GOVERNOR AND EXECUTIVE COUNCIL MINUTES
Portsmouth City Hall, Portsmouth, NH
October 6, 2010, 10:00 a.m.

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

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The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Hollingworth, accepted the minutes of September 22, 2010.

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The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Shea approved the appointment of several persons nominated for Civil Commissions from the September 22, 2010 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, with regret, accepted the following resignations:

Board of Accountancy
(Certified Public Accountant)
Deborah Butler, Concord — Effective: October 6, 2010

Air Resources Council
(Practicing Physician)
Robert Hickey, New Castle — Effective: October 24, 2010

Board of Licensure of Interpreters for the Deaf and Hard of Hearing
(Rec by the NH Registry of Interpreters for the Deaf)
Karen Phillips, Londonderry — Effective: October 10, 2010

Exeter District Court
R. Laurence Cullen, Brentwood — Effective: October 31, 2010

Health Services Planning & Review Board
(Consumer)
Constance Jones, Grantham — Effective: October 6, 2010

Commission on the Status of Men
Robert C. Sinclair, Plymouth — Effective: October 6, 2010

Real Estate Appraisers Board
(Public Member)
Kevin McCue, Manchester — Effective: October 6, 2010

Telecommunications Planning & Development Advisory Commission
(Industry)
Carol Miller, Gorham — Effective: October 6, 2010

CONFIRMATIONS

The Governor and Council confirmed the following:

Agricultural Lands Preservation Committee
Ruth I. Clough, Elkins — Effective: October 20, 2010
Reappointment — Term: October 10, 2012

Aviation Users Advisory Board
(Airline)
William Hart, North Hampton — Effective: October 6, 2010
Succeeding: Edward A. Schmidt, Bristol (resigned) — Term: April 23, 2014

Ballot Law Commission
(Alternate member appointed by Governor and Council)
Jameson S. French, (r), Portsmouth — Effective: October 6, 2010
Succeeding: Gregory T. Martin (d) Keene — Term: July 1, 2013

Compensation Appeals Board
(Attorney)
J. Kirk Trombley, Durham — Effective: October 6, 2010
Reappointment — Term: January 1, 2013

Engineers Board
Thomas M. Bowen, Manchester — Effective: October 6, 2010
Succeeding: Marc Morin, Bow — Term: August 21, 2015

Family Mediator Certification Board
Ellen Dinerstein, Hancock — Effective: October 6, 2010
Reappointment — Term: September 6, 2013

State Board of Fire Control
(Architect)
Martin U. Michaelis, Amherst — Effective: October 6, 2010
Reappointment — Term: July 8, 2015

Health Services Planning and Review Board
(Health Care Provider)
Nominated by the NH Health Care Association
Christopher Martin, Newport — Effective: October 6, 2010
Succeeding: Scott M. Wojtkiewicz, Bedford (term limited) — Term: April 19, 2013

NH Housing Finance Authority
(Exp. in construction of single-family real estate)
Kendall L. Buck, (r), Wilmot — Effective: October 6, 2010
Succeeding: John T. Eller (d) Newbury, (resigned) — Term: July 1, 2011

Lakes Management Advisory Committee
(Rep. Of State Conservation Committee)
Donald M. Kent, Concord — Effective: October 6, 2010
Vacancy — Term: August 1, 2012

New Hampshire Land and Community Heritage Authority
(Municipal)
H. Charles Royce, Jaffrey — Effective: October 6, 2010
Reappointment — Term: September 6, 2014

McAuliffe-Shepard Discovery Center
Paul A. Burkett, Bow — Effective: October 6, 2010
Reappointment — Term: September 19, 2013

Medical Review Subcommittee
Nominated by the Board of Medicine
Michael Barr, Nashua — Effective: October 6, 2010
Succeeding: Nicole Siporsky, Lebanon (resigned) — Term: December 3, 2012

State Commission on the Status of Men
Michael J. Geanoulis, New Castle — Effective: October 6, 2010
Reappointment — Term: September 1, 2013

Board of Mental Health Practice
(Public Member)
David J. Braiterman, Concord — Effective: October 31, 2010
Reappointment — Term: October 31, 2013

New Motor Vehicle Arbitration Board
(Alternate – Representing Consumers)
John Badger, Newmarket — Effective: October 6, 2010
Succeeding: Billie Tooley, Portsmouth — Term: October 16, 2012

Board of Nursing
(LNA)
Brenda J. Libby, Sanbornville — Effective: October 24, 2010
Reappointment — Term: October 24, 2013

Passenger Tramway Safety Board
(Cable Lift)
Robert Hoyt, Madison — Effective: October 6, 2010
Reappointment — Term: June 20, 2014

Physical Therapy Governing Board
(Public Member)
James H. Bradley, Goffstown — Effective: October 6, 2010
Reappointment — Term: September 16, 2013

Racing and Charitable Gaming Commission
Anthony B. Urban, Berlin — Effective: October 6, 2010
Reappointment — Term: September 24, 2013

Real Estate Appraisers Board
(Certified Residential Appraiser)
Kristen A. Eldridge, Meredith — Effective: October 6, 2010
Reappointment — Term: August 12, 2013

Respiratory Care Practitioners Governing Board
(Physician knowledgable in the practice of respiratory care)
Jeffrey T. Reisert, Plymouth — Effective: October 6, 2010
Reappointment — Term: February 18, 2013

New Hampshire Retirement System Board of Trustees
Nominated by the State Employees' Association
Charles C. Koontz, Hopkinton — Effective: October 6, 2010
Reappointment — Term: July 1, 2012

Speech-Language Pathology Governing Board
(Licensed SPL)
Laura A. Darling, Loudon — Effective: October 6, 2010
Succeeding: Dianne B. Roosen, Bedford (term limited) — Term: March 4, 2013

Volunteer New Hampshire Board of Directors
(Person between 16-25/participant in service program)
Alec J. Bernard, Derry — Effective: October 6, 2010
Succeeding: Mau-Don Tran, Manchester — Term: December 19, 2011

Wetlands Council
(Farm or Forest Landowner)
George W. Kimball, Center Sandwich — Effective: October 31, 2010
Reappointment — Term: October 31, 2013

NOMINATIONS

The Governor placed into nomination the following:

Agricultural Lands Preservation Committee
Dwight E. Barney, Lee — Effective: Upon confirmation
Reappointment — Term: October 10, 2013

Court Reporters
Alix M. Godbout, Moultonborough — Effective: Upon confirmation
Reappointment — Term: October 3, 2015

Family Mediator Certification Board
(Attorney)
Karen Borgstrom, Lyme — Effective: Upon confirmation
Reappointment — Term: October 11, 2013

McAuliffe-Shepard Discovery Center
Karen N. Bianco, Gilford — Effective: Upon confirmation
Reappointment — Term: September 19, 2013

Municipal Bond Bank
Steve S. Panagoulis, Plymouth — Effective: Upon confirmation
Reappointment — Term: July 1, 2015

State Radiation Advisory Committee
(Medical)
Charles G. Leutzinger, Wilton — Effective: Upon confirmation
Reappointment — Term: October 14, 2014

State Radiation Advisory Committee
(Public Member)
Elizabeth A. Thibodeau, Seabrook — Effective: Upon confirmation
Reappointment — Term: October 14, 2014

Recreational Therapy Governing Board
Robert C. DuPont, Penacook — Effective: October 25, 2010
Reappointment — Term: October 25, 2013

Telecomunications Planning & Development Advisory Commission
(Industry)
Brian R. Foucher, Harrisville — Effective: Upon confirmation
Succeeding: Carol Miller, Gorham (resigned) — Term: December 6, 2012

Telecomunications Planning & Development Advisory Commission
(Industry)
Jeremy L. Katz, Lebanon — Effective: Upon confirmation
Reappointment — Term: October 18, 2012

Telecomunications Planning & Development Advisory Commission
(Industry)
Marc A. Violette, Warner — Effective: Upon confirmation
Succeeding: William Stafford, Weare — Term: October 18, 2012

Traffic Safety Commission
William A. Bevelaqua, Manchester — Effective: Upon confirmation
Reappointment — Term: September 16, 2015

Traffic Safety Commission
Howard C. Hedegard, Jr., Epsom — Effective: Upon confirmation
Reappointment — Term: September 16, 2015

Traffic Safety Commission
Thomas Wolkowski, Manchester — Effective: Upon confirmation
Reappointment — Term: September 16, 2015

Advisory Council on Unemployment Compensation
(Employees)
Mark S. MacKenzie, Manchester — Effective: Upon confirmation
Succeeding: Omer Beaudoin, Manchester — Term: March 26, 2012

Waste Management Council
(Municipal Public Works Field)
Philip H. Bilodeau, Deerfield — Effective: Upon confirmation
Succeeding: Carl Quiram, Goffstown (resigned) — Term: November 10, 2013

Water Well Board
(Public Installer)
Steve Guercia, Concord — Effective: Upon confirmation
Reappointment — Term: September 15, 2013

#1 **CONSENT CALENDAR - DONATIONS:**

ATTORNEY GENERAL

A. Authorized to accept a gift of $7,858 from Comcast for the rewrite and graphic design of the Internet Safety Guide. Effective upon G&C approval.

BUSINESS FINANCE AUTHORITY

#2 The Governor and Executive Council on motion of Councilor Hollingworth, seconded by Councilor Wieczorek and further on a roll call vote as follows: Councilor Burton – yes, Councilor Shea – yes, Councilor Hollingworth – yes, Councilor Wieczorek – yes, and Councilor Pignatelli – yes, authorized to hold a Public Hearing with respect to the financing of a commercial facility by the Business Finance Authority for University of New Hampshire School of Law located in Concord, New Hampshire. Action will Authorized a Resolution under RSA 162-I:9 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
OCTOBER 6, 2010 AT PORTSMOUTH CITY HALL
PORTSMOUTH, NEW HAMPSHIRE

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At 10:35 a.m., the Governor announced that the next matter to be considered would be the financing of the commercial facility project by the Business Finance Authority for the University of New Hampshire School of Law (previously known as Franklin Pierce Law Center Corporation) and declared that the public hearing on the subject had been commenced. He said that he and the members of the Council had received the written recommendation of the Authority and other documentation and information with respect to the project. The Governor said that the meeting would then hear anyone wishing to speak on the subject. Jack Donovan, Executive Director of the Authority, stated that a hearing had been held in Concord that morning at 8:30 a.m. and no one had attended. He then briefly explained the project and emphasized that the credit of the State was not involved. Councilor Burton asked about the disposition of the School's endowment funds upon completion of the merge with UNH. Ed Dupont, Chair of the UNH Board of Trustees, indicated that all such funds would stay with the School of Law. The Governor explained that this meeting constituted the public hearing in compliance with Federal law and asked whether any other person wished to speak. There being none, Councilor Shea introduced a resolution entitled "A RESOLUTION AUTHORIZING $13,500,000 FOR UNIVERSITY OF NEW HAMPSHIRE SCHOOL OF LAW" and moved its adoption, which was seconded by Councilor Hollingworth. After discussion of the resolution, the Governor called for a vote on the motion. Those voting in favor were: the Governor and Councilor Burton, Councilor Shea, Councilor Hollingworth, Councilor Wieczorek, and Councilor Pignatelli those abstaining were Councilor(s): None; and those voting against were Councilor(s): None. The Governor declared that the resolution was passed.

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A RESOLUTION AUTHORIZING
$13,500,000 FOR UNIVERSITY OF NEW HAMPSHIRE SCHOOL OF LAW
(previously known as Franklin Pierce Law Center Corporation)

WHEREAS, the Governor and Council have received from the Business Finance Authority (the "Authority") its written recommendation that the Governor and Council make certain findings and a determination pursuant to RSA 162-I:9 with respect to the refinancing of existing debt and the financing of commercial facilities for the University of New Hampshire School of Law (previously known as Franklin Pierce Law Center Corporation) (the "Borrower") located in Concord, New Hampshire (the "Facility") by the Authority's issue of Revenue Bonds, University of New Hampshire School of Law Issue, Series 2010 in an aggregate principal amount not to exceed $13,500,000 (the "Bonds") under RSA 162-I (the "Act");

WHEREAS, the Governor and Council have received all the documentation and information with respect to the transaction which they have requested; and

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

IT IS HEREBY RESOLVED THAT:

Section 1. Findings. On the basis of the Authority's recommendation and the documentation and information received by the Governor and Council, and after a public hearing, the Governor and Council find:

(a) Special findings:

(1) The Bond proceeds, together with other available funds of the Borrower, will be used to: (i) refund the outstanding New Hampshire Health and Education Facilities Authority Revenue Bonds, Franklin Pierce Law Center Issue, Series 2008 (the "Refunded Bonds"); (ii) pay, or reimburse the Borrower for paying, a portion of the costs of acquiring, constructing, renovating and equipping capital projects with respect to the Borrower's facilities (the "Project") and (iii) pay certain costs associated with issuance of the Bonds. For a detailed description of the Project, see Exhibit A attached hereto.

(2) The operation of the Facility will create and preserve employment opportunities directly and indirectly within the State of New Hampshire (the "State").

(b) General findings:

(1) The Project and the proposed financing thereof is feasible;

(2) The Borrower has the skills and financial resources necessary to operate its Facility successfully;

(3) The Loan and Security Agreement by and among the Authority, the Borrower, Century Bank and Trust Company, as Disbursing Agent and its designated affiliate, Century Subsidiary Investments, Inc. III, as Bondholder (the "Agreement") contains provisions so that under no circumstances will the Authority be obligated directly or indirectly to pay Project costs, debt service or expenses of operation, maintenance and upkeep of the Facility except from proceeds of the Bonds or from funds received under the Agreement, exclusive of funds received thereunder by the Authority for its own use;

(4) The Agreement does not purport to create any debt of the State with respect to the Facility, other than a special obligation of the Authority acting on behalf of the State under the Act; and

(5) The proposed financing of the Project by the Authority and the operation and use of the Facility will serve one or more needs and implement one or more purposes set forth in RSA 162-I:1, will preserve or increase the social 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.

Section 2. Ultimate Finding and Determination. The Governor and Council find that the proposed financing, operation and use of the Facility will serve a public use and provide a public benefit, and the Governor and Council determine that the Authority's financing of the Project will be within the policy of, and the authority conferred by, the Act.

Section 3. Approval. The Governor and Council approve the Authority's taking such further action under the Act with respect to the transaction as may be required.

Section 4. Effective Date. This resolution shall take effect upon its passage. Passed and agreed to October 6, 2010.

The Project

The Bonds are being issued for purposes of (i) paying, or reimbursing the Borrower for paying, the costs of improvements to the Borrower's main campus located at 2 White Street, Concord, New Hampshire, including the construction and equipping of an approximately 12,700 square foot, two story building that will serve as the Franklin Pierce Center for Intellectual Property, including an approximately 163 seat auditorium, 50 person high tech classroom, conference rooms, offices and event sized atrium; (ii) refinancing the New Hampshire Health and Education Facilities Authority Revenue Bonds, Franklin Pierce Law Center Issue, Series 2008, outstanding in the principal amount of $8,390,000 (the "Refunded Bonds"); and (iii) paying certain costs incurred in connection with the issuance of the Bonds (collectively, the "2010 Projects").

COMMUNITY DEVELOPMENT FINANCE AUTHORITY

#3 The Governor and Council on motion of Councilor Hollingworth, seconded by Councilor Wieczorek authorized the request to amend a grant with the County of Merrimack, Boscawen, NH, (previously approved by G&C on 1-16-08, item #5), in the amount of $355,000, by extending the completion date to June 30, 2012 from December 31, 2010. **100% Federal Funds.**

DEPARTMENT OF INFORMATION TECHNOLOGY

#3A The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton authorized the request to accept and expend $27,206 in SFY 2011 of additional other funds available from the Department of Safety to allow for full utilization of a grant awarded by Federal Motor Carrier Safety Administration for procurement of information technology capabilities supporting the Division of Motor Vehicles. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

CONNECTICUT RIVER VALLEY RESOURCE COMMISSION

#4 The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea authorized the request to enter into a **retroactive sole source** agreement with the Connecticut River Joint Commission, Charlestown, NH, to provide administration, management, and program assistance in the amount of $30,000. (2)Further authorized to advance $7,500. Effective July 1, 2010 through June 30, 2011. **100% General Funds.**

OFFICE OF ENERGY AND PLANNING

The Governor and Council acted as follows:

#5 Authorized to amend item #4, approved by G&C on 11-4-09, by reallocating ARRA funding for the Energy Assurance Planning program across the state fiscal years during which the grant award falls and between expenditure classes in the amount of $102,504. Effective upon G&C approval through August 14, 2012. **100% Federal (ARRA Energy Assurance Planning) Funds. Fiscal Committee approved.**

#6 Authorized to amend item #17A, approved by G&C on 6-23-10, by reallocating ARRA funding for the Retrofit Ramp-Up program between expenditures classes in the amount of $11,277 in FY11 and $17,256 in FY12. (2)Further authorized to amend items #10A, approved by G&C on 5-26-10, by reallocating ARRA funding for the State Energy Programs program between expenditure classes in the amount of $47,592 in FY11 and $74,399 in FY12. (3)Further authorized to amend item #17B, approved by G&C on 6-23-10, by reallocating ARRA funding for the Weatherization program between expenditure classes in the amount of $47,592 in FY11 and $74,399 in FY12. Effective upon G&C approval through June 30, 2012. (4)Further authorized to establish a full-time temporary ARRA Accountant position. (5)Further authorized to establish a full-time temporary ARRA Administrative Assistant position. Effective upon G&C approval through April 30, 2012. **100% Federal ARRA Funds. Fiscal Committee approved.**

#7 Authorized to enter into a **sole source** contract with the Community Action Program Belknap-Merrimack Counties Inc., Concord, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving Weatherization services in the amount of $132,162. (2)Further authorized to advance $23,789. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

#8 Authorized to enter into a **sole source** contract with Southwestern Community Services Inc., Keene, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving Weatherization services in the amount of $94,790. (2)Further authorized to advance $17,062. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

#9 Authorized to enter into a **sole source** contract with the Strafford County Community Action Committee Inc., Dover, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving Weatherization services in the amount of $83,099. (2)Further authorized to advance $14,959. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

#10 Authorized to enter into a **sole source** contract with the Tri-County Community Action Program Inc., Berlin, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving Weatherization services in the amount of $141,551. (2)Further authorized to advance $25,479. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

#11 Authorized to enter into a **sole source** contract with the Rockingham Community Action Inc., Portsmouth, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving Weatherization services in the amount of $100,957. (2)Further authorized to advance $18,172. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

#12 Authorized to enter into a **sole source** contract with Southern New Hampshire Services Inc., Manchester, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving Weatherization services in the amount of $197,441. (2)Further authorized to advance $35,539. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

OFFICE OF THE ADJUTANT GENERAL

The Governor and Council acted as follows:

#13 Authorized Captain Dan M. Tzizik, Lee, 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.

#14 Authorized Captain Heidi S. McInally, Hampstead, 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.

#15 Authorized Richard F. Oberman, Pembroke, NH, be confirmed to the rank of Lieutenant Colonel, NH Army National Guard.

#16 Authorized Captain Kerry M. Clark, Dudley, MA, be confirmed for promotion to the rank of Major, NH Air National Guard.

#17 Authorized Travis A. Jones, Oak Ridge, TN, be confirmed to the rank of Major, NH Army National Guard.

#18 Authorized Jeffrey M. Samon, Newmarket, NH, be confirmed to the rank of Major, NH Army National Guard.

#19 Authorized Major Charles R. Smith, Newfields, NH, be confirmed for promotion to the rank of Lieutenant Colonel, NH Air National Guard.

#20 Authorized Captain Joel R. Johnson, Portsmouth, NH, be confirmed for promotion to the rank of Major, NH Air National Guard.

#21 Authorized Major Russell F. Morin, Merrimack, NH, be confirmed for promotion to the rank of Lieutenant Colonel, NH Air National Guard.

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

#22 Authorized the Bureau of Court Facilities to enter into a two-year holdover amendment agreement with the DCC Development Corporation, Hampton, NH, (previously approved by G&C on 9-19-08, item #24A), for rent of the Hampton District Court, Seabrook, in an amount not to exceed $148,354.49. Effective November 1, 2010 through October 31, 2012. **100% Transfer Funds – transfer from AOC, Rent from Other Agencies.**

#23 Authorized the Bureau of Graphic Services to enter into a contract with Offtech of Maine Inc., Westbrook, ME, for equipment and maintenance, in the amount not to exceed $47,345. (2)Further authorized a contingency in the amount not to exceed $14,275, bringing the total not to exceed $61,620. Effective November 1, 2010 through October 31, 2012. **100% General Funds.**

STATE TREASURY

#24 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton authorized the request to issue a warrant from funds not otherwise appropriated in the amount of $26,841, and the State Treasurer to issue checks in the amount of $26,840.17 to the rightful owners of abandoned or unclaimed funds.

DEPARTMENT OF CULTURAL RESOURCES

The Governor and Council acted as follows:

#25 Authorized the Division of Arts to transfer Fiscal Year 2011 appropriations in the amount of $25,300 between classes. Effective upon G&C approval through June 30, 2011. **No Cost. Fiscal Committee approved.**

#26 Authorized the Division of Arts to award FY 2011 Individual Artist Literary Fellowship Grants totaling $10,000 to the artists as detailed in letter dated August 12, 2010. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#27 Authorized to amend an operating grant awarded to Lebanon Opera House (previously approved by G&C on 12-29-09, item #25), by reducing the amount of $840 from $12,000 to $11,160. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#28 Authorized the State Library to award a Conservation Number Plate Grant to Plymouth State University in the amount of $6,247. Effective upon G&C approval through June 30, 2011. **100% Conservation Plate Funds.**

#29 Authorized the Division of Arts to amend an operating grant to the Nashua Symphony Association, Nashua, NH (previously approved by G&C on 10-21-09, item #19), by reducing the amount $966 from $13,800 to $12,834. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#30 Authorized the Division of Arts to amend an operating grant to the Saint Kieran Community Center, Berlin, NH (previously approved by G&C on 12-9-09, item #27), by reducing the amount $672 from $9,600 to $8,928. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#31 Authorized the Division of Arts to amend operating grants awarded to the organizations as detailed in letter dated September 27, 2010, (previously approved by G&C on 10-21-09, item #18), by reducing the amounts. Effective upon G&C approval through June 30, 2011. **100% General Funds.**

#32 Authorized the Division of Arts to amend an operating grant to the Children's Museum of NH, (previously approved by G&C on 12-9-09, item #27), by reducing the amount $840 from $12,000 to $11,160. Effective upon G&C approval through June 30, 2011. **100% General Funds.**

#33 Authorized the Division of Arts to amend an operating grant to the AVA Gallery and Art Center, (previously approved by G&C on 10-21-09, item #18), by reducing the amount $840 from $12,000 to $11,160. Effective upon G&C approval through June 30, 2011. **100% General Funds.**

#34 Authorized the Division of Arts to award an operating grant in the amount of $7,905 to Saint Anselm College, Manchester, NH. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#35 Authorized the State Library to award a Conservation Number Plate Grant to Chamberlin Free Library in the amount of $9,937. Effective upon G&C approval through June 30, 2011. **100% Conservation Plate Funds.**

#36 Authorized the Division of Arts to award a Partnership Initiative Grant in the amount of $5,000 to Arts Alliance of Northern NH. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#37 Authorized the Division of Arts to amend an operating grant awarded to the Peterborough Players (previously approved by G&C on 10-21-09, item #20), by reducing the amount $1,050 from $15,000 to $13,950. Effective upon G&C approval through June 30, 2011. **100% General Funds.**

#38 Authorized the Division of Arts to amend an operating grant awarded to the Enfield Shaker Museum (previously approved by G&C on 12-6-09, item #27), by reducing the amount $791 from $11,300 to $10,509. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#39 Authorized the Division of Arts to award a grant in the amount of $14,000 to the New England Foundation for the Arts, Boston, MA, for a collaborative regional partnership initiative for NH Artists and Presenters. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#40 Authorized the Division of Arts to award a grant in the amount of $10,000 to the City Cultural Commission d/b/a ArtSpeak, Portsmouth, NH, for a collaborative regional partnership initiative for NH Artists. Effective upon G&C approval through June 30, 2011. **100% Federal Funds.**

#41 Authorized the Division of Arts to renew membership with the National Assembly of State Arts Agencies, Washington, DC, in the amount of $18,600. Effective October 1, 2010 through September 30, 2011. **100% Federal Funds.**

ATTORNEY GENERAL

The Governor and Council acted as follows:

#42 Authorized to enter into a sub grant with the Strafford County Department of Corrections, in the amount of $10,000 from the Residential Substance Abuse Treatment for State Prisoners Formula Grant to support the ongoing Therapeutic Community Program for men in the Strafford County Jail. Effective upon G&C approval through September 30, 2011.

#43 Authorized to accept and expend unbudgeted grant funds in the amount of $7,944 from the Bureau of Justice Statistics, US Department of Justice, to be utilized to post statewide and regional crime statistics on the Internet. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

INSURANCE DEPARTMENT

#44 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Shea authorized the request to accept and place on file the Annual Report for Fiscal Year 2010.

NEW HAMPSHIRE EMPLOYMENT SECURITY

#45 The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea authorized the request to continue a Mail Clerk II position through October 7, 2011 at an estimated cost of $17,959. **100% Federal Funds.**

DEPARTMENT OF CORRECTIONS

The Governor and Council acted as follows:

#46 Authorized to reclassify position #43503, Technical Support Specialist II, labor grade 21 to Program Specialist II, labor grade 21. Effective upon G&C approval. **100% Other Funds.**

#47 Authorized with Councilor Wieczorek voting **no,** to reclassify position #12840 Probation/Parole Officer II, labor grade 22, step 6, to Business Systems Analyst II, labor grade 30, step 5. Effective upon G&C approval. **100% General Funds.**

NEW HAMPSHIRE LIQUOR COMMISSION

The Governor and Council acted as follows:

#48 Authorized **retroactive** pay for Andrew S. Davis, Program Specialist IV, in the amount of $1,995.14, for the dates of February 17, 2009 through February 17, 2010, for wages not paid in FY 2009 and FY 2010. **100% Liquor Funds.**

#49 Authorized the Division of Liquor Enforcement, to accept and expend additional federal and other funds, in the amount of $45,000 from DHHS, Division of Community Based Care Services, Bureau of Drug and Alcohol Services to fund increased surveillance, enforcement and prevention efforts relevant to youth access to tobacco. (2)Further authorized to renew and amend a memorandum of understanding with DHHS, Division of Community Based Care Services, Bureau of Drug and Alcohol Services, (previously approved by G&C on 11-19-08, item #128), to provide increased surveillance, enforcement and prevention efforts relevant to youth access to tobacco, by increasing the price by $45,000. Effective upon G&C approval through June 30, 2011. **100% Transfer Funds (Federal/DHHS).**

#50 Authorized to enter into a **sole source** contract with New Hampshire Fisher Cats, Manchester, NH, for the sole purpose of providing a sponsorship agreement, for a total price of $36,000. Effective upon G&C approval through June 30, 2013. **100% Liquor Funds.**

#51 NOT USED

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Council acted as follows:

#52 Authorized the Division of Parks and Recreation, Cannon Mountain to enter into a membership with the Loon Mountain d/b/a NH Ski Group, Lincoln, NH, in the amount of $16,006, for the 2010-2011 ski season. **100% Ski Area Funds.**

#53 Authorized the Division of Parks and Recreation, Cannon Mountain to renew membership with New England Ski Areas Council, Lebanon, NH, in the amount of $2,656.92 for the 2010-2011 ski season. **100% Ski Area Funds.**

#54 Authorized the Division of Parks and Recreation to make a **retroactive** payment to Ed Mullaney & Associates, Marlton, NJ, in the amount of $1,427.75 for bathroom repairs to a state park facility on June 29, 2010. **100% State Park Funds.**

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

The Governor and Council acted as follows:

#55 Authorized to enter into a contract with Prime Roofing Corp., New Ipswich, NH, to supply and install a new roof on the hatchery building at the Twin Mountain Fish Hatchery, Carroll, NH, for an amount not to exceed $35,388. Effective upon G&C approval through June 30, 2011. **100% Fish and Game Funds.**

#56 Authorized to accept and expend a grant of $9,549 from the Wildlife Heritage Foundation of NH for the purpose of supporting the Barry Conservation Camp Renovation and Long Term Maintenance Project. Effective upon G&C approval through June 30, 2011. **100% Agency Income (Wildlife Heritage) Funds.**

#57 Authorized to accept and expend $59,598 in federal funds from the National Oceanic and Atmospheric Administration. Effective upon G&C approval through June 30, 2011. **Fiscal Committee approved.**

#58 Authorized the transfer of $205,065 of unexpended funds from Excess Registration Fees to the Fish and Game OHRV Fiscal Year 2011 Operating Budget. **Fiscal Committee approved.**

#59 Authorized to enter into a Grant Agreement with the Spectacle Pond Association, Alexandria, NH, to rebuild the dam on Spectacle Pond, Groton and Hebron, NH, in the amount of $25,000. Effective upon G&C approval through December 31, 2011. **100% Other (Fisheries Habitat) Funds.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council acted as follows:

#60 Authorized to rebudget federal grant funds in the amount of $76,000 for the removal of dams. (2)Further authorized to accept and expend $69,000 in federal funds from the US Fish and Wildlife Service for the removal of dams. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#61 Authorized to rebudget federal grant funds in the amount of $79,831 to design and construct a hands-on training module for drinking water operators. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#62 Authorized to enter into a contract with F. X. Lyons Inc., to design and build a hands-on training demonstration module for training, in the amount of $64,831. Effective upon G&C approval through May 31, 2011. **100% Federal Funds.**

#63 Authorized a loan agreement with Country Village Way Condominium Association, Gilford, NH, to finance water system improvements in the amount of $97,400. Effective upon G&C approval. **79% Federal, 21% Capital (General) Funds.**

#64 Authorized a loan agreement with Old Lawrence Road LLC, Pelham, NH, to finance water system improvements in the amount of $242,000. Effective upon G&C approval. **79% Federal, 21% Capital (Federal) Funds.**

#65 Authorized to **retroactively** pay FY 2011 membership dues to the New England Interstate Water Pollution Control Commission, Lowell, MA, in the amount of $13,399. Effective upon G&C approval. **16% Federal, 84% CWSRF Funds.**

#66 Authorized to enter into an agreement with Energy Management and Control Inc., Marlborough, MA, for turbine generator maintenance and repair in the amount of $18,150. Effective upon G&C approval through June 30, 2013. **100% WBRP Funds.**

#67 Authorized Richard Totaro's request to conduct work on an average of 374 feet of frontage along Lake Winnipesaukee in Wolfeboro.

DEPARTMENT OF EDUCATION

The Governor and Council acted as follows:

#68 Authorized to transfer $22,424 Fiscal Year 2011 appropriations between classes. Effective upon G&C approval through June 30, 2011. **Fiscal Committee approved.**

#69 Authorized to amend a contract with SunGard Public Sector Ltd., Lake Mary, FL, (previously amended by G&C on 7-15-09, item #131), to purchase a statewide license for Assessment Builders, for an additional amount not to exceed $90,000, a total cost not to exceed $1,240,633. Effective upon G&C approval through July 31, 2011. **100% Federal Funds.**

#70 Authorized to enter into a contract with Community College System of NH, Concord, NH, to implement the Mathematics and Science Partnership Project entitled Mathematics Learning Communities 2, by providing professional development activities for high school and college mathematics faculty to enhance pedagogy and instructional approaches that support the effective delivery of mathematics content in two courses that are aligned to college readiness, in an amount not to exceed $75,000. (2)Further authorized payment for services rendered and approved in lieu of withholding 25% of the total value of the contract. Effective upon G&C approval through October 29, 2011. **100% Federal Funds.**

#71 Authorized to amend a contract with NH Jobs for America's Graduates, Manchester, NH (previously approved by G&C on 9-9-09, item #108), by reallocating available FY 2010 balances forward into FY 2011; adding Laconia High School as a site to receive dropout prevention and alternative education services; and by increasing the contract from $392,728 by $21,709 to an amount not to exceed $414,437. Effective upon G&C approval through June 30, 2011. **100% General Funds.**

#71A Authorized to enter into a contract with Granite State Independent Living, Concord, NH, to provide independent living services, in an amount not to exceed $154,282. (2)Further authorized payment for services rendered and approved in lieu of withholding 25% of the total value of the contract. Effective upon G&C approval through September 30, 2011. **76% Federal, 24% General Funds.**

#71B Authorized to enter into a contract with Northeast Deaf and Hard of Hearing Services Inc., Concord, NH, to provide independent living services, in an amount not to exceed $65,813. (2)Further authorized payment for services rendered and approved in lieu of withholding 25% of the total value of the contract. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

POSTSECONDARY EDUCATION COMMISSION

The Governor and Council acted as follows:

#72 Authorized to enter into a **sole source** contract with the University System of NH, to increase college access and success for NH citizens by improving the infrastructure for students progressing from one level to another with accurate transcript and credit evaluations for courses in the amount of $99,345. Effective upon G&C approval through August 14, 2012. **100% Federal Funds.**

#73 Authorized to enter into a **sole source** contract with Granite State Management & Resources, Concord, NH, to improve access to college planning and admissions information for students, parents and education professionals in the State's seven regions, increase participation in standardized testing and related preparation activities for students at the State's public high schools with the lowest college-going and highest poverty rates, and in partnership with NH's degree-granting postsecondary schools and the NH Postsecondary Education Commission, create a public awareness campaign focusing on the value of pursuing a higher education in the amount of $854,555. Effective upon G&C approval through August 14, 2012. **100% Federal Funds.**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

Office of the Commissioner

#73A Authorized an increase of $4,268.17 in the annual salary of Unclassified Position #9U423, Administrator of Glencliff Home, L. Todd Bickford, salary grade FF, from $95,290.55 to $99,558.72, effective October 6, 2010. **95.5% General, 4.5% Agency Income Funds.**

Bureau of Human Resource Management

#74 Authorized to make a one-time payment from SFY 2011 funds to Ellen Allwood, Registered Nurse III, NH Hospital, in the amount of $2,451.12, to compensate for wages that were not paid for SFY 2010. **70% General, 30% Federal Funds.**

#75 Authorized to make a one-time payment from SFY 2011 funds to Shanthi Venkatesan, Administrator IV, Office of Business Operations in the amount of $555, to compensate for wages that were not paid for SFY 2010. **62% General, 38% Federal Funds.**

Division of Public Health Services

#76 Authorized with Councilor Wieczorek voting **no,** the Bureau of Community Services, Maternal & Child Health Section to accept and expend federal funds in the amount of $305,501 from the US Department of Health and Human Services, Public Health Services, to fund the Family Planning Program. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#77 Authorized the Bureau of Community Services, Maternal & Child Health Section to accept and expend federal funds in the amount of $449,627 from the Health Resources and Services Administration to fund the Affordable Care Act Home Visiting Program. Effective **retroactive** to the Notice of Grant Award date of July 15, 2010 through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#78 Authorized the Bureau of Community Services, Maternal & Child Health Section to enter into an agreement with Strafford County Community Action Committee, Farmington, NH, to provide home visiting services in an amount not to exceed $30,352. Effective **retroactive** to July 1, 2010 through June 30, 2011. **100% Federal Funds.**

#79 Authorized Bureau of Prevention Services, Asthma Control, Diabetes Education, and Tobacco Prevention and Control Programs, to enter into an agreement with Community Health Access Network, Newmarket, NH, to provide, coordinate, and implement capacity-building interventions for improved workforce development, quality of health care, and public health initiatives specific to asthma, diabetes and tobacco control under the programs' joint Chronic Disease Prevention, Education And Clinical Quality Project, in an amount not to exceed $552,307. Effective upon G&C approval through August 31, 2012. **100% Federal Funds.**

#79A Authorized the Bureau of Health Statistics and Informatics, Health Statistics and Data Management Section to reimburse D. Sai S. Cherala from current year funds for out-of-state travel-related expenses incurred in the performance of office state business during the last fiscal year. **100% Federal Funds.**

New Hampshire Hospital

#80 Authorized to enter into an agreement with The Melanson Company Inc., Bow, NH, to provide roof repairs on the NHH Acute Psychiatric Building, in the amount of $24,780. Effective upon G&C approval through December 31, 2010. **69% General, 31% Federal Funds.**

DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

#81 Authorized the Division of Homeland Security and Emergency Management to expend State Matching Funds for Federal Emergency Management Agency Public Assistance Grants to the applicants as detailed in letter dated September 8, 2010, in the amount of $242,997. (2)Further authorized the Division of Homeland Security and Emergency Management to expend State Matching Funds for Federal Emergency Management Agency Public Assistance Grants to the applicants as detailed in letter dated September 8, 2010, in the amount of $60,960.71. Effective upon G&C approval. **100% General Funds.**

#82 Authorized the Division of Motor Vehicles to enter into a **sole source** contract with Penton Business Media Inc., New York, NY, (previously amended by G&C on 4-1-09, item #121E), to contract for on line vehicle identification and valuation services needed for the Municipal Agent Automation Project, in an amount not to exceed $295,809. Effective January 1, 2011 through December 31, 2013. **100% Revolving Funds, (Plate Fees).**

#83 Authorized the Division of Homeland Security and Emergency Management to enter into grant agreements with the governmental entities as detailed in letter dated September 11, 2010, for emergency preparedness capabilities enhancements for a total amount of $62,045. Effective upon G&C approval through September 30, 2011. **100% Federal Funds.**

DEPARTMENT OF TRANSPORTATION

The Governor and Council acted as follows:

#84 Authorized to transfer $107,430 from Highway Surplus to fund the position of Director of Administration and Policy in the Executive Office. Effective upon G&C approval. **100% Highway Funds. Fiscal Committee approved.**

#85 Authorized the Bureau of Right of Way to pay various owners $272,000 as documented in the Contemplated Awards List for amounts greater than $5,000 for the period extending from September 3, 2010 through September 16, 2010. Effective upon G&C approval.

#86 Authorized the Bureau of Highway Design to enter into two individual agreements with the firms of CHA Inc., Keene, NH, and McFarland-Johnson Inc., Concord, NH, for on-call engineering services, for various transportation projects located throughout the State, for an amount not to exceed $500,000. Effective upon G&C approval through November 30, 2013.

#87 Authorized the Bureau of Bridge Design to enter into an Interstate Bridge Agreement with the State of VT, for rehabilitation of the bridge carrying Interstate 93 Northbound and Southbound over the Connecticut River between Littleton, NH, and Waterford, VT. Effective upon G&C approval. **65% NH, 35% VT – Federal Funds.**

#88 Authorized the Bureau of Bridge Design to enter into an Interstate Bridge Agreement with the State of VT, for rehabilitation of the bridge carrying Bridge Street (Beecher Falls Road) over the Connecticut River between Stewartstown, NH, and Canaan, VT. Effective upon G&C approval. **72% NH, 28% VT – Federal Funds.**

#89 Authorized the Bureau of Environment to enter into two prequalified, low bid, cost-based, task-based contracts for a combined total of $254,691.58 with the following firms: (1)Lisa B. Mausolf, Preservation Consultant, Reading, MA, for $150,735.20 and (2)Preservation Company, Kensington, NH, for $103,956.38 to undertake specific tasks, which involve documentation, a planning charrette, workshops, and public outreach identified as mitigation for the Berlin, NH Route 110 Relocation Project. Effective upon G&C approval through December 15, 2014. **80% Federal, 20% Local Funds.**

#90 Authorized the Commissioner's Office to amend an agreement with the University of NH Research Computing Center through the University of NH's Office of Sponsored Research, (previously approved by G&C on 4-1-09, item #129), by extending the completion date from October 31, 2010 to March 1, 2011. No Additional Funding.

#91 Authorized the Bureau of Aeronautics to award a grant to the City of Manchester, for AIP-83 for the design and construction of two in-ground snow melters, demolition of a building at 30 Bildor Drive, and preparation for a wildlife assessment at the Manchester-Boston Regional Airport in the amount of $1,887,803. Effective upon G&C approval through October 31, 2014. **95% Federal, 5% General Funds.**

#92 Authorized the Bureau of Aeronautics to award a grant to the City of Claremont, to design and construct, mark, light and sign Taxiway "C" (west end) at the Claremont Municipal Airport in the amount of $446,550. Effective upon G&C approval through October 31, 2014. **97.44% Federal, 2.56% General Funds.**

#93 Authorized the Bureau of Construction to enter into a contract with Visi-Flash Rentals Eastern, Inc., West Bridgewater, MA, for installation and upgrading of warning signs at locations throughout the Towns of Amherst, Henniker, Hollis, Rindge, and Weare, on the basis of a low bid of $298,908.05. (2)Further authorized a contingency in the amount of $29,890.80 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.**

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Attorney Perrault and Attorney Meyers submitted to the Governor and Executive Councilor's, the Decision and Order regarding Commissioner Bodi of the Liquor Commission. The Governor and Council accepted the Decision and Order on motion of Councilor Wieczorek, seconded by Councilor Shea, and further on a roll call vote as follows: Councilor Burton – yes, Councilor Shea – yes, Councilor Hollingworth – yes, Councilor Wieczorek – yes, and Councilor Pignatelli – yes.

Attorney Perreault said Mr. Bodi has submitted a request for payment of his attorney's expenses. Upon determination by the Attorney General that Mark Modi was the prevailing party, is whether Mark Bodi's attorney's fees would be paid by the State.

Meeting Recessed

Attorney Meyer submitted a list of expenses for conducting the hearing of Liquor Commissioner Mark Bodi. The Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek, voted to pay the attorney's expenses of Mark Bodi subject to the determination of the Attorney General as to whether or not Mr. Bodi was the prevailing party.

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Attorney Meyer made available the petition for the removal of Banking Commissioner Peter Hildreth as submitted by Attorney Peter Krupp. The Governor and Council will meet on October 11, 2010 at 4:00 in the State House, Concord, NH, to vote on this petition.

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Next regular Governor and Executive Council meeting is scheduled for Wednesday, October 20, 2010, at the Currier Gallery, Manchester, NH.

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