert Hodgdon II, Epsom

Effective: Upon confirmation

Term: April 23, 2012

McAuliffe-Shepard Discovery Center

(Education)

Kristina A. Lynch, Hanover

Succeeding: Richard Ashooh, Bedford (resigned)

Effective: Upon confirmation

Term: September 19, 2013

Medical Review Subcommittee

(Public Member)

Nominated by the Board of Medicine

Christine C. Fales, Goffstown

Succeeding: Debra Stohrer (resigned)

Effective: Upon confirmation

Term: June 27, 2011

Medical Review Subcommittee

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

Effective: Upon confirmation
Term: January 1, 2014

Board of Mental Health Practice

(Public Member)
Karen Peterson Griswold, Bedford
Reappointment

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

Midwifery Council

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

Effective: Upon confirmation
Term: November 10, 2013

Motor Vehicle Industry Board

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

Effective: Upon confirmation
Term: January 9, 2012

Mount Washington Commission

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

Effective: Upon confirmation
Term: January 24, 2012

Oil Fund Disbursement Board

(Public Member)
Ronald R. Poirier, Manchester
Reappointment

Effective: Upon confirmation
Term: January 1, 2014

Physical Therapy Governing Board

Nicole Lavoie, Nashua
Succeeding: Greg Woodsum, Weare

Effective: Upon confirmation
Term: January 8, 2014

Public Water Access Advisory Board

(Lakes Association)
Joseph Goodnough, Newbury
Reappointment

Effective: Upon confirmation
Term: October 27, 2013

Real Estate Appraisers Board

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

Effective: Upon confirmation
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: Upon confirmation
Term: July 1, 2012

Department of Safety, Commissioner

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

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

Department of Safety, Assistant Commissioner
 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: Upon confirmation
 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: Upon confirmation
 Term: October 18, 2013

Telecommunications Planning and Development Advisory Commission
 (Small Business Telecom User)
 Elizabeth H. Merry, Sanbornton
 Succeeding: Tom Daly, Nashua

Effective: Upon confirmation
 Term: October 18, 2013

Traffic Safety Commission
 Fran L'Heureux, Merrimack
 Succeeding: William Simmons, Merrimack

Effective: Upon confirmation
 Term: September 10, 2015

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

Effective: Upon confirmation
 Term: December 16, 2014

#1 **CONSENT CALENDAR - DONATIONS:**

OFFICE OF THE ADJUTANT GENERAL

- A. Authorized to accept cash donations in the amount of \$1,000 in support of the NH Medal of Honor presentation ceremony.

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

- B. Authorized the Division of Parks and Recreation to accept a donation from Reach the Beach Relay Inc, Woodville, MA, in the amount of \$17,000 for the NH State Parks' involvement in the 2010 edition of the New Balance Reach the Beach Relay race series.

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

- C. Authorized the Division of Parks and Recreation, Bureau of Historic Sites to accept a \$1,200 donation from the White Mountain Garden Club of Sugar Hill, NH for new plantings at Weeks State Park, Lancaster, NH.

BUSINESS FINANCE AUTHORITY

#2 The Governor and Executive Council on motion of Councilor Sununu, seconded by Councilor St. Hilaire and further on a roll call vote as follows: Councilor Burton – yes, Councilor St. Hilaire – yes, Councilor Sununu – yes, Councilor Wieczorek – absent for vote, and Councilor Wheeler – yes, authorized to hold a Public Hearing with respect to the financing of a loan to OCC Newington, LLC for a project located in Newington, NH. 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 FEBRUARY 2, 2011
COUNCIL CHAMBER, CONCORD, NEW HAMPSHIRE**

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At approximately 10:20 a.m., the Governor announced that the next matter to be considered would be a loan made by the Business Finance Authority to OCC Newington, LLC to finance construction of a 102,400 square foot manufacturing facility in Newington, NH and declared that the public hearing on the subject had commenced. He said that he and the members of the Council had received written material from the Authority with respect to the proposed loan. The Governor then said that the meeting would hear anyone wishing to speak on the subject. Jack Donovan, Executive Director of the Authority, briefly explained the project. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Sununu introduced a resolution entitled " A RESOLUTION UNDER RSA 162-A:18 AWARDDING A LOAN UNDER RSA 162-A:9 FROM THE BUSINESS FINANCE AUTHORITY OF THE STATE OF NEW HAMPSHIRE TO OCC NEWINGTON, LLC " and moved its adoption, which was seconded by Councilor St. Hilaire. There being no discussion, the Governor called for a vote on the motion. Those voting in favor were: The Governor and Councilor Burton, Councilor St. Hilaire, Councilor Sununu, and Councilor Wheeler; those abstaining were Councilor (s): None; and those voting against were Councilor(s): None. Absent was Councilor Wieczorek. The Governor declared that the resolution was passed.

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**A RESOLUTION UNDER RSA 162-A:18 AWARDDING A LOAN
UNDER RSA 162-A:9 FROM THE BUSINESS FINANCE AUTHORITY OF
THE STATE OF NEW HAMPSHIRE TO OCC NEWINGTON, 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 a loan by the Authority to OCC Newington, LLC (the "Borrower") in the original principal amount of up to \$1,280,000 to provide financing towards the construction of an 102,400 square foot manufacturing facility in Newington, New Hampshire (the "Loan");

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 authorize and approve the Loan by the Authority upon the making of specific findings after public hearing;

WHEREAS, the Governor and Council will receive all the documentation and information with respect to the proposed Loan by the Authority; 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. Findings and Determination. On the basis of the documentation and information received by the Governor and Council, after a public hearing, the Governor and Council find:

a. Special Findings.

(i) The Loan in consistent with local or regional development plans or policies.

b. General Findings.

- (i) The Loan that the Authority has proposed will serve a public use and provide a public benefit.
- (ii) The Loan that the Authority has proposed is within the policy of, and the authority conferred, by RSA Chapter 162-A.
- (iii) The Loan that the Authority has 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 Loan that the Authority has proposed will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.

2. Approval. Governor and Council approve the Loan by the Authority as recommended by the Authority and authorize the Authority to cause the execution and delivery of the loan documents substantially in the form submitted to Governor and Council and to take such further action as the act with respect to the transaction as may be required.

3. Effective Date. This Resolution shall take effect upon its passage.

Passed and agreed to February 2, 2011.

DEPARTMENT OF INFORMATION TECHNOLOGY

The Governor and Council acted as follows:

#3 Authorized to amend the use of \$25,000 of Office of Economic Stimulus funds (previously approved by G&C on 9-9-09, item #12), for the procurement of information technology capabilities in support of the ARRA State Fiscal Committee Stabilization Fund, Government Services Program, by extending the date of June 30, 2011 to September 30, 2011. **100% Other (Agency Class 27); the agency class 27 used by OES to reimburse DoIT is 100% ARRA Funds. Fiscal Committee approved.**

#4 Authorized to accept and expend \$38,492 in SFY 2011 of additional other funds available from the Department of Environmental Services. **100% Other (Agency Class 27); the agency class 27 used by the Department of Environmental Services to reimburse DoIT is 100% Other Funds (Air Quality Program Fees). Fiscal Committee approved.**

#5 Authorized to accept and expend \$49,467 in SFY 2011 of additional other funds available from the Banking Commission. (2)Further authorized to establish one full-time temporary Information Technology Manager III, labor grade 31, to support the Banking Commission in integrating their information systems, streamlining data transfers with federal counterparts, and supporting their mobile workforce design, at an estimated cost for salary and benefits of \$49,467. Effective upon G&C approval through June 30, 2011. **100% Other (Agency Class 27); the agency class 27 used by Banking Commission to reimburse DoIT is 100% Banking Fees. Fiscal Committee approved.**

#6 Authorized to amend a **sole source** contract with Granite State Management and Resources, Concord, NH, (previously approved by G&C on 6-27-07, item #10), for hosting, support and maintenance of the NH Incentive Program Web Application, by increasing the amount by \$11,000 from \$45,499 to \$56,499, and by extending the end date from March 16, 2011 through March 15, 2012. **98.6% Other (Agency Class 27); the agency class 27 used by PEC to reimburse DoIT is 100% General Funds, 1.4% is PEC.**

OFFICE OF THE ADJUTANT GENERAL

The Governor and Council acted as follows:

#7 Authorized the confirmation of Captain Brian R. Jusseaume, Stratham, NH, for promotion to the rank of Major, NH Air National Guard.

#8 Authorized the confirmation of Lieutenant Colonel Adam J. Vernadakis, Melrose, MA, for appointment to the rank of Lieutenant Colonel, NH Air National Guard.

#9 Authorized the confirmation of Lieutenant Colonel Louise M. Paradis, Rochester, NH, for promotion to the rank of Colonel, NH Air National Guard.

STATE TREASURY

#10 The Governor and Council on motion of Councilor Burton, seconded by Councilor St. Hilaire authorized the request to issue a warrant from funds not otherwise appropriated in the amount of \$88,537 and the State Treasurer to issue checks in the amount of \$88,536.75 to the rightful owners of abandoned or unclaimed funds.

DEPARTMENT OF CULTURAL RESOURCES

The Governor and Council acted as follows:

#11 Authorized to amend an operating grant awarded to the Concord Community Music School (previously approved by G&C on 1-13-10, item #30), by reducing the amount \$896 from \$12,800 to \$11,904. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#12 Authorized to amend an operating grant awarded to the NH Writers Project (previously approved by G&C on 10-21-09, item #16), by reducing the amount \$644 from \$9,200 to \$8,556. Effective upon G&C approval through June 30, 2011. **100% General Funds.**

#13 Authorized with Councilor Wheeler voting **no**, to award a one year operating grant in the amount of \$5,766 to NH Art Association, Portsmouth. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#14 Authorized with Councilor Wheeler voting **no**, the Division of Historical resources to award a Conservation Number Plate Grant to Players Ring Theater in the amount of \$5,276. Effective upon G&C approval through June 30, 2011. **100% Conservation Plate Funds.**

#15 Authorized the NH State Library to award a Conservation Number Plate Grant to Gunstock Mountain Historic Preservation Society, in the amount of \$5,000. Effective upon G&C approval through June 30, 2011. **100% Conservation Plate Funds.**

ATTORNEY GENERAL

#16 The Governor and Council on motion of Councilor Burton, seconded by Councilor St. Hilaire authorized the request to accept and expend grants totaling \$24,089.54 from the Bureau of Justice Assistance to be used to reimburse several law enforcement agencies for the purchase of Ballistic Vests. (2)Further authorized to enter into sub grants with the agencies as detailed in letter dated January 20, 2011, for the reimbursement of ballistic vests already purchased. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

INSURANCE DEPARTMENT

The Governor and Council acted as follows:

#17 NOT USED

#18 **WITHDRAWN** – The Agency withdrew the request to accept and expend federal grant funds in the amount of \$666,031 from the US Department of Health and Human Services for the purpose of supporting a process in NH to determine whether NH should establish a health insurance exchange for individuals and small businesses. (2)Further authorized to establish positions within the Department as detailed in letter dated December 30, 2010. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#19 **WITHDRAWN** – The Agency withdrew the request to enter into a contract with the Wakely Consultant Group, Winchester, MA, for the provision of consulting services in connection with the planning initiative for evaluating options for an exchange under the federal Patient Protection and Affordable Care Act. Effective upon G&C approval through October 31, 2011. **100% Federal Funds.**

NEW HAMPSHIRE EMPLOYMENT SECURITY

The Governor and Council acted as follows:

#20 Authorized to continue the 15 positions as detailed in letter dated January 19, 2011, at an estimated cost of \$192,058. **100% Federal Funds.**

#21 Authorized to enter into a contract with Imperial Painting LLC, Laconia, NH, for office painting services at NHES's Portsmouth Local Office building, in the amount of \$23,450. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#22 Authorized to make **retroactive** reimbursement payments in the amount of \$902.58 to John Willbarger and \$1,109.56 to Daniel Blood for travel-related expenditures incurred while attending a required training conference in Boston, MA during the period of 12/13/10 – 12/17/10. **100% Federal Funds.**

#23 Authorized to enter into a **retroactive sole source** contract with Enhanced Communications of Northern New England Inc., d/b/a Fairpoint Internet, Charlotte, NC, for telephone and internet services to be provided at the temporary Workers Assistance Center located in Colebrook, NH, in the amount of \$9,911. Effective November 1, 2010 through August 31, 2012. **100% Federal Funds.**

#23A Authorized to enter into a **retroactive** license for use agreement with Gerald Winn, Littleton, NH, for the continued operation of the Workers Assistance Center, Colebrook, NH, in the amount of \$3,500. Effective February 1, 2011 through August 31, 2011, with the option to renew for an additional six months through February 28, 2012. (2)Further authorized to enter into a **retroactive** memorandum of understanding with the State of VT, Department of Labor, for reimbursement of fifty-percent of the lease and operating costs of an itinerant facility located in Colebrook, NH, intended to assist displaced North Country workers, in the approximate amount of \$8,500. (3)Further authorized to **retroactively** accept and expend up to \$8,500 from the State of VT, Department of Labor for a proportionate share of the lease and operating costs of an itinerant facility located in Colebrook, NH, intended to assist displaced North Country workers. Effective February 1, 2011 through August 31, 2011.

DEPARTMENT OF CORRECTIONS

#24 The Governor and Council on motion of Councilor Sununu, seconded by Councilor Burton authorized the request to transfer funds in the amount of \$165,894 within the budgeted federal grant entitled State Criminal Alien Assistance Program. (2)Further authorized to accept and expend additional funds in the amount of \$134,240 from the US Department of Justice, Bureau of Justice Assistance, State Criminal Alien Assistance Program, for expenses related to the care and custody of criminal aliens in the NH Corrections system. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Council acted as follows:

#25 Authorized to accept and expend a **retroactive** sub grant award in the amount of \$71,041 from the University of NH to support the position of Director of Broadband and Technology Planning and Development. Effective July 1, 2010 through June 30, 2011. (2)Further authorized to enter into a **retroactive** agreement with the University of NH, for the purpose of promoting the State of NH's technology development and telecommunication planning initiatives. Effective July 1, 2010 through June 30, 2013. **100% Agency Income (Federal ARRA Funds). Fiscal Committee approved.**

#26 Authorized the Division of Parks and Recreation to amend a contract with ReserveAmerica Inc., Ballston Spa, NY, (previously approved by G&C on 10-3-07, item #30), to decrease the contract amount by \$242,868.20 from \$351,380 to \$108,511.80 and to remove the retail application and related services and licenses from the Scope of Work. Effective upon G&C approval through October 31, 2011. **100% Park Funds.**

#27 Authorized with Councilor Sununu abstaining, to accept and place on file the report for the transfer of funds for Cannon Mountain Ski area for the quarter ending December 31, 2010.

#28 Authorized the Division of Parks and Recreation to enter into a Land Use Lease Agreement with Mari-Anne Motel of Hampton Beach, NH, for 12 parking spaces at a non-metered lot at Hampton Beach State Park, for a total amount of \$6,897.16. Effective upon G&C approval through October 31, 2013.

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

The Governor and Council acted as follows:

#29 Authorized to amend G&C item #47, approved on September 9, 2009, by reallocating \$200,000 of the \$950,000 estimated revenues from Granite Reliable Power, in the Wildlife Habitat Conservation dedicated funds to the Non-game Species Management dedicated account, to allow Fish and Game to conduct this high elevation research activities out of the Non-game Program Management dedicated account. Effective upon G&C approval. **100% Other (Agency Income, Granite Reliable Power) Funds. Fiscal Committee approved.**

#30 Authorized to accept and expend \$994,206 in federal funds through a grant from the NOAA to purchase Northeast multispecies fishing vessel permits for the NH's groundfish fishing sectors. Effective upon G&C approval through June 30, 2011. (2)Further authorized to enter into a memorandum of agreement with the National Oceanic and Atmospheric Administration to establish a "bank" of Northeast multispecies fishing vessel permits (Permit Bank). Effective upon G&C approval through June 30, 2013. **100% Federal Funds. Fiscal Committee approved.**

#31 Authorized the transfer of \$163,913 from the NH Fish and Game Fund Reserve to the Fish and Game FY 2011 Operating Budget. **Fiscal Committee approved.**

#32 Authorized to enter into a **sole source** no cost Cooperative Project Agreement with the University of NH Cooperative Extension 4-H Camps, Durham, NH, for the purpose of operating the Barry Conservation Camp located at the Berlin Fish Hatchery. Effective upon G&C approval through August 30, 2016.

#33 Authorized to accept and expend a grant of \$1,000 from the Wildlife Heritage Foundation of NH for the purpose of redeveloping the Department's web site. Effective upon G&C approval through June 30, 2011.

#34 **TABLED** – The Governor and Council on motion of Councilor Wheeler, seconded by Councilor Sununu voted to **table** the request to enter into a memorandum of agreement with the National Marine Fisheries Service to designate the State of NH as an exempted state from the National Saltwater Angler Registry. Effective upon G&C approval.

#34A Authorized to budget and expend \$6,841 from the Department of Environmental Services for red tide outreach activities, Project 7: Regional Outreach to Mitigate Economic Impacts of Red Tide Closures. Effective upon G&C approval through June 30, 2011. **100% Transfer (DES) Funds.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council acted as follows:

#35 Authorized to amend ARRA – Drinking Water State Revolving Funds, ARRA 2009 federal funds, by reallocating \$136,786 for better utilization of funds. Effective upon G&C approval through October 1, 2015. **100% ARRA Federal Funds. Fiscal Committee approved.**

#36 Authorized to transfer FY 2011 appropriations in the amount of \$49,903 between classes, for the wastewater operator training program. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#37 Authorized to budget and expend federal flow through funds from the Department of Safety, Division of Homeland Security and Emergency Management in the amount of \$431,071 for the purposes of advancing the Fluvial Erosion Hazard program within DES. Effective upon G&C approval through June 30, 2011. **100% Other (Transfers from other Agencies) Funds. Fiscal Committee approved.**

#38 Authorized to amend a **sole source** contract with Weston Solutions Inc., Manchester, NH, (previously approved by G&C on 1-16-08, item #48), to cover additional cleanup activities at the OK Tool/Salvage Well Superfund Site in Milford, NH, by increasing the amount by \$275,000 from \$3,368,729 to \$3,643,729, and by extending the completion date to June 30, 2012 from June 30, 2011. **27% Federal, 73% General Funds.**

#39 Authorized to enter into a **sole source** Joint Funding Agreement with the US Geologic Survey, Pembroke, NH, to sample for pharmaceuticals in groundwater at a long-term health care facility, in the amount of \$4,140. Effective **retroactive** to January 1, 2011 through September 30, 2011. **100% Federal Funds.**

#40 Authorized Norman and Elizabeth Ahn Trust's request to perform work on property having 292 ft of frontage in Alton on Lake Winnepesaukee.

#41 Authorized Sandra L. Cleary's request to perform work on an average of 101 ft of frontage on Lake Winnepesaukee in Gilford.

#42 Authorized Will Herman's request to perform work on an average of 291 ft of frontage on Lake Winnepesaukee in Wolfeboro.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

Bureau of Human Resource Management

#43 Authorized to make a one-time payment from SFY 2011 funds to Brenda Stoeckmann-Thamm, Employment Counselor Specialist, Division of Family Assistance, in the amount of \$2,937.98 to compensate for wages that were not paid for SFY 2009 & 2010. **47% General, 53% Federal Funds.**

#44 Authorized to make a one-time payment from SFY 2011 funds to Linda Desmond, Business Administrator II, Bureau of Elderly & Adult Services, in the amount of \$228.86 to compensate for wages that were not paid for SFY 2010. **67% General, 33% Federal Funds.**

#45 Authorized to make a one-time payment from SFY 2011 funds to Lauren Reese, Child Protective Service Worker III, Division for Children and Youth, in the amount of \$1,231.20 to compensate for wages that were not paid for SFY 2010. **50% General, 50% Federal Funds.**

#46 Authorized to make a one-time payment from SFY 2011 funds to Kathryn Armstrong, Child Protective Service Worker III, Division for Children and Youth, in the amount of \$237 to compensate for wages that were not paid for SFY 2010. **100% Federal Funds.**

#47 Authorized to make a one-time payment from SFY 2011 funds to Christian Pantellis, Mental Health Worker II, NH Hospital, in the amount of \$689.06 to compensate for wages that were not paid for SFY 2010. **70% General, 30% Federal Funds.**

#48 Authorized to make a one-time payment from SFY 2011 funds to Robin Lounsbury, Supervisor III, Child Support Services, in the amount of \$2,248.65 to compensate for wages that were not paid for SFY 2010. **24.9% General, 66% Federal, 9.1% Agency Income Funds.**

#49 Authorized to make a one-time payment from SFY 2011 funds to Lisa Bettez, Family Services Specialist I, Division of Family Assistance, in the amount of \$954 to compensate for wages that were not paid for SFY 2010. **53% General, 47% Federal Funds.**

Bureau of Elderly & Adult Services

#50 Authorized to accept and expend Title XIX Medicaid federal funds from the Centers for Medicare and Medicaid Services in the amount of \$17,241,609.10, and decrease revenue adjustments in Local Funds of \$4,124,281. Effective **retroactive** to July 1, 2010 through June 30, 2011. **100% Federal ARRA Funds. Fiscal Committee approved.**

Division for Children, Youth & Families

#51 Authorized to accept and expend additional federal funds from the Centers for Medicare and Medicaid Services and from the Administration for Children and Families, through the ARRA 2009, in the amount of \$2,542,054; and decrease revenue adjustments to General Funds in the amount of \$2,539,511. Effective **retroactive** to July 1, 2010 through June 30, 2011. **48.80% General, 52.20% Federal ARRA Funds. Fiscal Committee approved.**

#52 Authorized to **retroactively** award six grants totaling \$357,569 for the provision of Title I programs. Effective October 5, 2010 through August 31, 2011. **100% Federal Funds.**

Division of Public Health Services

#53 Authorized with Councilor Wheeler voting **no**, Rural Health and Primary Care Section to enter into an agreement with Dr. Stephanie Allen Lilly, MD, Berlin, NH, to receive reimbursement for payment of educational loans through the State Loan Repayment Program, in an amount not to exceed \$37,500. Effective April 1, 2011 or upon G&C approval, whichever is later, through March 31, 2014, with the option to renew for up to two additional years. **100% General Funds.**

#54 Authorized the Bureau of Community Health Services, Community Public Health Development Section to amend a **sole source** agreement with the City of Nashua, Division of Public Health and Community Services, Nashua, NH, (previously amended by G&C on 8-11-10, item #45), to improve public health emergency response plans, by increasing the price by \$54,232 from \$1,329,578 to \$1,383,810. Effective upon G&C approval. **100% Federal Funds.**

Office of Minority Health and Refugee Affairs

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

#56 Authorized with Councilor Wheeler voting **no**, to enter into a **retroactive** contract with International Institute of Boston Inc., Boston, MA, to provide direct services to NH refugees, in the amount of \$190,000. Effective October 1, 2010 through September 30, 2011. **100% Federal Funds.**

#57 Authorized to enter into a **retroactive** contract with Lamprey Health Care, Raymond, NH, to provide direct services to NH refugees, in the amount of \$41,000. Effective October 1, 2010 through September 30, 2011. **100% Federal Funds.**

#58 Authorized to enter into a **retroactive sole source** contract with Manchester Health Department, Manchester, NH, to provide preventive health services to NH refugees, in the amount of \$19,000. Effective July 1, 2010 through June 30, 2011. **100% Federal Funds.**

#59 Authorized to enter into a **retroactive sole source** contract with Lutheran Community Services of NH Inc., Concord, NH, to provide employment-related, direct services to NH refugees, in the amount of \$163,942. Effective October 1, 2010 through September 30, 2011. **100% Federal Funds.**

Bureau of Drug and Alcohol Services

#60 Authorized to accept and expend other funds in the amount of \$200,000 from Synectics, through a sub-agreement with the Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, to fund the State Epidemiological Outcomes Workgroup. Effective upon G&C approval through June 30, 2011. **100% Other Funds. Fiscal Committee approved.**

Bureau of Homeless and Housing Services

#61 Authorized to accept and expend \$100,000 from the State Treasurer, from funds available to support the provisions of the Housing Security Guarantee Program. (2)Further authorized to amend an agreement with Community Action Program Belknap-Merrimack Counties Inc., Concord, NH, (previously amended by G&C on 6-9-10, item #101), for homeless assistance services, by increasing the price by \$100,000 from \$920,866 to \$1,020,866. Effective upon G&C approval through June 30, 2011. **100% General Funds. Fiscal Committee approved.**

DEPARTMENT OF EDUCATION

#62 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Sununu authorized the request to utilize the services of James M. Trice, MD, to provide medical consultations, in an amount not to exceed \$43,200. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

#63 Authorized the Division of Homeland Security and Emergency Management to accept and expend Pre-Disaster Mitigation funds from the Federal Emergency Management Agency, in the amount of \$751,966, for the implementation of cost effective flood mitigation projects. Effective upon G&C approval through June 30, 2011. (2)Further authorized the Division of Homeland Security and Emergency Management to enter into a memorandum of agreement with the NH Department of Transportation, for implementation of projects identified through the evaluation of natural hazards, for a total amount of \$387,178. Effective upon G&C approval through September 9, 2013. **100% Federal Funds. Fiscal Committee approved.**

#64 Authorized the Division of Homeland Security and Emergency Management to accept and expend Hazard Mitigation Grant Program funds from the Federal Emergency Management Agency, for the implementation of cost effective flood mitigation projects, in the amount of \$334,983. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#65 Authorized the Division of Homeland Security and Emergency Management to accept and expend Hazard Mitigation Grant Program funds from the Federal Emergency Management Agency, for the implementation of cost effective flood mitigation projects, in the amount of \$2,468,039. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#66 Authorized the Division of Homeland Security and Emergency Management to accept and expend Emergency Management Performance Grant funds from the Federal Emergency Management Agency, for the purpose of providing all-hazard project grants to NH eligible organizations, in the amount of \$1,205,949. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#67 **TABLED** – The Governor and Council on motion of Councilor St. Hilaire, seconded by Councilor Sununu voted to **table** 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.**

#68 Authorized the Division of Homeland Security and Emergency Management to transfer \$75,000 within the account titled Information and Analysis Center, to re-align appropriations for the purpose of spending the federal funds awarded by the Federal Emergency Management Agency as intended for the grant’s purpose. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

DEPARTMENT OF TRANSPORTATION

The Governor and Council acted as follows:

#69 Authorized the Bureau of Rail and Transit to accept and expend \$800,000 in Federal Railroad Administration funds for improvements on the St. Lawrence & Atlantic Railroad in Coos County. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#70 Authorized to establish a Program Specialist IV, LG 25, position to assist in administering Federal Transit Administration programs. (2)Further authorized to accept and expend Federal Transit Administration funds in the amount of \$61,633 for state administration expenses. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#71 Authorized to amend a contract with Southern NH Planning Commission, Manchester, NH, (previously approved by G&C on 6-3-09, item #231), to undertake transportation related planning activities, by increasing the contract by \$28,000 from \$1,288,892.80 to \$1,316,892.80. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#72 Authorized the Bureau of Right of Way to pay various owners \$620,649 as documented in the Contemplated Awards List for amounts greater than \$5,000. Effective December 31, 2010 through January 13, 2011.

#73 Authorized to accept and place on file the Bureau of Construction’s quarterly summary of active projects that may require contingencies use, for the period through December 31, 2010.

#74 Authorized the Bureau of Rail and Transit to enter into a Special Agreement with the St. Lawrence & Atlantic Railroad Company, Auburn, ME, for improvements on the St. Lawrence & Atlantic Railroad in Coos County, in an amount not to exceed \$800,000. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#75 Authorized the Bureau of Construction to enter into a contract with Pike Industries Inc., Belmont, NH, for pavement rehabilitation of approximately 5 miles of US 302 located in District I in the counties of Grafton and Coos, on the basis of a low bid of \$568,340. (2)Further authorized a contingency in the amount of \$56,834 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through July 8, 2011. **100% Federal Funds.**

#76 Authorized with Councilor Wheeler voting **no**, the Bureau of Rail and Transit to enter into an agreement with HDR Engineering Inc., Boston, MA, for the preparation of a State Rail Plan, for an amount not to exceed \$420,000. Effective upon G&C approval through December 31, 2011. **100% Federal Funds.**

ITEM REMOVED FROM TABLE

The Governor and Council on motion of Councilor Wheeler, seconded by Councilor Sununu, voted to remove item #67- which was tabled at the 1-19-11 Meeting.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Division of Family Assistance

#67 The Governor and Council on motion of Councilor Wheeler, seconded by Councilor Wieczorek, voted to approve the request to award a one-year grant totaling \$24,300 to the Tri-County Community Action Program Inc., Berlin, NH, to provide matching funds for TCCAP's North Country Transportation, Federal Department of Transportation's Job Access Reverse Commute grant. (2)Further authorized to award a one-year grant totaling \$124,826 to the City of Nashua Transit System, Nashua, NH, to provide matching funds for the City of Nashua's Federal Department of Transportation Job Access Reverse Commute grant. Effective **retroactive** to July 1, 2010 through June 30, 2011. **100% Federal Funds.**

ITEM REMOVED FROM TABLE

The Governor and Council on motion of Councilor Sununu, seconded by Councilor Burton, voted to remove item #72- which was tabled at the 1-19-11 Meeting

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Division of Public Health Services

#72 The Governor and Council on motion of Councilor St. Hilaire, seconded by Councilor Sununu and with Councilor Wheeler voting **no**, voted to approve the request of the Health Statistics Section, Behavioral Risk Factor Surveillance Program to exercise a contract renew and amend option with Macro International Inc., (previously amended by G&C on 1-13-10, item #102), to plan, organize, test, and implement the Behavioral Risk Factor Surveillance System, by increasing the price by \$1,030,827 from \$736,642 to \$1,767,469, and by extending the end date from February 15, 2011 to February 15, 2013. **94% Federal, 6% Other Funds.**

ITEM REMOVED FROM TABLE

The Governor and Council on motion of Councilor Sununu, seconded by Councilor St. Hilaire, with Councilor Wheeler voting **no**, voted to remove item #1 (*which was tabled at the 1-6-11 meeting*)

#1 The Governor and Council, on motion of Councilor Sununu, seconded by Councilor St. Hilaire, with Councilor Wheeler voting **no**, voted to approve the item.

Upon reconsideration by Councilor Wheeler, seconded by Councilor St. Hilaire, the governor and council voted to approve the item with the following amendment: Authorized the Department of Administrative Services to request the transfer of funds up to \$25,000 within departments prior to those funds being expended for the coming quarter; and to require the department to make a quarterly report of all expenses made in the previous quarter to the governor and council. This item would then approve transfers through March 31, 2011. Further transfers would take additional governor and council action on a quarterly basis.

ITEM REMOVED FROM TABLE

#2 The Governor and Council, on motion of Councilor Wheeler, seconded by Councilor Burton voted to remove item #2 (*which was tabled at the 1-6-11 meeting*)

The Governor and Council, on motion of Councilor Wheeler, seconded by Councilor St.Hilaire, voted to approve the item with the following amendment: Authorized the Department of Administrative Services to make transfers from the Salary Adjustment Fund and the Benefit Adjustment Fund to agency personnel service accounts and benefit accounts for the coming quarter; and further to require the department to make a quarterly report of all transfers made in the previous quarter to the governor and council. This item would then approve transfers through March 31, 2011. Further transfers would take additional governor and council action on a quarter basis.

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The Governor and Council, at the next meeting on Wednesday, February 16, 2011, will take up the Repeal of Denial of Indemnification of Representative Edmond Gionet.

*

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

The Honorable Board then Adjourned at 12:30 p.m.