

GOVERNOR AND EXECUTIVE COUNCIL MINUTES
State House, Concord, New Hampshire
November 4, 2009 10:00 a.m.

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

*

The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Hollingworth, accepted the minutes of October 21, 2009.

*

The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Hollingworth approved the appointment of several persons nominated for Civil Commissions from the October 21, 2009 meeting.

*

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

*

RESIGNATIONS

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

Ballot Law Commission

Stephen M. Duprey, Concord

Effective: November 4, 2009

CONFIRMATIONS

The Governor and Council confirmed the following:

Business Finance Authority

Howard Keegan, Manchester
Reappointment

Effective: November 4, 2009

Term: November 3, 2012

Business Finance Authority

Katherine Williams Kane, Portsmouth
Reappointment

Effective: November 4, 2009

Term: November 3, 2012

Fire Standards and Training Commission

(Volunteer Fire Chief)

Jason B. Lyon, Wilmot
Succeeding: Francis X. Fraitzl III, Bedford

Effective: November 12, 2009

Term: November 12, 2012

Land and Community Heritage Authority

(Business)

Doris C. Burke, Goffstown
Succeeding: Craig Welch, Durham

Effective: November 4, 2009

Term: September 6, 2013

Marital Mediator Certification Board

Nominated by the Conflict Resolution Association

Candace F. Dochstader, Hollis
Vacancy (new position)

Effective: November 4, 2009

Term: November 4, 2012

Mount Washington Commission

Paul H. Ingersoll, Berlin
Reappointment

Effective: November 4, 2009

Term: July 2, 2014

Board of Nursing

(LPN)

Sharon P. Dyer, Greenfield
Reappointment

Effective: November 16, 2009

Term: November 16, 2012

Physical Therapy Governing Board

(Public Member)

Martha B. Aguiar, Campton

Reappointment

Effective: November 4, 2009

Term: October 28, 2012

Traffic Safety Commission

Patti Fowler, Franklin

Succeeding: John Stephen, Manchester

Effective: November 4, 2009

Term: September 16, 2014

Traffic Safety Commission

Jeremiah P. Gearan, Concord

Reappointment

Effective: November 4, 2009

Term: September 16, 2014

Commission on the Status of Women

Patricia M. Gormley, Portsmouth

Succeeding: Bonnie White, Hopkinton (term limited)

Effective: November 4, 2009

Term: October 20, 2012

Commission on the Status of Women

Mary Ellen Hettinger, Amherst

Succeeding: Janice Markey, Center Tuftonboro (term limited)

Effective: November 4, 2009

Term: October 20, 2012

CONFIRMATION TABLED

The Governor and Council on motion of Councilor Hollingworth, seconded by Councilor Pignatelli, voted to **table** the confirmation as follows:

Air Resources Council

(Municipal Government)

Raymond R. Donald, Kingston

Reappointment

Effective: November 4, 2009

Term: October 24, 2013

NOMINATIONS

The Governor placed into nomination the following:

Adult Parole Board

Gregory R. Crompton, Dunbarton

Succeeding: Paul Emery, Bow (resigned)

Effective: Upon confirmation

Term: September 29, 2011

Board of Barbering, Cosmetology and Esthetics

(Manicurist)

Holly Manning, Concord

Succeeding: Deborah A. Booth, Manchester (resigned)

Effective: Upon confirmation

Term: July 1, 2013

Business Finance Authority

(Regional Planning)

Michael J. King, North Haverhill

Reappointment

Effective: Upon confirmation

Term: November 3, 2012

Compensation Appeals Board

(Attorney)

Nominated by the Commissioner of the Department of Labor

Timothy S. Wheelock, Portsmouth

Reappointment

Effective: Upon confirmation

Term: November 15, 2012

Electricians Board

(Journeyman Electrician)

Joseph M. Casey, Rochester

Succeeding: Henry J. Szumiesz, Concord

Effective: Upon confirmation

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: Upon confirmation

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: Upon confirmation

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: Upon confirmation

Term: July 13, 2012

Mental Health Practice

(Pastoral Psychotherapist)

David L. Sundell, Salem

Reappointment

Effective: Upon confirmation

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: Upon confirmation

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: Upon confirmation

Term: 3 years from confirmation

Volunteer NH Board of Directors

(Community-Based Organization)

Donald E. Chesnel, Rochester

Reappointment

Effective: Upon confirmation

Term: October 10, 2012

Volunteer NH Board of Directors

Donna J. Wright, Concord

Vacancy

Effective: Upon confirmation

Term: 3 years from confirmation

Waste Management Council

(Elected Official)

Elaine M. Lauterborn, Rochester

Reappointment

Effective: Upon confirmation

Term: November 10, 2013

Waste Management Council

(Local Conservation Commission Member)

Duncan P. Watson, Drewsville

Reappointment

Effective: Upon confirmation

Term: November 10, 2013

Waste Management Council

(Professional Environmental Science or Sanitary Engineering)

Nancy E. Kinner, Lee

Reappointment

Effective: Upon confirmation

Term: November 10, 2013

New Hampshire Water Well Board

(Public Member)

Steven Guercia, Concord

Succeeding: Christopher L. Covell, Lyndeborough (resigned)

Effective: Upon confirmation

Term: September 15, 2010

BUSINESS FINANCE AUTHORITY

#1 The Governor and Executive Council on motion of Councilor Burton, 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 to approve an award of a State Guarantee under RSA 162-A:13-a with respect to a loan from Connecticut River Bank, N. A. to Eagle Printing & Publishing, LLC located in Claremont, New Hampshire. Action will Authorized a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE
GOVERNOR AND COUNCIL HELD ON NOVEMBER 4, 2009
COUNCIL CHAMBER, CONCORD, NEW HAMPSHIRE**

* * * * *

At approximately 10:55 a.m., the Governor announced that the next matter to be considered would be the award of a State guarantee under the Working Capital Line of Credit Guarantee Program of the Business Finance Authority in connection with a loan to be made by Connecticut River Bank, N.A. to Eagle Printing & Publishing, LLC. and declared that the public hearing on the subject had commenced. He said that he and the members of the Council had received written material from the Authority with respect to the proposed loans and State guarantee. The Governor then said that the meeting would hear anyone wishing to speak on the subject and introduced Michael Donahue, Senior Credit Officer of the Authority who briefly explained the project. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Burton introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 AWARDING A STATE GUARANTEE UNDER RSA 162-A:13 WITH RESPECT TO A LOAN FROM CONNECTICUT RIVER BANK, N.A. TO EAGLE PRINTING & PUBLISHING, LLC." and moved its adoption, which was seconded by Councilor Shea. There being no discussion, 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.

* * * * *

**A RESOLUTION UNDER RSA 162-A:18 AWARDED A STATE
GUARANTEE UNDER RSA 162-A:13-a WITH RESPECT TO A LOAN FROM
CONNECTICUT RIVER, N.A. TO EAGLE PRINTING & PUBLISHING, LLC.**

WHEREAS, the Governor and Council (the "Governor and Council") of the State of New Hampshire (the "State") have received from the Business Finance Authority of the State of New Hampshire (the "Authority") its written recommendation that the Governor and Council make certain findings and determinations pursuant to RSA 162-A:18 with respect to the award of a guarantee of the Authority in an amount equal to seventy-five percent (75%) of the principal amount of a loan up to \$250,000 from Connecticut River Bank, N.A. to Eagle Printing & Publishing, LLC. pursuant to RSA 162-A:13-a (the Working Capital Loan Guarantee Program or the "WAG Program");

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

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

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

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

(a) Special Findings.

(i) The award of the guarantee as proposed will contribute significantly to the success of the financing.

(ii) Reasonable and appropriate measures have been taken to minimize the risk of loss to the Authority and to ensure that any private benefit from the award of the guarantee will be only incidental to the public purpose served thereby.

(b) General Findings.

(i) The award of the guarantee as proposed will serve a public use and provide a public benefit.

(ii) The award of the guarantee as proposed is within the policy of, and the authority conferred by RSA Chapter 162-A.

(iii) The award of the guarantee as proposed will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens.

(iv) The award of the guarantee as proposed will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.

2. Approval. The Governor and Council approve the Authority's taking such further action under the Act with respect to the award of the guarantee as may be required and authorize the Authority to take such further action with respect to such proposed execution as is necessary and appropriate to carry out the proposed transaction.

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

Passed and Agreed to November 4, 2009.

#2 The Governor and Executive Council on motion of Councilor Shea, seconded by Councilor Burton 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 to approve an award of a State Guarantee under RSA 162-A:13-a with respect to a loan from Merrimack County Savings Bank to E.W. Sleeper Co., Inc. located in Concord, New Hampshire. Action will Authorized a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE
GOVERNOR AND COUNCIL HELD ON NOVEMBER 4, 2009
COUNCIL CHAMBER, CONCORD, NEW HAMPSHIRE**

* * * * *

At approximately 11:00 a.m., the Governor announced that the next matter to be considered would be the award of a State guarantee under the Working Capital Line of Credit Guarantee Program of the Business Finance Authority in connection with a loan to be made by Merrimack County Savings Bank to E.W. Sleeper Co., Inc. and declared that the public hearing on the subject had commenced. He said that he and the members of the Council had received written material from the Authority with respect to the proposed loans and State guarantee. The Governor then said that the meeting would hear anyone wishing to speak on the subject and introduced Michael Donahue, Senior Credit Officer of the Authority who briefly explained the project. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Shea introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 AWARDDING A STATE GUARANTEE UNDER RSA 162-A:13 WITH RESPECT TO A LOAN FROM MERRIMACK COUNTY SAVINGS BANK TO E.W. SLEEPER CO., INC." and moved its adoption, which was seconded by Councilor Burton. There being no discussion, 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.

* * * * *

**A RESOLUTION UNDER RSA 162-A:18 AWARDED A STATE
GUARANTEE UNDER RSA 162-A:13-a WITH RESPECT TO A LOAN
FROM MERRIMACK COUNTY SAVINGS BANK TO
E.W. SLEEPER CO., INC.**

WHEREAS, the Governor and Council (the "Governor and Council") of the State of New Hampshire (the "State") have received from the Business Finance Authority of the State of New Hampshire (the "Authority") its written recommendation that the Governor and Council make certain findings and determinations pursuant to RSA 162-A:18 with respect to the award of a guarantee of the Authority in an amount equal to seventy-five percent (75%) of the principal amount of a loan up to \$475,000 from Merrimack County Savings Bank to E.W. Sleeper Co., Inc. pursuant to RSA 162-A:13-a (the Working Capital Loan Guarantee Program or the "WAG Program");

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

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

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

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

(a) Special Findings.

(i) The award of the guarantee as proposed will contribute significantly to the success of the financing.

(ii) Reasonable and appropriate measures have been taken to minimize the risk of loss to the Authority and to ensure that any private benefit from the award of the guarantee will be only incidental to the public purpose served thereby.

(b) General Findings.

(i) The award of the guarantee as proposed will serve a public use and provide a public benefit.

(ii) The award of the guarantee as proposed is within the policy of, and the authority conferred by RSA Chapter 162-A.

(iii) The award of the guarantee as proposed will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens.

(iv) The award of the guarantee as proposed will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.

2. Approval. The Governor and Council approve the Authority's taking such further action under the Act with respect to the award of the guarantee as may be required and authorize the Authority to take such further action with respect to such proposed execution as is necessary and appropriate to carry out the proposed transaction.

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

Passed and Agreed to November 4, 2009.

HEALTH AND EDUCATION FACILITIES AUTHORITY

#3 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton authorized the request to accept and place on file the Biennial Report for the fiscal years 2008 and 2009.

OFFICE OF ENERGY AND PLANNING

The Governor and Council acted as follows:

#4 Authorized to accept and expend ARRA funds in the amount of \$320,729 from the US Department of Energy, for the Energy Assurance Planning grant. (2)Further Authorized to establish a full-time temporary ARRA Energy Assurance Manager position. Effective upon G&C approval through August 14, 2012. **100% Federal ARRA Funds. Fiscal Committee approved.**

#5 Authorized to **retroactively** accept and expend ARRA funds in the amount of \$9,593,500 from the US Department of Energy, for the Energy Efficiency and Conservation Block Grant. Effective September 10, 2009 through September 9, 2012. **100% Federal ARRA Funds. Fiscal Committee approved.**

#6 Authorized to enter into a **sole source** agreement with the University of NH, Complex Systems Research Center, Durham, NH, to continue implementation of the state's Floodplain/Risk MAP program in the amount of \$68,397. Effective upon G&C approval through September 15, 2010. **100% Federal Funds.**

CONNECTICUT RIVER VALLEY RESOURCE COMMISSION

#7 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 Commissions, Charlestown, NH, to provide administration, management, and program assistance in the amount of \$57,899. Effective July 1, 2009 through June 30, 2010. **100% General Funds.**

OFFICE OF THE ADJUTANT GENERAL

The Governor and Council acted as follows:

#8 Authorized to enter into a contract agreement with Century Mechanical Inc., Concord, NH, for heating system repairs at Building H, on the State Military Reservation, Concord, NH, in the amount of \$10,500. Effective upon G&C approval through March 31, 2010. **100% Federal Funds.**

#8A Authorized Major Richard D. Lynch, Jaffrey, NH, be nominated for appointment to the rank of Lieutenant Colonel, Governor's Horse Guards.

#8B Authorized Christopher E. Conley, Wolfeboro, NH, be nominated for promotion to the rank of Colonel, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

#9 Authorized Bureau of Public Works Design and Construction to enter into a contract with Dec-Tam Corporation, North Reading, MA, for Main Building Asbestos and Lead Paint Abatement, Concord, NH, for a total price not to exceed \$103,728.25. (2)Further Authorized a contingency in the amount of \$15,000 for additional, unanticipated expenses, bringing the total to \$118,728.25. Effective upon G&C approval through February 28, 2010. **100% Capital – General Funds.**

#9A Authorized to exercise a contract renewal option with Employee Benefits Management Inc., Portland, ME, for the administration of the Flexible Spending Account and Health Arrangement plans for state employees for an estimated amount of \$596,000. Effective January 1, 2010 through December 31, 2011. **57% General, 16% Federal, 15% Enterprise, 12% Restricted Funds.**

#9B Authorized with Councilor Wieczorek voting **no**, to extend the temporary full-time position Administrator IV position for one year. Effective December 18, 2009 through December 31, 2010.

STATE TREASURY

The Governor and Council acted as follows:

#10 Authorized to issue a warrant from funds not otherwise appropriated in the amount of \$49,898 and the State Treasurer to issue checks in the amount of \$49,897 to the rightful owners of abandoned or unclaimed funds.

#11 Authorized the State Treasurer as Trustee of the NH Higher Education Savings Plan Trust, to amend three documents relating to the NH College Tuition Savings Plan, as detailed in letter dated October 22, 2009.

DEPARTMENT OF REVENUE ADMINISTRATION

#12 The Governor and Council on motion of Councilor Shea, seconded by Councilor Burton authorized the request to accept and place on file the annual report for the fiscal year ending June 30, 2009.

DEPARTMENT OF CULTURAL RESOURCES

The Governor and Council acted as follows:

#13 Authorized with Councilor Pignatelli voting **no**, the Division of Historical Resources to **retroactively** award a federally funded Certified Local Government Grant to the City of Concord, for the project "Blossom Hill Cemetery Survey", in the amount of \$11,795. Effective June 30, 2009 through September 15, 2009. **100% Federal Funds.**

#14 Authorized Division of Arts to grant an award in the amount of \$22,500 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, 2010. **100% Federal Funds.**

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

The Governor and Council acted as follows:

#15 Authorized Division of Plant Industry to **retroactively** accept and expend grant funds from the US Department of Agriculture, Animal and Plant Health Inspection Service, Cooperative Agriculture Pest Survey to be utilized for educational outreach and survey activities that will provide specific information to APHIS and other interested parties for the Forest Pests survey, detection, and outreach Asian Long-horned Beetle program in the amount of \$75,000. Effective May 18, 2009 through December 31, 2009. **100% Federal Funds. Fiscal Committee approved.**

#15A Authorized Division of Plant Industry to **retroactively** enter into a **sole source** agreement with the University of NH, Durham, NH, to conduct public outreach and detection campaign of Asian Long-horned Beetle in the amount of \$25,606. Effective May 18, 2009 through December 31, 2009. (2)Further Authorized to enter into a **sole source** memorandum of understanding with the NH Department of Resources & Economic Development to work to develop survey procedures and implement a statewide survey program for Asian Long-horned Beetle program in the amount of \$14,000. Effective September 1, 2009 through December 31, 2009. **100% Federal Funds. 100% Federal Funds.**

#15B Authorized to enter into a **retroactive sole source** agreement with Hearst Television d/b/a WMUR-TV, Manchester, NH, to develop a 30-second television spot and air the spot for the purpose of promoting a series of Asian Long-horned Beetle public education workshops in the amount of \$5,772.50. Effective August 1, 2009 through August 31, 2009. **100% Federal Funds.**

#15C Authorized to accept and expend additional funds in the amount of \$5,784 from the University of NH, Durham, NH, to assist NHDAMF in the maintenance of its computer website to include a section about farm risk management and crop insurance, along with other marketing activities and improvements. Effective upon G&C approval through December 31, 2010. **100% Other Funds – UNH Grant.**

ATTORNEY GENERAL

The Governor and Council acted as follows:

#16 Authorized to accept and expend a grant in the amount of \$400,000 from the Bureau of Justice Assistance, Office of Justice Programs, to be utilized to support offender reentry efforts. Effective upon G&C approval through September 30, 2010. **100% Federal Funds. Fiscal Committee approved.**

#17 Authorized to accept and expend additional grant funds in the amount of \$50,174 from the US Department of Justice, Office on Violence Against Women, Sexual Assault Services Program, to be utilized to improve the state's response to victims of sexual assault in NH. Effective upon G&C approval through June 30, 2011. (2)Further Authorized to enter into a subgrant with the NH Coalition Against Domestic and Sexual Violence, totaling \$213,689, from the Sexual Assault Services Program award, for the purpose of providing services for victims of sexual assault in NH. Effective upon G&C approval through July 31, 2011. **100% Federal Funds. Fiscal Committee approved.**

#18 Authorized to enter into a memorandum of understanding with the Board of Accountancy for the purposes of providing administrative investigation/prosecution legal services and to pay the Department of Justice \$32,200 for these services. (2)Further Authorized to accept and expend a total of \$32,200 from the Board of Accountancy for the purposes of providing investigative/legal services. (3)Further Authorized to create a consulting position for the purpose of providing investigative/prosecution support services for the Board of Accountancy. (4)Further Authorized to enter into a contract with David Conley, Concord, NH, to provide prosecution services for the Board of Accountancy in the amount not to exceed \$26,200. Effective upon G&C approval through June 30, 2011. **100% Agency Income. Fiscal Committee approved.**

#19 Authorized to amend a memorandum of understanding with the Board of Nursing (previously approved by G&C on 6-17-09, item #43A), for the purposes of providing investigation/prosecution legal services by amending Section D "Payment for Services" to include funding of \$122,850 for the payment of the services and additional costs for office space and overhead and by adding language to Section E "Evaluation". (2)Further Authorized to accept and expend a total of \$122,850 from the Board of Nursing for the purposes of providing investigative/legal and support services. (3)Further Authorized to create a consulting position for the purpose of providing investigative/prosecution support services for the Board of Nursing. (4)Further Authorized to enter into a contract with Ann O'Connor, Derry, NH, to provide investigation/prosecution services for the Board of Nursing in the amount of \$97,650. Effective upon G&C approval through June 30, 2011. **100% Agency Income. Fiscal Committee approved.**

#20 Authorized to reappoint Jane E. Young as a Senior Assistant Attorney General for a term effective November 10, 2009 through November 10, 2014.

#21 Authorized to appoint Daniel J. Licata, as an Assistant Attorney General, at a salary level of \$65,053.68 for a term effective upon G&C approval through July 31, 2013.

#22 Authorized to enter into a new sub-grant with the Greater Lakes Region Child Advocacy Center of Carroll County, from the 2007 Victims of Crime Action VOCA Assistance Formula Grant award, to fund programs providing direct services to victims of crime in the amount of \$20,000. Effective upon G&C approval through September 30, 2010. **100% Federal Funds.**

#23 **DENIED** – The Governor and Councilor on motion of Councilor Shea, seconded by Councilor Burton, voted to **deny** the petition of Alexander W. Rudolph requesting a pardon hearing for the offense of Sale of Controlled Drug. The petitioner is not eligible for an annulment until January 18, 2013.

#24 **DENIED** – The Governor and Councilor on motion of Councilor Hollingworth, seconded by Councilor Burton, voted to **deny** the petition of Derek K. Winter, Jr. requesting a pardon hearing for the offense of Theft/Shoplifting. The petitioner is not eligible for an annulment until October 20, 2016.

#25 **DENIED** – The Governor and Councilor on motion of Councilor Wieczorek, seconded by Councilor Pignatelli, voted to **deny** the petition of Robert R. Page Jr. requesting a pardon hearing for the offense of Statutory Rape. The petitioner is not eligible for an annulment.

#26 **DENIED** – The Governor and Councilor on motion of Councilor Hollingworth, seconded by Councilor Shea, voted to **deny** the petition of David W. Rosati Jr. requesting a pardon hearing for the offense of Habitual Offender & DWI. The petitioner is not eligible for an annulment until February 19, 2018.

NEW HAMPSHIRE EMPLOYMENT SECURITY

#26A The Governor and Council on motion of Councilor Shea, seconded by Councilor Burton authorized the request to enter into a contract with Telelanguage Inc., Portland, OR, for telephone language translation services at NHES's office statewide in the amount not to exceed \$119,500. Effective upon G&C approval through June 30, 2012. **100% Federal Funds.**

BANKING DEPARTMENT

#26B The Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek authorized the request to assign vehicles to the positions that warrant the need for vehicle use on a 24-hour, 7 days per week basis. Effective upon G&C approval.

INSURANCE DEPARTMENT

#27 The Governor and Council on motion of Councilor Hollingworth, seconded by Councilor Shea authorized the request to accept and place on file the 158th Annual Report for Fiscal Year 2009.

LIQUOR COMMISSION

The Governor and Council acted as follows:

#27A Authorized to assign vehicles to the positions that warrant the need for vehicle use on a 24-hour, 7 days per week basis. Effective upon G&C approval.

#28 Authorized to enter into a contract with Fairborn Equipment Company, Upper Sandusky, OH, for the sole purpose of providing loading dock repair/replacement at the Liquor Commission Warehouse, for a total price of \$9,250. Effective upon G&C approval through June 30, 2010.

#28A Authorized **retroactive** pay for Gordon J. Bunka, Warehouseman, for the dates of February 16, 2008 through January 7, 2009 in the amount of \$896.27.

RACING AND CHARITABLE GAMING COMMISSION

The Governor and Council acted as follows:

#28B Authorized to continue membership and participation in the Association of Racing Commissioners, Lexington, KY, for the amount of \$11,000. Effective January 1, 2010 through December 31, 2010. **91% General, 9% Other Funds.**

#28C Authorized to assign a vehicle to a position that warrants the use of state vehicle use on a 24-hour, 7 days per week basis. Effective upon GC approval.

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Council acted as follows:

#29 Authorized Division of Forests and Lands to accept and expend \$86,752 of federal funds from the USDA Forest Service for maintaining and enhancing the Forest Health Program. Effective upon G&C approval through June 30, 2010. **Fiscal Committee approved.**

#30 Authorized Division of Forests and Lands to convey a permanent drainage easement on a 2.03-acres portion of Opechee Bay State Forest to the Department of Transportation for the purpose of roadway drainage improvements. **No funding required.**

#31 Authorized Division of Travel and Tourism Development to award a grant to the Laconia Motorcycle Week Association for their 2010 out-of-state promotional project under the Joint Promotional Program in the amount of \$33,607.50. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#31A Authorized Division of Parks and Recreation to enter into a contract with Skyline Roofing Inc., Manchester, NH, for roof replacement of the Administrative Building at Pawtuckaway State Park in the amount of \$22,000. Effective upon G&C approval through June 30, 2010. **100% Capital Funds.**

#31B Authorized to accept and place on file the report of transfer of funds for Cannon Mountain Ski area for the quarter ending September 30, 2009.

#31C Authorized Division of Parks and Recreation to accept a donation of tools valued at \$502.80; labor and materials for a volleyball court valued at \$650; and to accept and expend a cash donation of \$5,000 from Walmart Distribution Center, Raymond, NH, for Pawtuckaway State Park, Raymond, NH. Effective upon G&C approval.

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

The Governor and Council acted as follows:

#32 Authorized to transfer \$230,000 of unexpended funds from Excess Registration Fees to the Fish and Game OHRV Fiscal Year 2010 Operating Budget. **Fiscal Committee approved.**

#32A Authorized to accept and expend a \$10,000 donation from the family of Peter Shintani to be deposited in the Search and Rescue account. Effective upon G&C approval through June 30, 2010.

#32B Authorized with Councilor Wieczorek voting **no**, to reclassify position #43025, Program Assistant II, labor grade 15, to a Program Specialist I, labor grade 19, the difference in yearly salary would result in an additional \$1,540.50. **OHRV Funds.**

#32C Authorized to assign vehicles to the positions that warrant the need for vehicle use on a 24-hour, 7 days per week basis. Effective upon G&C approval.

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council acted as follows:

#33 Authorized to accept and expend \$113,071 in Federal Funds from the National Ocean and Atmospheric Administration for coastal habitat restoration. Effective upon G&C approval through December 31, 2009. **100% Federal Funds. Fiscal Committee approved.**

#34 Authorized with Councilor Wieczorek voting **no**, to reclassify position #42228 from Air Pollution Control Engineer III, labor grade 24, to Environmental Program Manager, labor grade 27. Effective upon G&C approval. **100% Permit Fee Funded.**

#35 Authorized to accept and expend \$50,000 in federal funds from the US Environmental Protection Agency for the Beaches Environmental and Coastal Health Program. Effective upon G&C approval through February 1, 2011.

#36 Authorized to amend a **sole source** contract with Camp, Dresser & McKee Inc., Manchester, NH, (previously amended by G&C on 7-15-09, item#58) for professional engineering services associated with capital improvements at the Franklin wastewater treatment plant, by increasing the amount by \$657,000 from \$1,314,000 to \$1,971,000. **100% Capital (SRF Loan) Funds.**

#37 Authorized to enter into a memorandum of agreement with the NH Department of Transportation to provide material testing services at Pleasant Lake Dam, Bunker Pond Dam, UNH Reservoir Dam and Milton 3 Ponds Dam at a cost not to exceed \$16,000. Effective upon G&C approval through June 30, 2011. **100% Capital Projects (General) Funds.**

#38 Authorized to pay membership dues to the Coastal States Organization, Washington, DC, in the amount of \$8,293. Effective **retroactive** to July 1, 2009 through June 30, 2010. **100% Federal Funds.**

#39 Authorized to enter into a grant agreement with the Lakes Region Planning Commission, Meredith, NH, to fund a Household Hazardous Waste Collection Project totaling \$6,168. Effective upon G&C approval through June 30, 2010. **100% Hazardous Waste Funds.**

#40 Authorized Pease Development Authority's – Division of Ports & Harbors request to expand the existing Market Street Marine Terminal facility by construction of 25,125 sq ft of new pier area, including elimination of 2 access bridges; new pier construction; installation of a new mooring dolphin and attached catwalk; and repair of existing caissons, bulkhead, and concrete decking, to allow safe docking and freight discharge of 750 ft. cargo vessels at Division of Ports and Harbors Port facility on the Piscataqua River in Portsmouth.

#41 Authorized Sharon Weston Revocable Trust's request to construct a fixed timber pier, with 3 sets of dolphins (3-piling clusters) at the three seaward piling locations for ice protection to a gangway landing on a floating dock on shoreline frontage on the Piscataqua River in New Castle.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

Division of Public Health Services

#42 Authorized Bureau of Community & Health Services to accept and expend federal funds in the amount of \$175,000 from the US Department of Health and Human Services, Health Resources and Services Administration to fund the Rural Health & Primary Care Section, Health Workforce. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#42A Authorized Bureau of Disease Control, Immunization Section to enter into an agreement with the City of Manchester Health Department, Manchester, NH, to serve as a regional sponsoring site on behalf of the NH Immunization Program in an amount not to exceed \$115,892. Effective **retroactive** to September 23, 2009 through June 30, 2011. **100% Federal ARRA Funds.**

Division for Juvenile Justice Services

#43 Authorized to continue to compensate Mr. Robert Leonard, a Teacher II at the John H. Sununu Youth Services Center, for wages lost in an amount not to exceed \$2,936.04 while recovering from a work-related injury. **79% General, 21% Other (School Districts) Funds.**

Bureau of Homeless and Housing Services

#44 Authorized to enter into an agreement with Community Partners, Dover, NH, to provide services to homeless individuals in an amount not to exceed \$41,095. Effective **retroactive** to July 1, 2009 through June 30, 2010. **100% Federal Funds.**

Bureau of Developmental Services

#44A Authorized DHHS and the Department of Education, Division of Instruction to support a co-funded agreement with the Institute on Disability at the University of NH in the amount of \$50,000. (2)Further Authorized to enter into a **sole source** agreement with the Institute on Disability, University of NH, Durham, NH, to develop and implement research and demonstration projects promoting best practice in community services for people with developmental disabilities, and to provide training for staff, individuals and families in the amount of \$220,227. Effective upon G&C approval through June 30, 2010. **77% General, 23% Other (Federal) Funds.**

Bureau of Elderly & Adult Services

#45 Authorized to enter into an agreement with JSI Research and Training Institute Inc., d/b/a Community Health Institute, Bow, NH, to provide fiscal intermediary, coordination and management services for the annual Conference on Aging in an amount not to exceed \$15,135. Effective upon G&C approval through June 30, 2010. **100% Federal Funds.**

#45A Authorized to amend a **sole source** agreement with Easter Seals NH Inc., Manchester, NH, (previously amended by G&C on 6-17-09, item #214), acting as fiscal agent to ServiceLink Resource Center of Hillsborough County to enroll low income Medicare beneficiaries into Medicare Part D's Low Income Subsidy and/or Medicare Savings Program, by increasing the amount by \$58,823 from \$2,198,470.14 to \$2,257,293.14. Effective **retroactive** to July 1, 2009 through June 30, 2010. **100% Federal Funds.**

#45B Authorized to enter into a **sole source** agreement with Lutheran Community Services of NH Inc., Concord, NH, to provide Deafness and Hearing Loss Access and Support Services and Foreign Language Interpreter Services in an amount not to exceed \$49,839.50. **36% Federal, 24% General, 40% Client Fees.**

Division of Family Assistance

#46 Authorized to accept and expend \$5,240 of Supplemental Nutrition Assistance Program high performance bonus funds and Federal matching funds in the amount of \$4,765, for a total of \$10,005. Effective upon G&C approval through June 30, 2010. **48% Federal, 52% Other (Food Stamp Bonus). Fiscal Committee approved.**

Division for Children, Youth & Families

#47 Authorized to award annual grants in the State Fiscal Year 2010 in the amount of \$139,423.10 to 12 NH grant recipients in Belknap County for infrastructure sustainability. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#48 Authorized to award annual grants in the State Fiscal Year 2010 in the amount of \$200,726.13 to 22 NH grant recipients in Strafford County for infrastructure sustainability. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#49 Authorized to award annual grants in the State Fiscal Year 2010 in the amount of \$100,518.43 to 10 NH grant recipients in Sullivan County for infrastructure sustainability. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#50 Authorized to award annual grants in the State Fiscal Year 2010 in the amount of \$255,346.67 to 26 NH grant recipients in Merrimack County for infrastructure sustainability. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#51 Authorized to award annual grants in the State Fiscal Year 2010 in the amount of \$73,841.66 to 11 NH grant recipients in Carroll County for infrastructure sustainability. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#52 Authorized to award annual grants in the State Fiscal Year 2010 in the amount of \$164,979.21 to 15 NH grant recipients in Cheshire County for infrastructure sustainability. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#53 Authorized to award annual grants in the State Fiscal Year 2010 in the amount of \$153,894.48 to 23 NH grant recipients in Grafton County for infrastructure sustainability. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#54 Authorized to award annual grants in the State Fiscal Year 2010 in the amount of \$96,512.97 to 15 NH grant recipients in Coos County for infrastructure sustainability. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#55 Authorized to award annual grants in the State Fiscal Year 2010 in the amount of \$628,844.10 to 48 NH grant recipients in Hillsborough County for infrastructure sustainability. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#56 Authorized to award annual grants in the State Fiscal Year 2010 in the amount of \$478,284.14 to 32 NH grant recipients in Rockingham County for infrastructure sustainability. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

New Hampshire Hospital

#57 Authorized to continue to compensate Mr. Grillo, a Registered Nurse III, for wages lost in an amount not to exceed \$11,786.24 while recovering from a work-related injury. **70% General, 30% Federal Funds.**

#58 Authorized to amend a **retroactive sole source** contract with The Pharmacist Connection, Manchester, NH, (previously amended by April 1, 2009, late item #B), to continue to perform pharmacist services, by increasing the price by \$53,000 from \$420,000 to \$473,000, and by extending the completion date from October 10, 2009 to December 31, 2009. **69% General, 30% Federal, 1% Other (Schools) Funds.**

Glencliff Home

#59 Authorized to accept a non-monetary donation of new clothing items from Buck & Buck, Seattle, WA, with an approximate value of \$1,192.

#60 Authorized to accept a non-monetary donation of a 50" Panasonic Plasma Television from The TV Guy, Woodsville, NH, with a value of \$1,399.95.

#60A Authorized to accept all monetary donations for the time period of April 1, 2009 to September 30, 2009, in the amount of \$700.

NEW HAMPSHIRE VETERANS HOME

The Governor and Council acted as follows:

#61 Authorized to accept monies totaling \$22,374.78 received during the period of July 1, 2009, to September 30, 2009 as a result of fundraising drives from various organizations and from personal contributions.

#62 Authorized to **retroactively** pay John Hall, Security Officer I, \$1,120.81 for prior year incremental wages, with current fiscal years funds, that were not processed from July 18, 2008 to June 4, 2009 inclusive of holiday pay. **100% General Funds.**

#62A Authorized to assign vehicles to the positions that warrant the need for vehicle use on a 24-hour, 7 days per week basis. Effective upon G&C approval.

POLICE STANDARDS & TRAINING COUNCIL

#62B The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Pignatelli authorized the request to assign vehicles to the positions that warrant the need for vehicle use on a 24-hour, 7 days per week basis. Effective upon G&C approval.

DEPARTMENT OF EDUCATION

The Governor and Council acted as follows:

#63 Authorized Division of Career Technology and Adult Learning to accept and expend Vocational Rehabilitation State ARRA grant award funds in the amount of \$1,923,884 from the US Department of Education. Effective upon G&C approval through September 30, 2011. **100% Federal ARRA Funds. Fiscal Committee approved.**

#64 Authorized to enter into a contract with Strafford Learning Center, Somersworth, NH, to provide dropout prevention and recovery activities in an amount not to exceed \$299,018.71. (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 ARRA Funds.**

#65 Authorized to enter into a contract with Granite State Independent Living, Concord, NH, to provide dropout prevention and recovery activities in an amount not to exceed \$369,871. (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 ARRA Funds.**

#66 Authorized to contract with Paulette Hoeflich, Rye, NH, to provide targeted technical assistance services to school districts around the State of NH in an amount not to exceed \$47,550. (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 June 30, 2010 with the option to renew for up to one additional fiscal year. **100% Federal Funds.**

#67 Authorized to utilize the services of Laura M. Landerman, to provide psychological consultations in an amount not to exceed \$29,184 during FY2010 and Authorized unencumbered payments on a fee for service basis. Effective upon G&C approval through June 30, 2010. **100% Federal Funds.**

#68 Authorized to amend a grant to Second Start, Concord, NH, (previously approved by G&C on 6-17-09, item #272), for consulting services and classes for GED students transitioning to community colleges and 4-year colleges and universities, by increasing the amount from \$479,054 by \$6,996 to an amount not to exceed \$486,050. Effective upon G&C approval through June 30, 2010. **100% Federal Funds.**

#69 Authorized to amend a grant to the Rockingham Community Action Program, Portsmouth, NH, (previously approved by G&C on 6-17-09, item #280), for consulting services and classes for GED students transitioning to community colleges and 4-year colleges and universities, by increasing the amount from \$108,038.19 by \$3,323.16 to an amount not to exceed \$111,361.35. Effective upon G&C approval through June 30, 2010. **100% General Funds.**

#70 Authorized to amend a grant to Nashua Adult Learning Center, Nashua, NH, (previously approved by G&C on 6-17-09, item #273), for consulting services and classes for GED students transitioning to community colleges and 4-year colleges and universities, by increasing the amount from \$656,879 by \$19,677 to an amount not to exceed \$676,556. Effective upon G&C approval through June 30, 2010. **51% General, 49% Federal Funds.**

#71 Authorized to enter into a contract with the Brain Injury Association of NH, Concord, NH, to provide independent living services in an amount not to exceed \$65,000. (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 September 30, 2010. **100% Federal Funds.**

DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

#72 Authorized Division of State Police to accept and expend \$685,926 of federal pass-through ARRA funds from the NH Department of Justice for the purpose of hiring two State Police Trooper I positions by the Investigative Services Bureau. (2)Further Authorized to establish two temporary full-time Trooper I positions, labor grade 21, to be assigned in the Investigative Services Bureau in an effort to dedicate their time to the investigation of unsolved homicides in NH. Effective upon G&C approval through June 30, 2012. **100% Transfers from Other Agencies. Fiscal Committee approved.**

#73 Authorized Division of State Police to accept and expend \$276,700 of federal pass-through ARRA funds from the NH Department of Justice for the purpose of hiring one Pharmacist/Compliance Investigator position by the Investigative Services Bureau. (2)Further Authorized to establish one temporary full-time Pharmacist/Compliance Investigator, labor grade 27, to be assigned in the Investigative Services Bureau in an effort to assist the Diversion program by providing investigators with expertise in the area. Effective upon G&C approval through June 30, 2012. **100% Transfers from Other Agencies. Fiscal Committee approved.**

#74 Authorized Division of State Police to budget and expend \$337,993 of the prior year carry forward balance in the Communication Replacement Link account for the purpose of replacing certain microwave communication paths, as required by the Federal Communications Commission, currently in use by the Division of State Police, from T-Mobile USA Inc., Bellevue, WA. Effective upon G&C approval through June 30, 2011. **100% Private and Local Funds. Fiscal Committee approved.**

#75 Authorized Division of Motor Vehicles to transfer \$68,706 within the account titled Technology Grant 2006 to re-align appropriated funds for the purpose of implementing a Voice Over Internet Protocol (VOIP) Network. (2)Further Authorized to accept and expend \$4,419 from the US Department of Justice, Office of Community Oriented Policing Services, for the purpose of implementing a VOIP network. Effective upon G&C approval through June 30, 2010. **100% Federal Funds. Fiscal Committee approved.**

#76 Authorized Division of State Police to accept and expend \$1,500,000 of federal funds from the Department of Justice, Office of Justice Programs for the purpose of reducing and deterring serious crime in NH. Effective upon G&C approval through June 30, 2011. **100% Federal Funds. Fiscal Committee approved.**

#77 NOT USED

#78 Authorized Division of Motor Vehicles to pay **sole source** annual membership dues to the American Association of Motor Vehicle Administrators, Arlington, VA for an amount not to exceed \$12,662 of which \$6,331 is **retroactive**. Effective October 1, 2009 through September 30, 2011. **100% Highway Funds.**

#79 Authorized Division of State Police to **retroactively** accept and expend \$10,000 of an Organized Crime Drug Enforcement Task Forces agreement from the US Department of Justice, Drug Enforcement Agency, to be used to purchase and equip a narcotics canine. Effective September 1, 2009 through September 30, 2009. **100% Federal Funds.**

#80 Authorized Division of State Police to accept and expend an additional \$39,813 received as part of a "Cooperative Agreement" with the US Department of Justice, Office of Justice Programs, National Institute of Justice, to be used by the Forensic Laboratory to provide overtime funding, registration fees, out-of-state-travel, supplies and consumables needed for screening and analysis of DNA samples. Effective upon G&C approval through June 30, 2010. **100% Federal Funds.**

#81 Authorized to **retroactively** pay WORDS Foreign Language Translation and Interpreting Services Inc., Manchester, NH, for provision of interpreting services at Department-sponsored hearings in the amount of \$2,319.85. Effective November 9, 2006 through June 22, 2009. **1.57% Federal, 82.12% Transfers from other Agencies, 16.31% Agency Income Funds.**

#82 Authorized Division of Motor Vehicles to pay **sole source retroactive** monthly fees, due the American Association of Motor Vehicle Administrators, Arlington, VA, to provide access to the National Motor Vehicle Title Information System in an amount not to exceed \$18,750. Effective July 1, 2009 through November 30, 2009. **100% Highway Funds.**

#83 Authorized Division of State Police to enter into a three year contract with FIAI Inc., Manchester, NH, for coverage on the State Police aircraft in an amount not to exceed \$80,405.60. Effective November 5, 2009 through November 1, 2012. **81% Highway, 19% Turnpike Funds.**

#84 Authorized agreements with the applicants as detailed in letter dated September 28, 2009, to be used for improving interoperable emergency communications throughout the state, for a total amount of \$55,442. Effective upon G&C approval through July 31, 2010. **100% Federal Funds.**

#85 Authorized Division of Motor Vehicles to enter into a **sole source** contract extension with ACS State & Local Solutions Inc., Phoenix, AZ, (previously approved by G&C on 1-12-05, item #65), to provide International Registration Plan VISTA/RS & Performance and Registration System Management VISTA/SE systems maintenance in an amount not to exceed \$300,024. Effective January 1, 2010 through December 31, 2011. **100% Highway Funds.**

DEPARTMENT OF TRANSPORTATION

The Governor and Council acted as follows:

#86 NOT USED

#87 NOT USED

#88 Authorized Bureau of Rail & Transit to transfer to the City of Lebanon a parcel of land one acre in size in Lebanon for a one-time administrative fee of \$1,100. **100% Unrestricted Highway Revenue.**

#89 Authorized Bureau of Finance and Contracts to pay Small Claims for individuals amounts less than \$600. Effective upon G&C approval through December 31, 2009. **100% Highway Funds.**

#90 Authorized Bureau of Right of Way's Contemplated Award List for amounts less than \$5,000, for the sum total of \$32,111.79 for the period extending from July 1, 2009 through September 30, 2009.

#91 Authorized Bureau of Construction to amend a contract with R. S. Audley, Inc., Bow, NH, (previously approved by G&C on 6-27-07, item #416E), for the construction of three bridges and associated roadway approach work for the Manchester-Boston Airport Access Road from the F.E. Everett Turnpike in Bedford towards the Manchester-Boston Airport, by increasing the amount by \$1,300,000 from \$19,618,194.27 to \$20,918,194.27. Effective upon G&C approval. **72% Federal, 18% State Highway, 10% Turnpike Funds.**

#92 Authorized Bureau of Bridge Maintenance to establish a contract with Yates Electric Service Inc., Durham, NH, for electrical inspection and maintenance for the I-95 High Level Bridge, Sarah Long Bridge, Memorial Bridge, Hampton River Bridge and the Wentworth House Bridge on a single bid received in the amount of \$200,000. Effective upon G&C approval through June 30, 2011. **100% Highway Funds.**

#93 Authorized Bureau of Highway Maintenance, Well Section, to enter into a contract with Capital Well Company, Dunbarton, NH, for a 6-inch drilled well and pump on the property of Harvey Pine, Andover, NH, in the amount of \$23,475. Effective upon G&C approval through December 18, 2009. **100% Highway Funds.**

#94 Authorized Bureau of Highway Maintenance, Well Section, to enter into a contract with Larry G. Cushing & Sons Inc., Walpole, NH, for a 6-inch drilled well and pump on the property of Brian Bailey, Derry, NH, in the amount of \$25,455. Effective upon G&C approval through December 18, 2009. **100% Highway Funds.**

#95 Authorized Bureau of Mechanical Services to enter into a contract with M&L Leeman Maintenance, Litchfield, NH, for recoating the metal roof at the Bureau of Mechanical Services Satellite Repair Facility, North Hampton, in the amount of \$27,790. Effective upon G&C approval through June 1, 2010. **100% Highway Funds.**

#96 Authorized Bureau of Human Resources to enter into a **sole source** agreement with Sam McKeeman, Camden, ME, for training known as Lean Process Improvement in State Government, in an amount not to exceed \$5,000. Effective upon G&C approval through November 23, 2010. **100% Federal Funds.**

#97 Authorized to assign vehicles to the positions that warrant the need for vehicle use on a 24-hour, 7 days per week basis. Effective upon G&C approval.

LATE ITEMS

DEPARTMENT OF TRANSPORTATION

A. Authorized the Department to enter into a contract for emergency repairs to the Memorial Bridge carrying US Route 1 over the Piscataqua River between Portsmouth, NH and Kittery, ME, with Cianbro Corp. of Pittsfield ME, based on a low bid of \$148,500 from G&C approval through November 25, 2009. **80% Federal Funds, 20 Highway Funds (Turnpike Toll Credit) All costs are shared equally with Maine.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

B. Authorized the Department to approve a loan agreement with JACARO NH, LLC in the amount of \$112,000 to finance water improvements at Hudson Mobile Home Estates, effective upon G&C approval. **50% DWSRF Repayment funds, 50% Federal ARRA Funds.**

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

C. Authorized the Department, Div. of Parks and Recreation, Cannon Mountain Ski Area to enter into a **sole source** contract with Ingersoll-Rand Company of Davidson NC, in the amount of \$4,200 for pre-season inspection and start-up of the air compressors for the snowmaking operation upon G&C approval to November 30, 2009. **100% Other Funds (Cannon Mountain).**

DEPARTMENT OF ADMINISTRATIVE SERVICES

D. Authorized the Department to enter into a contract with Progressive Roofing, Inc of Haverhill MA for a total price not to exceed \$746,900 for roof replacement for the Hillsborough County South Building in Nashua and the Morton Building in Concord effective G&C approval through Dec. 31, 2009. 2) Further Authorized that a contingency in the amount of \$30,000 be approved to provide for additional unanticipated expenses at Hillsborough County South and \$68,000 for the Morton Building bringing the total to \$844,900. **100% General Funds- Capital Funds.**

DEPARTMENT OF ADMINISTRATIVE SERVICES

E. Authorized the Department to enter into a contract with Xcel Fire Protection, Salem for a total price not to exceed \$91,300 for mothballing the sprinkler systems at 10 buildings at the Lakes Region Facility in Laconia and at the Tobey Building at State Office Park South, effective from the date of Governor and Council approval through Dec. 21, 2009. **100% General**

Next Governor and Executive Council meeting is scheduled for Wednesday, November 18, 2009 at 10:00 a.m. at the State House in Concord, New Hampshire.

The Honorable Board then Adjourned at 12:45 p.m.

GOVERNOR AND EXECUTIVE COUNCIL MINUTES
State House, Concord, New Hampshire
November 4, 2009 1:00 p.m.

The Governor and Executive Council convened at 1:00 p.m. with all members present.

*

A hearing for the pardon of Ryan C. Murphy was held. Mr. Murphy testified on his own behalf with no opposing parties present. After discussion, the Governor and Council on motion of Councilor Burton, seconded by Councilor Wiczorek and further on a roll call vote as follows: Councilor Burton – yes, Councilor Shea – **no**, Councilor Hollingworth – **no**, Councilor Wiczorek – yes, and Councilor Pignatelli – yes, voted to **deny** the request of Ryan C. Murphy for a pardon for the offense of Conduct After Accident.

The Honorable Board then Adjourned at 2:00 p.m.