

GOVERNOR AND EXECUTIVE COUNCIL MINUTES
State House, Concord, New Hampshire
November 18, 2009 7:30 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 Hollingworth, seconded by Councilor Wieczorek, accepted the minutes of November 4, 2009.

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The Governor and Executive Council, on motion of Councilor Hollingworth, seconded by Councilor Burton approved the appointment of several persons nominated for Civil Commissions from the November 4, 2009 meeting.

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

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The Governor and Executive Council swore into office the following Representative-elect:

Merrimack County, District 11 (Concord Wards 4, 8, 9,10)

Lynne Ferrari Blankenkemper, r, Concord (26 Mulberry St) 03301

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RESIGNATIONS

The Governor and Council, with regret, accepted the following resignation:

Adult Parole Board

Megan De Vorse, Concord

Effective: December 31, 2009

Joint Promotional Program Screening Committee

(Chamber of Commerce)

Robin Comstock, Nottingham

Effective: November 18, 2009

Medical Review Subcommittee

Mark H. Selesnick, Concord

Effective: December 3, 2009

CONFIRMATIONS

The Governor and Council confirmed the following:

Adult Parole Board

Gregory R. Crompton, Dunbarton

Succeeding: Paul Emery, Bow (resigned)

Effective: November 18, 2009

Term: September 29, 2011

Board of Barbering, Cosmetology and Esthetics

(Manicurist)

Holly Manning, Concord

Succeeding: Deborah A. Booth, Manchester (resigned)

Effective: November 18, 2009

Term: July 1, 2013

Business Finance Authority

(Regional Planning)

Michael J. King, North Haverhill

Reappointment

Effective: November 18, 2009

Term: November 3, 2012

Compensation Appeals Board

(Attorney)

Nominated by the Commissioner of the Department of Labor

Timothy S. Wheelock, Portsmouth

Reappointment

Effective: November 18, 2009

Term: November 15, 2012

Electricians Board – Councilors Burton and Wieczorek voted **no**.

(Journeyman Electrician)

Joseph M. Casey, Rochester

Succeeding: Henry J. Szumiesz, Concord

Effective: November 18, 2009

Term: July 1, 2013

Fire Standards and Training Commission

(New Hampshire Municipal Association)

Nominated by the New Hampshire Municipal Association

R. Gary Stenhouse, Derry

Reappointment

Effective: November 18, 2009

Term: November 16, 2012

Fire Standards and Training Commission

(Full-Time Career Fire Chief)

Nominated by the New Hampshire Association of Fire Chiefs, Inc.

George Klauber, Derry

Succeeding: Michael O. Williams, Hooksett

Effective: November 18, 2009

Term: November 12, 2012

Joint Promotional Program Screening Committee

(Attractions)

Nominated by the New Hampshire Travel Council

Susan L. Leidy, Concord

Succeeding: Ron Meade, Canterbury

Effective: November 18, 2009

Term: July 13, 2012

Mental Health Practice

(Pastoral Psychotherapist)

David L. Sundell, Salem

Reappointment

Effective: November 18, 2009

Term: October 31, 2012

Postsecondary Education Commission

(On recommendation from the NH College and University Council)

Nominated by the NH College and University Council

Michele D. Perkins, Ed.D., Henniker

Succeeding: Robert Meyers, Nashua (no longer in same position with Daniel Webster College)

Effective: November 18, 2009

Term: June 30, 2012

Public Employee Labor Relations Board

(Alt. Member representing Management)

Sanford Roberts, Portsmouth

Reappointment

Effective: December 19, 2009

Term: December 19, 2015

Volunteer NH Board of Directors

Joceline D. Champagne, Manchester

Vacancy

Effective: November 18, 2009

Term: November 18, 2012

Volunteer NH Board of Directors

(Community-Based Organization)

Donald E. Chesnel, Rochester

Reappointment

Effective: November 18, 2009

Term: October 10, 2012

Volunteer NH Board of Directors

Donna J. Wright, Concord

Vacancy

Effective: November 18, 2009

Term: November 18, 2012

Waste Management Council

(Elected Official)

Elaine M. Lauterborn, Rochester

Reappointment

Effective: November 18, 2009

Term: November 10, 2013

Waste Management Council

(Local Conservation Commission Member)

Duncan P. Watson, Drewsville

Reappointment

Effective: November 18, 2009

Term: November 10, 2013

Waste Management Council

(Professional Environmental Science or Sanitary Engineering)

Nancy E. Kinner, Lee

Reappointment

Effective: November 18, 2009

Term: November 10, 2013

New Hampshire Water Well Board

(Public Member)

Steven Guercia, Concord

Succeeding: Christopher L. Covell, Lyndeborough (resigned)

Effective: November 18, 2009

Term: September 15, 2010

NOMINATIONS

The Governor placed into nomination the following:

Amusement Ride Safety Advisory Board

(Operator of permanently placed carnival or amusement rides)

Ryan DeMaria, Salem

Reappointment

Effective: Upon confirmation

Term: June 13, 2013

Connecticut River Valley Resource Commission

(Commercial Tourism Industry)

Janet Rebman, Hanover

Succeeding: Denise Meadows, Keene

Effective: Upon confirmation

Term: January 22, 2011

Fish & Game Commission

(Strafford County)

Robert S.S. Blake, (i), Durham

Succeeding: Mitchell Kalter, (i), Durham

Effective: Upon confirmation

Term: June 29, 2014

State Historical Resources Council

(Law)

Carolyn W. Baldwin, Gilmanton

Reappointment

Effective: December 10, 2009

Term: December 10, 2014

Medical Review Subcommittee

(Physician Assistant)

Nominated by the Board of Medicine

Kevin R. Costin, Manchester

Vacancy (new position created by HB 408 (2009) per RSA 329:17-V-a)Term: 3 years from confirmation

Effective: Upon confirmation

Medical Review Subcommittee

(Physician)

Nominated by the Board of Medicine

Michael Sochat, Weare

Vacancy (new position created by HB 408 (2009) per RSA 329:17-V-a)Term: 3 years from confirmation

Effective: Upon confirmation

Midwifery Council

(Midwife)

Carol L. Leonard, Hopkinton

Succeeding: Monica Stevens, Colebrook (term limited)

Effective: Upon confirmation

Term: November 10, 2013

Public Employee Labor Relations Board
(Alternate Member Labor Representative)
Richard J. Laughton, Jr., Durham
Reappointment

Effective: Upon confirmation
Term: December 6, 2015

New Hampshire Retirement System
(NH Local Government Center)
Nominated by the NH Local Government Center
Keith R. Hickey, Merrimack
Reappointment

Effective: Upon confirmation
Term: September 5, 2011

Department of Revenue Administration, Assistant Commissioner
Nominated by the Commissioner of Revenue Administration
Margaret L. Fulton, Bedford
Reappointment
Salary: HH max \$98,691

Effective: January 1, 2010
Term: January 1, 2014

Waste Management Council
(Municipal Public Works Field)
Carl L. Quiram, Manchester
Reappointment

Effective: Upon confirmation
Term: November 10, 2013

BUSINESS FINANCE AUTHORITY

The Governor and Council acted as follows:

#1 Authorized to accept and place on file the annual financial statement for FY 2009.

#2 The Governor and Executive Council 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, authorized to hold a Public Hearing with respect to the financing of a commercial facility by the Business Finance Authority for the Elliot Hospital of the City of Manchester located in Manchester, 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 NOVEMBER 18, 2009
AT THE STATE HOUSE, CONCORD

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At 7:50 a.m. the Governor announced that the next matter to be considered would be the financing and refinancing of a commercial facility project by the Business Finance Authority for The Elliot Hospital of the City of Manchester (the "Project") and declared that the public hearing on the subject had commenced. He said that he and the members of the Council had received 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 the Authority had approved the financing and refinancing and recommended that the Governor and Council make the required findings under RSA 162-I:9. He also briefly explained the Project, emphasized that the credit of the State was not involved and introduced Richard Elwell, the CFO of the Elliot Hospital of the City of Manchester, and Bill Tucker, Elliot Hospital's Attorney. Mr. Donovan noted that Dick Anagnost, a member of the BFA Board of Directors, had a conflict but that he did not attend the meeting at which the bond issue was discussed and therefore took no part in the discussion or vote on the matter. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Wieczorek introduced a resolution entitled "A RESOLUTION UNDER RSA 162-I:9 WITH RESPECT TO THE FINANCING AND REFINANCING OF A COMMERCIAL FACILITY BY THE BUSINESS FINANCE AUTHORITY FOR ELLIOT HOSPITAL" and moved its adoption, which was seconded by Councilor Shea. 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 Spaulding, Councilor Griffin, 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 UNDER RSA 162-I:9 WITH RESPECT TO THE
FINANCING AND REFINANCING OF A COMMERCIAL FACILITY
BY THE BUSINESS FINANCE AUTHORITY FOR
THE ELLIOT HOSPITAL OF THE CITY OF MANCHESTER

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 financing and refinancing of a commercial facility for The Elliot Hospital of the City of Manchester (the "Borrower") located in the City of Manchester and the Towns of Londonderry and Hookset, New Hampshire, by the Authority's issue of up to \$140,000,000 of revenue bonds in one or more series of bonds (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 Project (which when completed will constitute the "Facility") consists of (A) financing and refinancing the costs of construction, equipping and development of an approximately 236,000 sq. ft. ambulatory care center (the "Ambulatory Center") located at 185 Queen City Avenue, Manchester, owned by Elliot Physician Network and operated by the Borrower; (B) refinancing (i) the renovation, expansion, reconfiguration and equipping of the Borrower's main hospital facility located at One Elliot Way, Manchester (the "Hospital"); (ii) the construction of a new main Hospital entrance and related improvements; (iii) miscellaneous capital equipment acquisitions in Manchester Londonderry and Hookset; (iv) routine capital equipment acquisitions in Manchester, Londonderry and Hookset; and (v) renovations and improvements to a senior health center located at 138 Webster Street, Manchester; (C) financing miscellaneous construction, renovation and equipping at the Hospital and Ambulatory Center. The Project is within the definition of "Commercial facility" in the Act and may be financed under the Act.

(2) The establishment and operation of the Facility will either create or preserve employment opportunities directly or indirectly within the State of New Hampshire (the "State") and will likely be of general benefit to the community as a whole.

(b) General findings:

(1) The Project and the proposed financing and refinancing of the Project are feasible;

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

(3) The LOAN AND TRUST AGREEMENT (which is a combined financing document and security document, hereinafter called 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 Bond proceeds 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 and refinancing of the Project by the Authority and the proposed 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 commercial Facility will serve a public use and provide a public benefit; and the Governor and Council determine that the Authority's financing and refinancing 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 November 18, 2009

OFFICE OF THE ADJUTANT GENERAL

The Governor and Council acted as follows:

#3 Authorized to grant a utility easement to Unitil Energy Systems Inc., and New England Telephone Operations LLC, for overhead and underground electrical lines and conduits in Concord, NH.

#4 Authorized that Captain Nelson E. Perron, Nottingham, NH, be nominated for promotion to the rank of Major, NH Air National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, morally, and professionally qualified.

#5 Authorized that Major Richard D. Lynch, Jaffrey, NH, be confirmed to the rank of Lieutenant Colonel, Governor's Horse Guards, a ceremonial unit under the leadership of the Adjutant General of the State of NH.

#6 Authorized that Christopher E. Conley, Wolfeboro, NH, be confirmed to the rank of Colonel, NH Army National Guard.

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

#7 Authorized Bureau of Facilities and Asset Management to **retroactively** pay Daniel R. Gelinas, Landscaping and Excavating, Concord, NH, for emergency sewer line repair at the Governor Hugh Gallen Office Park, in late October in the amount of \$7,627.86. **100% Transfer Funds.**

#7A Authorized to amend a lease with the Town of Plaistow, NH, for a five month extension for the Plaistow District Court. Effective January 18, 2011 and expiring June 30, 2011. (2)Further Authorized to accept a gift of free rent for the Plaistow District Court for the period of December 1, 2009 through June 30, 2011, valued at approximately \$68,677.51 from the Town of Plaistow.

#7B Authorized to accept and place on file the Report and Findings for Councilor Debora B. Pignatelli with regard to the acquisition of certain real estate and in the construction of certain facilities and the purchase of certain capital equipment in connection with the Young Men's Christian Association of Greater Nashua, Nashua, NH.

DEFERRED COMPENSATION COMMISSION

The Governor and Council acted as follows:

#7C Authorized a **retroactive** no cost extension with Segal Advisors of New York, NY, to continue as an independent consultant for the State of NH Public Employees Deferred Compensation Plan for the purpose of completing the award of the new Plan Administrator contract with Great-West Life and Annuity, by extending the date from February 12, 2009 to February 12, 2010.

#7D Authorized to **retroactively** amend a contract with Segal Advisors of New York, NY, to continue as an independent consultant for the State of NH Public Employees Deferred Compensation Plan for the purpose of providing ongoing review of investment options, assessment of investment option performance, and other recommendations concerning the Plan, by extending the end date from January 1, 2008 to January 1, 2011, and increasing the price by \$90,000 from \$90,000 to \$180,000. (2)Further Authorized to accept from the Plan Administrator sufficient fees to fund these costs, the cost of audits and necessary training of the Commission.

TREASURY DEPARTMENT

The Governor and Council acted as follows:

#8 Authorized to issue a warrant from funds not otherwise appropriated in the amount of \$81,824 and to issue checks in the amount of \$81,823.01 to the rightful owners of abandoned or unclaimed funds.

#8A Authorized the resolution permitting the State Treasurer to proceed with the sale and issuance of up to \$150 million of General Obligation Capital Improvement Bonds through a competitive process, negotiated sale or private placement. Effective through January 31, 2010.

JOINT BOARD OF LICENSURE AND CERTIFICATION

The Governor and Council acted as follows:

#9 Authorized to enter into a **sole source** contract in the amount of \$140,000 with the National Council of Examiners for Engineering and Surveying, Clemson, SC, for membership and the participation and scoring of the national professional engineering and land surveying examination from April 1, 2010 through March 31, 2012. **100% General Funds.**

#10 Authorized to accept and place on file the biennial report for FY08 and FY09.

NEW HAMPSHIRE BOARD OF ACCOUNTANCY

#11 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton authorized the request to enter into a hold-over amendment for up to twelve months with McCarthy Properties, West Wareham, MA, for office space in the amount not to exceed \$11,088. Effective December 1, 2009 through November 30, 2010. **100% General Funds.**

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

#12 The Governor and Council on motion of Councilor Burton, seconded by Councilor Hollingworth authorized the request to budget and expend carry forward funds totaling \$2,049.16 received from the University of NH, Durham, NH. Effective upon G&C approval through December 31, 2009. **100% Other Funds – UNH Grant.**

BOARD OF VETERINARY MEDICINE

#13 The Governor and Council on motion of Councilor Hollingworth, seconded by Councilor Burton authorized the request to accept and place on file the Annual Report.

ATTORNEY GENERAL

The Governor and Council acted as follows:

#14 Authorized to enter into subgrants totaling \$59,320 with the NH Department of Safety, utilizing funds from the US Department of Justice Statistics FFY 2008 Statistical Analysis Center (\$9,370) and FFY 2010 Supplemental Grant Program (\$49,950) to compile crime statistics for the purpose of distributing the data via the internet to law enforcement personnel, policymakers, the media and the general public. Effective upon G&C approval through September 30, 2010. **100% Federal Funds.**

#15 Authorized to enter into a new sub-grant, with the NH Department of Safety, in the amount of \$63,179 from the FFY 2009 Paul Coverdell National Forensic Science Improvement Act Grant Program, which provides funding to support forensic laboratory services in NH. Effective upon G&C approval through September 30, 2010. **100% Federal Funding.**

#16 Authorized to appoint Todd M. Flanagan, as a Criminal Investigator, at a salary level of \$60,583 (LG BB, Step 3) for a term that expires June 30, 2012.

#16A Authorized to appoint Tracey M. Culberson as an Assistant Attorney General through November 17, 2014 at a salary of \$66,462.24. Effective upon G&C approval. **ARRA Funds.**

#16B Authorized to contract with Robert P. Freitas Jr. to serve as a Criminal Justice Investigator for the Cold Case Unit for the purpose of investigating cold case homicide cases in the amount of \$115,710. Effective December 1, 2009 through June 30, 2012. **100% Federal Funds.**

#16C Authorized to enter into a memorandum of understanding with the NH Board of Barbering, Cosmetology and Esthetics for the purpose of providing administrative prosecutions for the Board and to allow the DOJ to accept and expend \$20,000 to provide these services. (2) Authorized to contract with Laurel Ann O'Connor, Derry, NH, to provide the prosecution services in an amount not to exceed \$15,400. Effective upon G&C approval through June 30, 2011. **100% Agency Income.**

DEPARTMENT OF LABOR

#17 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton authorized the request to accept and place on file the 58th Biennial Report reflecting the period of July 1, 2007 through June 30, 2009.

NEW HAMPSHIRE EMPLOYMENT SECURITY

The Governor and Council acted as follows:

#18 Authorized to make a **retroactive** payment to Donna Collinsworth for an increment not processed in SFY2009 in error. **100% Federal Funds.**

#19 Authorized to make a **retroactive** payment to Luther Community Services of NH Inc., in the amount of \$180 for Language Bank interpretation services provided between March 16, 2009 and June 24, 2009. **100% Federal Funds.**

#20 Authorized to enter into a contract with Alarm Computer Technology, Fall River, MA, for building security camera installation services in the amount of \$7,397. Effective upon G&C approval through June 30, 2010. **100% Federal Funds.**

DEPARTMENT OF CORRECTIONS

#21 The Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek authorized the request to enter into a lease agreement with P. and D. Zimmerman Family Limited Partnership, Wolfeboro Falls, NH, for the purpose of housing a Probation/Parole District Office, in an amount not to exceed \$40,071.12. Effective December 1, 2009 through November 30, 2014. **100% General Funds.**

PUBLIC UTILITIES COMMISSION

#22 The Governor and Council on motion of Councilor Shea, seconded by Councilor Hollingworth authorized the request to continue membership and participation in the New England Conference of Public Utility Commissioners Inc., in the amount of \$24,000. Effective upon G&C approval through September 30, 2010. **100% Utility Assessment Funds.**

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Council acted as follows:

#23 Authorized Division of Parks and Recreation to enter into a contract with MC Contracting Inc., Tyngsboro, MA, for roof replacement of the Visitor Center and Covered Bridge at the Flume in Franconia Notch State Park in the amount of \$84,704. Effective upon G&C approval through June 30, 2010. **100% Capital Funds.**

#24 Authorized Division of Parks and Recreation to enter into a **sole source** contract with Doppelmayr CTEC Inc., Salt Lake City, UT, for overhaul of the Aerial Tramway carriages at Cannon Mountain Ski Area in Franconia, in the amount of \$56,622. Effective upon G&C approval through December 24, 2009. **100% Ski Area Account Funds.**

#25 Authorized Division of Parks and Recreation to enter into a **sole source** contract with Aerial NDT Inspection Inc., Milton, NH, for the cleaning, magnetic particle testing and painting of the Aerial Tramway carriage assemblies at Cannon Mountain Ski Area in Franconia in the amount of \$2,900. Effective upon G&C approval through December 15, 2009. **100% Ski Area Account Funds.**

#26 Authorized Division of Parks and Recreation, Cannon Mountain to continue a **sole source** lease agreement with Alter Moneta Corporation, Duluth, GA, for an aged fleet lease rotation program for three Prinoth snow groomers in the amount of \$392,965.53. Effective December 20, 2009 through January 20, 2012. **100% Cannon Mountain Funds.**

#27 Authorized Division of Travel and Tourism Development to amend a **sole source** contract with SilverTech Inc., Manchester, NH, (previously approved by G&C on 9-3-06, item #64), for website redesign, hosting, and maintenance, by increasing the price by \$135,000 from \$278,500 to \$413,500. Effective upon G&C approval through June 30, 2011. **100% General Funds.**

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

The Governor and Council acted as follows:

#28 Authorized to accept a Conservation Easement on 53.49 acres land in the Town of Loudon, NH, for the NH Motor Speedway. (2) Further Authorized to accept a donation of \$10,000 from the NH Motor Speedway for the easement monitoring and stewardship of the 53.49 acres. The funds are to be deposited in the Land Conservation Endowment and utilized by the Office of State Planning Conservation Land Stewardship Program to conduct easement monitoring. Effective upon G&C approval.

#29 Authorized to enter into a **sole source retroactive** contract with The Active Network Inc., d/b/a The Active Network of Delaware, San Diego, CA, for the purpose of providing maintenance and hosting of an Internet based Department licensing and migratory bird Harvest Information Program website in the amount of \$25,000. Effective July 1, 2009 through June 30, 2011. **100% Fish and Game Funds.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council acted as follows:

#30 Authorized loan agreements with the entities as detailed in letter dated November 2, 2009, to finance wastewater improvement projects in the amount of \$1,082,500. Effective upon G&C approval. **41.5% Federal, 8.5% Capital (General), 50% Federal ARRA Funds.**

#31 Authorized with Councilor Wieczorek voting **no**, to enter into a Grant Agreement with the City of Dover, NH, to support the purchase of two replacement plow/dump trucks in an amount not to exceed \$65,000. Effective upon G&C approval through September 30, 2010. **100% ARRA Federal Funds.**

#32 Authorized to enter into a contract with M.J. Bradley & Associates LLC, Manchester, NH, to provide on-call technical consulting services in support of ARRA-stimulus NH Diesel Emissions Reduction Act and non-stimulus 2008 DERA programs in an amount not to exceed \$50,000. Effective upon G&C approval through September 30, 2010. **50% ARRA Federal, 33% EPA – DERA, 17% AEP Settlement Funds.**

#33 Authorized with Councilor Wieczorek voting **no**, to enter into a **sole source** Grant Agreement with Alvin J. Coleman & Son Inc., Conway, NH, to support the purchase and installation of six replacement diesel engines in heavy construction equipment in an amount not to exceed \$260,000. Effective upon G&C approval through September 30, 2010. **100% ARRA Federal Funds.**

#34 Authorized to award a grant to the Gundalow Company, Portsmouth, NH, to conduct an on-board environmental education series at locations in the seacoast region in the amount of \$30,000. Effective upon G&C approval through December 31, 2010. **100% Federal Funds.**

#35 Authorized to enter into an agreement with the City of Nashua, NH, to complete the City of Nashua Stormwater Utility Feasibility Study Project in the amount of \$27,500. Effective upon G&C approval through December 31, 2011. **100% Federal Funds.**

#36 Authorized to enter into a **sole source** agreement with the University of NH, Office of Sponsored Research, Durham, NH, to support the Nitrogen Assessment for the Lamprey River Watershed in the amount of \$40,000. Effective upon G&C approval through June 30, 2010. **100% Federal Funds.**

#37 Authorized to enter into a **sole source** memorandum of agreement with the NH Department of Transportation to perform drilling and sampling at Lower Ballard Pond Dam and Hubbard Pond Dame at a cost not to exceed \$8,000. Effective upon G&C approval through June 30, 2010. **100% Capital Projects (General) Funds.**

#38 Authorized to **retroactively** expend \$13,399 for FY 2010 annual dues of the New England Interstate Water Pollution Control Commission, Lowell, MA. Effective upon G&C approval. **16% Federal, 84% CWSRF Funds.**

#39 Authorized to **retroactively** pay 2010 membership dues to The Environmental Council of the States, Washington, DC, in the amount of \$8,800. Effective upon G&C approval. **100% Federal Funds.**

#40 Authorized to enter into a **sole source** agreement with the Woods Hole Oceanographic Institution, Woods Hole, MA, to conduct two “red tide” cyst surveys in the Gulf of Maine as part of a multi-state project in the amount of \$150,000. Effective upon G&C approval through September 30, 2012. **100% Federal Funds.**

#41 Authorized to amend a Local Source Water Protection grant to the Town of Canaan, NH, (previously approved by G&C on 5-21-08, item #68), to complete a project to better protect drinking water from contamination by extending the end date to December 31, 2010 from June 30, 2010. **100% Federal Funds.**

#42 Authorized to award grants to the entities as detailed in letter dated October 22, 2009, for the purpose of used oil collection. Effective upon G&C approval through November 4, 2010. **100% Hazardous Waste Cleanup Funds.**

#43 Authorized to amend an agreement with the Town of Hancock, NH, (previously approved by G&C on 5-16-07, item #83), for the Hancock Village Stormwater Management and Water Quality Improvement Project, by extending the completion dated to December 31, 2010 from December 31, 2009. **100% Federal Funds.**

#44 Authorized James & Lorna Dunham’s request to perform work on property having an average of 170 ft of frontage on Lake Winnepesaukee in Alton.

#45 Authorized Steven & Deborah Davis’s request to perform work on an average of 110 ft of frontage on Locke Island on Lake Winnepesaukee in Gilford.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

Division for Children, Youth & Families

#46 Authorized to enter into an agreement with White Mountain Community Health Center, Conway, NH, to conduct Child Care Resource and Referral services for the Conway District Office catchment area in the amount of \$102,300. Effective January 1, 2010 through June 30, 2011. **100% Federal – 22% Federal ARRA Funds.**

#47 Authorized to enter into an agreement with Southern NH Services Inc., Manchester, NH, to conduct Child Care Resource and Referral services for the Nashua District Office catchment area in the amount of \$189,750. Effective January 1, 2010 through June 30, 2011. **100% Federal – 22% Federal ARRA Funds.**

Bureau of Behavioral Health

#48 Authorized to pay the National Association of State Mental Health Program Directors, Alexandria, VA, \$8,979 in annual membership dues. Effective **retroactive** to July 1, 2009 through June 30, 2010. **100% General Funds.**

Bureau of Drug and Alcohol Services

#49 Authorized to pay the Partnership for a Drug Free America, New York, NY, for membership dues in the amount of \$20,000. Effective **retroactive** to July 1, 2009 through June 30, 2011. **100% Federal Funds.**

Disability Determination Unit

#50 Authorized to enter into an agreement with Linda J. Tuttle, RN, Bedford, NH, to function as a Disability Determination Reviewer in an amount not to exceed \$24,128. Effective December 9, 2009 or upon G&C approval, whichever is later, through June 30, 2010. **75% Federal, 25% General Funds.**

Division of Public Health Services

#51 Authorized to amend an agreement with JSI Research and Training Institute Inc., d/b/a Community Health Institute, Bow, NH, (previously amended by G&C on 10-7-09, item #60), to provide logistical support for regional H1N1 workshops and to accelerate H1N1-specific technical assistance to All Health Hazard Region planners, by increasing the price limitation by \$34,950 from \$454,365 to \$489,315. Effective **retroactive** to October 7, 2009. **100% Federal Funds.**

#52 Authorized Bureau of Community Health Services, Maternal and Child Health Section, Childhood Lead Poisoning Prevention Program, to enter into an agreement with the Alliance for Healthy Homes, Washington, DC, to research, develop, and recommend a plan and timeline relative to NH becoming an Environmental Protection Agency, Authorized renovation, repair and painting program state in an amount not to exceed \$60,000. Effective upon G&C approval through April 30, 2011. **100% Federal Funds.**

#53 Authorized Bureau of Community Health Services, Rural Health and Primary Care Section to enter into an agreement with Amanda L. Wood-Friend, Portsmouth, NH, to receive reimbursement for payment of educational loans through the State Loan Repayment Program in an amount not to exceed \$8,750. Effective upon G&C approval through June 30, 2012. **100% General Funds.**

#54 Authorized Bureau of Community Health Services, Rural Health and Primary Care Section to enter into an agreement with Dr. Nii Norte Lokko, Doctor of Dental Medicine, Dover, NH, to receive reimbursement for payment of educational loans through the State Loan Repayment Program in an amount not to exceed \$70,000. Effective upon G&C approval through June 30, 2013. **100% General Funds.**

#55 Authorized Bureau of Laboratory Services, Public Health Laboratories to exercise a contract renew and amend option with Pathways Professional Association, Concord, NH, (previously approved by G&C on 8-22-07, item #206), to provide pathologist services to satisfy the Clinical Laboratory Improvement amendments requirements for a Laboratory Director for laboratories performing high complexity testing, by increasing the amount by \$20,000 from \$20,000 to \$40,000, and by extending the completion date to June 30, 2011 **retroactive** to July 1, 2009. **100% General Funds.**

#56 Authorized Community Public Health Development Section to enter into a **sole source** amendment with the Town of Exeter, NH (previously approved by G&C on 9-9-09, item #94), to improve readiness for, and response to, the H1N1 influenza pandemic, by increasing the amount by \$42,495 from \$70,000 to \$112,495. (2)Further Authorized advance payment not to exceed 25% of the amount, for costs for projects within the agreement. Effective **retroactive** to September 9, 2009. **100% Federal Funds.**

New Hampshire Hospital

#57 Authorized to accept nonmonetary donations received from July 1, 2009 through September 30, 2009 as detailed in letter dated October 15, 2009.

#58 Authorized to accept donations from July 1, 2009 through September 30, 2009, from contributors in the amount of \$2,115.17.

#59 Authorized to make a payment of \$13,280 to The Joint Commission, Chicago, IL, for on-site survey fees.

Glenclyff Home

#60 Authorized to enter into a contract with ASCO Healthcare LLC, d/b/a Neighborcare, Windsor, CT, to provide oxygen services in an amount not to exceed \$14,400. Effective upon G&C approval through June 30, 2011. **100% General Funds.**

POSTSECONDARY EDUCATION COMMISSION

The Governor and Council acted as follows:

#61 Authorized to award a \$6,000 grant to the New England College for the purpose of granting scholarships to NH residents who have completed their freshman year and who will be selected for scholarships by the college on the basis of financial need or merit. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#62 Authorized to award a \$12,000 grant to Saint Anselm College for the purpose of granting scholarships to NH residents who have completed their freshman year and who will be selected for scholarships by the college on the basis of financial need or merit. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

DEPARTMENT OF EDUCATION

The Governor and Council acted as follows:

#63 Authorized to reclassify position #13225 Accounting Technician, labor grade 12, to Rehabilitation Technician, labor grade 12, in the Lebanon Regional Vocational Rehabilitation Office, Division of Career Technology and Adult Learning.

#64 Authorized to reclassify position #13068 Executive Secretary Stenographer, labor grade 12, to Accounting Technician, labor grade 12, in the Bureau of Disability Determination Services, Division of Career Technology and Adult Learning.

#65 Authorized to grant funds with the Carl D. Perkins Career and Technical Education Act of 2006 to Strafford County Department of Corrections to assist in the operation of the approved career and technical education programs for male offenders in the amount of \$18,450. Effective upon G&C approval through November 30, 2010. **100% Federal Funds.**

#66 Authorized to grant funds with the Carl D. Perkins Career and Technical Education Act of 2006 to Strafford County Department of Corrections to assist in the operation of the approved career and technical education programs for female offenders in the amount of \$11,140. Effective upon G&C approval through November 30, 2010. **100% Federal Funds.**

#66A Authorized to amend a grant to Hillsborough County Department of Corrections, Manchester, NH, (previously approved by G&C on 4-1-09, item #106), by extending the end date from November 30, 2009 to February 26, 2010.

MCAULIFFE-SHEPARD DISCOVERY CENTER

#67 The Governor and Council on motion of Councilor Hollingworth, seconded by Councilor Burton authorized the request to contract with Kenyon HVAC LLC, Newbury, NH, for HVAC maintenance, in an amount not to exceed \$43,200-. Effective upon G&C approval through June 30, 2011. **36% General, 64% Planetarium Revenue Funds.**

DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

#68 Authorized Division of Homeland Security and Emergency Management to expend State Matching Funds for Federal Emergency Management Agency Public Assistance Grants in the amount of \$368,801.45. (2) Further Authorized Division of Homeland Security and Emergency Management to expend State Matching Funds for Federal Emergency Management Agency Public Assistance Grants in the amount of \$152,351.79. Effective upon G&C approval. **100% General Funds.**

#69 Authorized Division of State Police to enter into a contract with Northern Pride Communications Inc., for the erection of a communications tower for DOS State Troop B, Bedford, NH, in the amount of \$8,000. Effective upon G&C approval through December 31, 2009. **100% Private and Local Funds.**

#70 Authorized Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Lancaster, NH, for the implementation of a project identified through the evaluation of natural hazards in the amount of \$343,650. Effective upon G&C approval through August 31, 2011. **100% Federal Funds.**

#71 Authorized Division of Homeland Security and Emergency Management to enter into grant agreements with the sub-grantees as detailed in letter dated October 16, 2009, for the implementation of a project identified through the evaluation of natural hazards in the amount of \$524,917. Effective upon G&C approval through January 31, 2010. **100% Federal Funds.**

#72 Authorized Division of Fire Standards & Training and Emergency Medical Services to **retroactively** pay Irving Energy Distribution and Marketing the amount of \$453.65 for propane and kerosene used for fire ground training. Effective upon G&C approval. **100% Fire and EMS Funds.**

#73 Authorized Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Hooksett, NH, to complete the project identified by the Federal Emergency Management Agency in the amount of \$124,868.50. Effective upon G&C approval through May 25, 2010. **100% Federal Funds.**

#74 Authorized Division of Homeland Security and Emergency Management to enter into grant agreements with the sub-grantees as detailed in letter dated October 19, 2009, to complete the project identified by the Federal Emergency Management Agency in the amount of \$223,641.50. Effective upon G&C approval through May 25, 2010. **100% Federal Funds.**

DEPARTMENT OF TRANSPORTATION

The Governor and Council acted as follows:

#75 Authorized to reallocate \$4,935,251.78 of previously approved funding from ARRA funds to Highways funds, which represents authorization for construction contingencies for contracts approved by prior G&C actions as detailed in letter dated October 26, 2009. Effective upon G&C approval. **100% Federal ARRA Funds.**

#76 Authorized Bureau of Finance & Contracts to **retroactively** pay prior year's increment and annual wages that were not processed from September 11, 1998 through June 4, 2009 in the amount of \$17,332.16 from FY 2010 funds. Effective upon G&C approval. **100% Highway Funds.**

#77 Authorized Bureau of Planning and Community Assistance to enter into agreements totaling \$58,400 with the City of Keene (\$14,100), with the Town of Pittsfield (\$19,500), with the Town of Winchester (\$9,800), and with the Town of Hollis (\$15,000) to provide services under the Safe Routes to School program through the municipal-manages process. Effective upon G&C approval through June 30, 2010. **100% Federal Funds.**

#78 Authorized Bureau of Right of Way to pay various owners \$40,700 as documented in the Contemplated Awards List for amounts greater than \$5,000 for the period extending from October 8, 2009 through October 28, 2009. Effective upon G&C approval.

#79 Authorized Bureau of Traffic to enter into a **sole source** memorandum of agreement with Iowa Department of Transportation, Ames, IA, to provide the State's share of the operational costs totaling \$123,000 for the 511 Travel Information Number. Effective upon G&C approval through June 30, 2010, or until all obligations have been satisfactorily fulfilled, whichever occurs first. **80% Federal, 20% Match/Turnpike Toll Credit Funds.**

#80 Authorized Bureau of Materials and Research to enter into an agreement with Northern Test Boring Inc., Gorham, ME, for respective fees not to exceed \$300,000 for the purposes of providing geotechnical subsurface exploration (drilling) services. Effective upon G&C approval through December 31, 2012. Funded from monies allocated to specific transportation-related projects.

#81 Authorized Bureau of Highway Design to enter into an agreement with Vanasse Hangen Brustlin Inc., Bedford, NH and Watertown, MA, for on-call consultant assistance to the Bureau of Traffic in providing technical support services in the amount of \$300,000. Effective upon G&C approval through December 31, 2012. Funded from monies allocated to specific transportation-related projects.

#82 Authorized Bureau of Traffic to enter into a contract with Green Mountain Communications Inc., Wolfeboro Falls, NH, for full implementation and maintenance of a wireless microwave communications backbone/network (hardware and software) and deployment of Intelligent Transportation System field devices along the I-93 Salem to Manchester highway corridor in the amount not to exceed \$3,833,347.28. Effective upon G&C approval through October 22, 2010, with a warranty period extending 24 months beyond that date to October 22, 2012. **80% Federal, 20% Highway Funds (Turnpike Toll Credit).**

#83 Authorized Bureau of Construction to enter into a contract with C. White Marine Inc., Danvers, MA, for replacement of concrete encasements on steel H-piles supporting the bridge along Route 1B over Little Harbor in New Castle and Rye, on the basis of a low bid of \$1,084,817.50. (2)Further Authorized a contingency in the amount of \$108,481.75 for latent conditions which may appear during the construction of the project. Effective upon G&C approval through December 3, 2010. **80% Federal, 20% Highway Funds.**

#84 Authorized Bureau of Construction to enter into a contract with Klicos Painting Company Inc., Baltimore, MD, for painting the NH approach spans of the Piscataqua River Bridge carrying I-95 over the Pan-Am Railroad, Ranger Way, and Preble Way in the City of Portsmouth, on the basis of a low bid of \$7,537,400. (2)Further Authorized a contingency in the amount of \$376,870 for latent conditions which may appear during the construction of the project. Effective upon G&C approval through September 30, 2011. **80% Federal, 20% Highway Funds.**

#85 Authorized Bureau of Construction to enter into a contract with Modern Protective Coatings Inc., Hudson, NH, for painting two overpass bridges carrying I-93 SB, NB at Exit 24 over US 3, NH 25 in the Town of Ashland on the basis of a low bid of \$182,400. (2)Further Authorized a contingency in the amount of \$27,360 for latent conditions which may appear during the construction of the project. Effective upon G&C approval through June 25, 2010. **100% Federal Funds.**

ITEM REMOVED FROM TABLE

The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea, voted to remove item #25 - which was tabled at the October 7, 2009 Meeting

DEPARTMENT OF ADMINISTRATIVE SERVICES

#25 Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek and with Councilor Pignatelli abstaining, voted to approve the request to exercise a one-year contract amendment option with Anthem Life Insurance Company, Worthington, OH, (previously approved by G&C on 11-15-06, item #G), for the employer-paid life insurance provided to full time employees in the amount of approximately \$234,000. Effective January 1, 2010 through December 31, 2010.

The Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek, and with Councilor Pignatelli voting **no**, voted to remove item #69 - which was tabled at the October 21, 2009 Meeting

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Division of Public Health Services

#69 After discussion, the Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek voted to **table** the request of the Bureau of Community Health Services, Rural Health and Primary Care Section to enter into an agreement with Performance Management Institute LLC, Portland, ME, to assist rural and underserved stakeholders in developing and sustaining creative, effective access to quality health care services in their rural NH communities in an amount not to exceed \$786,000. Effective October 21, 2009 through August 31, 2011. **100% Federal Funds.**

LATE ITEMS

DEPARTMENT OF ENVIRONMENTAL SERVICES

A. Approved a wetland permit for the City of Laconia's request to perform the work at Weirs Beach in Laconia as detailed in the letter dated November 13, 2009.

DEPARTMENT OF ENVIRONMENTAL SERVICES

A-1. Authorized the Department to approve loan agreement with Manchester Water Works, the Town of Jaffrey, and the City of Lebanon to finance water system improvement projects under the provision of RSA 486:14 and NH Code of Administrative Rules Env-Dw 1100 et seq. effective upon G&C approval. **50% DWSRF Repayment funds, 50% ARRA federal funds.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

A-2 Authorized the Department to amend a loan agreement with the City of Rochester by decreasing the loan amount by \$605,000 from \$4,150,000 to \$3,545,000. The original loan was approved by G&C on July 28, 2009, # 3. 2) Authorized the Department to amend a loan agreement with the Manchester Water Works by decreasing the loan amount by \$736,087 from \$2,536,087 to \$1,800,000. The original loan was approved by G&C on July 28, 2009, # 3. 3) Authorized the Department to amend a loan agreement with the City of Rochester by decreasing the loan amount by \$605,000 from \$4,150,000 to \$3,545,000. The original loan was approved by G&C on September 23, 2009, Item #57. Effective upon G&C approval. All of the above to finance water system improvement projects under the provision of RSA 486:14 and NH Code of Administrative Rules Env-Dw 1100 et seq. **50% DWSRF Repayment funds, 50% ARRA federal funds.**

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

B. Authorized the Department to enter into a contract with The Frank Massin Agency, Inc. of Fitzwilliam NH in the amount of \$5,792.00 for insurance coverage for the John E. State Estate and Shieling Forest Estate from Dec. 1, 2009 through December 1, 2019. **100% Trust Funds.**

DEPARTMENT OF ADMINISTRATIVE SERVICES

C. Approved the list of Governor and Council meeting dates for the period of January through June 2010.

The Governor and Executive Council will hold a special meeting on Monday, November 23, 2009, to set date for the special state election.

Next regular Governor and Executive Council meeting is scheduled for Wednesday, December 9, 2009 at 10:00 a.m. at the State House in Concord, New Hampshire.

The Honorable Board then Adjourned at 9:00 a.m.