GOVERNOR AND EXECUTIVE COUNCIL MINUTES
State House, Concord, New Hampshire
December 18, 2008, 10:00 a.m.

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

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The Governor and Executive Council on motion of Councilor Hollingworth, seconded by Councilor Shea, accepted the minutes of December 3, 2008.

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The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Shea approved the appointment of several persons nominated for Civil Commissions from the December 3, 2008 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 Representatives-elect:

Hillsborough County District 6
Gary Daniels, r, Milford (127 Whitten Road) 03055

Hillsborough County District 9
Saghir A. Tahir, r, Manchester (1315 Old Mammoth Road) 03104

Hillsborough County District 22
Cindy Rosenwald, d, Nashua (101 Wellington Street) 03064

Rockingham County District 3
Robert E. Introne, Jr., r, Londonderry (8 Everts Street) 03053

Rockingham County District 5
John P. Gleason, r, Derry (45 English Range Road) 03038

Rockingham County District 15
Russell Bridle, r, Hampton (225 Towle Farm Road) 03842

RESIGNATIONS

The Governor and Council, with thanks, accepted the following resignations:

Lakes Management Advisory Committee
Michele Tremblay, Boscawen — Effective: December 18, 2008

CONFIRMATIONS

The Governor and Council confirmed the following:

Advanced Manufacturing Education Advisory Council
(Public Member)
Barbara J. Couch, Hanover — Effective: December 18, 2008
Vacancy — Term: December 18, 2011

Advanced Manufacturing Education Advisory Council
(Superintendent)
Jacqueline E. Guillette, Claremont — Effective: December 18, 2008
Vacancy — Term: December 18, 2009

Advanced Manufacturing Education Advisory Council
(Superintendent)
Christopher Hottel, Gilmanton — Effective: December 18, 2008
Vacancy — Term: December 18, 2011

Advanced Manufacturing Education Advisory Council
(Public Member)
Victor C. Kissell, Westmoreland — Effective: December 18, 2008
Vacancy — Term: December 18, 2009

Advanced Manufacturing Education Advisory Council
(Public Member)
Peter M. Kujawski, Bedford — Effective: December 18, 2008
Vacancy — Term: December 18, 2011

Advanced Manufacturing Education Advisory Council
(Superintendent)
Michael A. Morgan, Brentwood — Effective: December 18, 2008
Vacancy — Term: December 18, 2010

Advanced Manufacturing Education Advisory Council
(Public Member)
Susan Bloom Newcomer, Spofford — Effective: December 18, 2008
Vacancy — Term: December 18, 2009

Advanced Manufacturing Education Advisory Council
(Public Member)
John F. Olson, Charlestown — Effective: December 18, 2008
Vacancy — Term: December 19, 2010

Assessing Standards Board
Nominated by the New Hampshire Association of Assessing Officials
Robert J. Gagne, Manchester — Effective: December 18, 2008
Succeeding: Stephen Hamilton, Salem (resigned) — Term: September 19, 2009

Home Inspector Licensing Board
(Home Inspector)
Robert J. Corsetti, Dover — Effective: December 18, 2008
Vacancy — Term: December 18, 2009

Home Inspector Licensing Board
(Home Inspector)
Robert J. Gray, Derry — Effective: December 18, 2008
Vacancy — Term: December 18, 2010

Home Inspector Licensing Board
(Home Inspector)
Carla J. Horne, Meredith — Effective: December 18, 2008
Vacancy — Term: December 18, 2010

Home Inspector Licensing Board
(Home Inspector)
Daryl Justham, Rochester — Effective: December 18, 2008
Vacancy — Term: December 19, 2009

Home Inspector Licensing Board
(Public Member)
Gayle Robertson, Windham — Effective: December 18, 2008
Vacancy — Term: December 18, 2010

Home Inspector Licensing Board
(Home Inspector)
David J. Roth, Hollis — Effective: December 18, 2008
Vacancy — Term: December 18, 2010

Independent Investment Committee, NH Retirement System – Councilor Wieczorek voted **no.**
David A. Jensen, Contoocook — Effective: January 1, 2009
Vacancy — Term: At the pleasure of G&C

Board of Medicine
Louis E. Rosenthall, MD, Concord — Effective: December 18, 2008
Succeeding: Catherine Pipas, Lebanon (resigned) — Term: December 3, 2011

State Commission on the Status of Men
David Lauren, Marlborough — Effective: December 18, 2008
Reappointment — Term: September 1, 2010

Board of Natural Scientists
(Wetlands Scientist)
Daniel H. Geiger, Loudon — Effective: December 18, 2008
Succeeding: Rick Van de Poll, Gilsum (reached term limit) — Term: October 26, 2013

Director of the Division of Parks and Recreation: Department of Resources and Economic Development
Nominated by the Commissioner of the Department of Resources and Economic Development
Ted Austin, Norwich, VT — Effective: December 18, 2008
Succeeding: Allison A. McLean, New London (resigned) — Term: April 1, 2010
Salary: GG Maximum $85,882

Real Estate Appraiser Board
(Public Member)
Leonard Gerzon, Amherst — Effective: December 18, 2008
Succeeding: Suzanne Foster, Newfields — Term: September 16, 2011

Real Estate Appraiser Board
(Certified General Appraiser)
Brian Underwood, Wolfeboro — Effective: December 18, 2008
Succeeding: George Brooks, Londonderry (resigned) — Term: August 12, 2009

Rivers Management Advisory Committee
(Recreation Interests)
Kenneth D. Kimball, Jackson — Effective: December 28, 2008
Reappointment — Term: December 28, 2011

Telecommunications Planning and Development Advisory Board
Nominated by the Commissioner of the Department of Resources and Economic Development
Brian T. Shepperd, Milton — Effective: December 18, 2008
Reappointment — Term: October 18, 2011

Advisory Commission on Travel and Tourism
(Lodging)
Nominated by the Commissioner of the Department of Resources and Economic Development
Scott R. Labnon, Gorham — Effective: December 18, 2008
Reappointment — Term: December 1, 2011

Advisory Commission on Travel and Tourism
(Environment and Wildlife)
Nominated by the Commissioner of the Department of Resources and Economic Development
Adair D. Mulligan, Lyme Center — Effective: December 18, 2008
Reappointment — Term: December 1, 2011

Advisory Commission on Travel and Tourism
(Recreation)
Nominated by the Commissioner of the Department of Resources and Economic Development
Benjamin E. Wilcox, North Conway — Effective: December 18, 2008
Reappointment — Term: December 1, 2011

Volunteer New Hampshire Board of Directors
(Representative of National Service Program)
Deborah T. Scire, Windham — Effective: December 18, 2008
Reappointment — Term: May 4, 2011

Water Treatment Plant Advisory Committee
(Representing consumers from a community w/ population over 5,000)
Pierre C. Lavoie, Dover — Effective: December 18, 2008
Reappointment — Term: June 5, 2012

BUSINESS FINANCE AUTHORITY

#1 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 with respect to the financing of an industrial facility by the Business Finance Authority for MNTS Land, LLC and Moore Nanotechnology Systems, LLC located in Swanzey, 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 DECEMBER 18, 2008
IN THE [COUNCIL CHAMBER, STATE HOUSE, CONCORD]

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At 10:30 a.m. the Governor announced that the next matter to be considered would be the financing of an industrial facility project by the Business Finance Authority ("Authority") for MNTS Land, LLC and Moore Nanotechnology Systems, LLC and declared that the public hearing on the subject had commenced.
He said that he and the members of the Council had received the written recommendation of the Authority and other documentation and information with respect to the project. The Governor said that the meeting would then hear anyone wishing to speak on the subject. Jack Donovan, Executive Director of the Authority, briefly explained the project and emphasized that the credit of the State. 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-I:9 WITH RESPECT TO THE FINANCING OF AN INDUSTRIAL FACILITY BY THE BUSINESS FINANCE AUTHORITY FOR MNTS LAND, LLC AND MOORE NANOTECHNOLOGY SYSTEMS, LLC IN SWANZEY, NEW HAMPSHIRE" and moved its adoption, which was seconded by Councilor Wieczorek. After discussion of the resolution, the Governor called for a vote on the motion. Those voting in favor were: the Governor and Councilor Burton, Councilor Shea, Councilor Hollingworth, Councilor Wieczorek, and Councilor Pignatelli; those abstaining were Councilor(s): None; and those voting against were Councilor(s): None. The Governor declared that the resolution was passed.

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A RESOLUTION UNDER RSA 162-I:9 WITH RESPECT TO THE ISSUANCE OF UP TO $3,400,000 REVENUE BONDS BY THE BUSINESS FINANCE AUTHORITY OF THE STATE OF NEW HAMPSHIRE TO FINANCE AN INDUSTRIAL FACILITY FOR MNTS LAND, LLC AND MOORE NANOTECHNOLOGY SYSTEMS, LLC IN SWANZEY, NEW HAMPSHIRE

WHEREAS, the Governor and Council 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 a determination under RSA 162-I:9 with respect to the financing of an industrial facility for MNTS Land, LLC and Moore Nanotechnology Systems, LLC (individually a "Borrower" and collectively the "Borrowers"), in Swanzey, New Hampshire, by the Authority's issuance of up to $3,400,000 aggregate amount of revenue bonds (the "Bonds") under RSA 162-I:1 et seq. (the "Act"); and

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

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

NOW, THEREFORE, in consideration of the foregoing, 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 to be financed with the proceeds of the Bonds consists of the following: (i) to finance the acquisition of land on Safford Drive in Swanzey, New Hampshire (the "Property") to be owned by the Borrowers; (ii) to finance the construction of an approximately 36,000 square foot facility to be located on the Property; and (iii) to pay related costs and expenses, possibly including issuance expenses (collectively, the

"Facility" or the "Project"). The Facility is within the definition of "Industrial Facility" in RSA 162-I:2 and may be financed under the Act.

(2) The establishment and operation of the Facility will 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 of the Project are feasible.

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

(3) The Loan Agreement and the other documents to be executed in connection with the issuance of the Bonds, including the Escrow Agreement and the Mortgage Deed and Security Agreement (collectively, the "Financing Documents"), contain provisions so that under no circumstances will the Authority be obligated, directly or indirectly, to pay Project costs, debt service or expenses of operation, maintenance and upkeep of the Facility except from proceeds of the Bonds or from funds received under the Financing Documents, exclusive of funds received under the Financing Documents by the Authority for its own use.

(4) The Financing Documents do 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.

(5) The proposed financing 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 Facility will serve a public use and provide a public benefit and determine that the Authority's financing of the Project will be within the policy of, and the authority conferred by, the Act.

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

Section 4. Effective Date. This Resolution shall take effect upon its passage.

Passed and Agreed to: December 18, 2008

DEPARTMENT OF INFORMATION TECHNOLOGY

The Governor and Council acted as follows:

#2 Authorized to amend a contract with MultiProcess Computer Corporation, Windham, NH, for Financial Responsibility Imaging System software maintenance, by extending the end date from December 31, 2008 to December 31, 2010. **100% Other &Agency Class 27) funds: the Agency Class 27 funds used by DOS to reimburse DoIT for this contract is 100% Highway Funds.**

#3 Authorized, for the benefit of the Department of Safety Division of Motor Vehicles, to enter into a contract with NIIT Technologies Inc., Atlanta, GA, to provide Java development services for the Department of Motor Vehicles support programs in the amount of $1,230,540. Effective January 2, 2009 through December 31, 2011. **100% Other &Agency Class 27) funds: the Agency Class 27 funds used by DOS to reimburse OIT is 100% Highway Funds.**

OFFICE OF THE ADJUTANT GENERAL

The Governor and Council acted as follows:

#4 Authorized Major Randall F. Dyer, Kittery Point, ME, be confirmed for promotion to the rank of Lieutenant Colonel, NH Air National Guard.

#5 Authorized Frederick B. Harris, Potomac, MD, be nominated for appointment to the rank of Lieutenant Colonel, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

#6 Authorized Major John G. Newhall, North Berwick, ME, be nominated for promotion to the rank of Lieutenant Colonel, NH Air National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, morally, and professionally qualified.

#7 Authorized James P. Challender, Bow, NH, be nominated for promotion to the rank of Lieutenant Colonel, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

#8 Authorized to enter into a contract with Pinnacle Engraving & Awards, Derry, NH, for the purpose of the fabrication of the NH Medal of Honor, in the amount of $19,808.75. Effective upon G&C approval through June 30, 2009. **100% General Funds.**

#8A Authorized James W. Nuttall, Fort Belvoir, VA, be confirmed to the rank of Major General, NH Army National Guard.

#8B Authorized individuals to be commissioned as Aid-de-Camp to the Governor, as detailed in letter dated 12/11/08.

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

#9 Authorized Bureau of Court Facilities to enter into a service contract with T.J. Caldon, LLC d/b/a Four Corners, Gilmanton, NH, for snow plowing and snow and ice removal services at the Laconia Courthouse, Laconia, NH, for an amount not to exceed $9,500. Effective upon G&C approval through August 31, 2010. **100% Transfer from AOC – Rents from other Agencies (100% General Funds).**

#9A Authorized the list of Governor and Council meeting dates for the period of January through Jun 2009.

#9B Authorized to accept one Christmas tree to be placed at the Bridges House on Mountain Road in Concord, NH. The tree is being donated by Rocks Christmas Tree Farm from Bethlehem, NH.

#9C Authorized to accept and place on file the Report and Findings of Councilor Raymond Burton with regard to the financing of certain construction, renovation, furnishing and equipping of facilities in connection with Mary Hitchcock Memorial Hospital, Lebanon, NH.

#9D Authorized with Councilor Wieczorek voting **no,** to reclassify position #10067 Secretary II, labor grade 9, to an Administrator I, labor grade 27, at a total cost of $10,601. Effective upon G&C approval. **100% General Funds.**

#9E Authorized to accept one Christmas tree to be placed in Governor and Council Chambers at the State House. The tree is being donated by the Nichols Tree Farm of Orford, NH.

#9F Authorized to accept and place on file the list of agency transfers for Fiscal Year 2009 during the months of October & November 2008.

TREASURY DEPARTMENT

#10 The Governor and Council on motion of Councilor Shea, seconded by Councilor Hollingworth Authorized the request to issue a warrant from funds not otherwise appropriated and the State Treasurer to issue checks in the amount of $64,491.93 to the rightful owners of abandoned or unclaimed funds.

DEPARTMENT OF CULTURAL RESOURCES

The Governor and Council acted as follows:

#11 Authorized Division of Arts to award an FY 2009 American Masterpieces Grant in the amount of $4,545 to Pontine Theatre, Portsmouth. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

#12 Authorized Division of Arts to award grants totaling $21,060 to the organizations as detailed in letter dated November 25, 2008. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

#13 Authorized Division of Arts to award FY 2009 Traditional Arts Apprenticeship Grants totaling $11,590 to the Master Artists as detailed in letter dated September 18, 2008. Effective upon G&C approval through June 30, 2009. **100% General Funds.**

#14 Authorized Division of Arts to award FY 2009 Arts in Education grants totaling $19,010 to the organizations as detailed in letter dated October 24, 2008. Effective upon G&C approval through June 30, 2009. **100% General Funds.**

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

#15 The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea Authorized the request of the Division of Pesticide Control to enter into a grant agreement with Lamprey River Watershed Association Inc., for the control and eradication of Japanese Knotweed project in the amount of $12,505. Effective upon G&C approval through December 31, 2009. **100% Integrated Pest Management Funds.**

ATTORNEY GENERAL – DEPARTMENT OF JUSTICE

The Governor and Council acted as follows:

#16 Authorized to enter into subgrants with the agencies as detailed in letter dated December 1, 2008, totaling $727,356 from the previously accepted 2008 Violence Against Women Formula Grant, designed to provide services for women in NH who are victims of violent crimes. Effective upon G&C approval through June 30, 2009. (2)Further Authorized to enter into subgrants with the agencies as detailed in letter dated December 1, 2008, totaling $110,653 from the previously accepted 2007 Violence Against Women Formula Grant, designed to provide services for women in NH who are victims of violent crimes. Effective upon G&C approval through February 28, 2009. (3)Further Authorized to enter into subgrants with the agencies as detailed in letter dated December 1, 2008, totaling $36,628.36 from the previously accepted 2006 Violence Against Women Formula Grant, designed to provide services for women in NH who are victims of violent crimes. Effective upon G&C approval through May 31, 2009. **100% Federal Funds.**

#17 Authorized to amend a contract with Attorney Kathryn Bradley, Bow, NH (previously amended by G&C on 6-25-08, item #77), for legal services to assist the Secretary of State's Office in implementing provisions of the Help America Vote Act and also to assist the Attorney General's Office with providing legal services to the NH Board of Medicine, by increasing the amount by $16,872 from $36,440 to $53,312 and by extending the end date from December 31, 2008 to June 30, 2009. **100% Transfer from other agencies (federal).**

#17A Authorized to enter into a memorandum of understanding with the Land & Community Heritage Investment Program for the purpose of providing professional legal assistance and representation to the Authority to the extent outlined in the memorandum, and to accept and expend $5,000 from LCHIP for the purposes of providing these legal services. Effective upon G&C approval through June 30, 2009. **100% Transfer from Other Agencies (Agency Fees).**

#17B Authorized to appoint Lauren J. Noether as a Senior Assistant Attorney General at a salary level of $80,497.70. Effective upon G&C approval through August 31, 2010.

#17C Authorized to enter into a sub-grant with the NH Department of Safety, in the amount of $511,709, to support J-ONE related activities. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

EMPLOYMENT SECURITY

#18 The Governor and Council on motion of Councilor Shea, seconded by Councilor Burton Authorized the request to expend available federal funds payable to US Department of Labor, Veterans Employment and Training Service, for reimbursement of VETS facilities and administrative support costs incurred in the operation of the VETS state office, Concord, NH, for a total of $82,500. Effective January 1, 2009 through September 30, 2011. **100% Federal Funds.**

LIQUOR COMMISSION

#19 The Governor and Council on motion of Councilor Shea, seconded by Councilor Burton Authorized the request to enter into a contract with Jungle Jims, Epsom, NH, to provide snow and ice removal services at various Liquor Commission locations throughout NH for a total price of $45,500. Effective upon G&C approval through June 30, 2009. **100% General Funds.**

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Council acted as follows:

#20 Authorized to grant an annual salary increment to Brad Simpkins, Interim Director, from Salary Group GG, Step 2 ($73,158) to Salary Group GG, Step 3 ($77,400), effective January 16, 2009.

#21 Authorized Division of Travel and Tourism Development to enter into a **sole source** contract with Yankee Publishing of Dublin Inc., Dublin, NH, for online reservation services through the State's tourism website www.visitnh.com.

#22 Authorized Division of Parks and Recreation, Cannon Mountain Ski Area to enter into a **sole source** lease agreement with Concord Commercial a division of Alter Moneta Corporation, Duluth, GA, for four Prinoth snow groomers in the amount of $247,020.86. Effective December 20, 2008 through December 20, 2009. **100% Cannon Mt.**

#22A Authorized Division of Economic Development to award a grant to Leadership Teacher, Bow, NH, in the amount of $10,000 for a website project. Effective upon G&C approval through January 30, 2009. **100% General Funds.**

#22B Authorized Division of Economic Development to enter into a contract with the Southwest Region Planning Commission, Keene, NH, to continue the Comprehensive Economic Development Strategy for Southwest NH in the amount of $7,500. (2)Further Authorized payment of $6,750. Effective upon G&C approval through June 30, 2009. **100% General Funds.**

#22C Authorized Division of Economic Development to award a grant to the NH International Trade Association, Portsmouth, NH, in the amount of $12,000 for a marketing initiative for NH's businesses. Effective upon G&C approval through February 15, 2009. **100% General Funds.**

#22D Authorized Trails Bureau to enter into a **retroactive** lease agreement with T. R. Dillon Logging Inc., Anson, ME, to provide snowmobile access on their property in the amount of $2,525. Effective October 24, 2008 through November 1, 2013. **100% Other Funds (Trails Fund).**

#22E Authorized Division of Parks and Recreation to amend G&C item #109, approved on 6-25-08, to correct the payment schedule of annual payment of principal and interest to commence on July 1, 2011 rather than on July 1, 2010, by entering into a Promissory Note with the Trustees of Dartmouth College in the amount of $2,123,584.90, for the purchase of 8.176 acres, more or less with the building thereon located at the summit of Mount Washington State park from the Trustees of Dartmouth College. **100% Mt. Washington Funds.**

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

The Governor and Council acted as follows:

#23 Authorized to enter into a contract with Douglas Mund d/b/a Douglas Mund Design Group of Groveland, MA, for the purpose of designing, fabricating and installing indoor and outdoor exhibits for the Hugh Gregg Coastal Conservation Center in Greenland in the amount of $151,000. (2)Further Authorized an advanced payment in the amount of $16,000. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

#24 Authorized to provide a cost-share to Virginia Polytechnic Institute and State University, Blacksburg, VA, to perform services and provide the deliverables as specified in the National Fish and Wildlife Foundation grant project entitled "Eastern Brook Trout Joint Venture" in the amount of $10,000. Effective upon G&C approval through May 31, 2009. **100% Other (Fisheries Habitat Fees) Funds.**

#25 Authorized to accept fee simple interest in 1.5 acres at Robb Reservoir, including the dam and all water rights, in the Town of Stoddard, at no cost to the Department, from the Harris Center for Conservation Education Inc. Effective upon G&C approval.

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council acted as follows:

#26 Authorized to enter Alan Kjellander into an educational tuition agreement with White Mountain Community College, Berlin, NH, and to participate in the course entitled Water and Wastewater Treatment Plant Maintenance during the period of January 12, 2009 through May 29, 2009 and to pay said costs in the amount of $573. **100% Winnipesaukee River Basin Funds.**

#27 Authorized to enter Timothy Pelletier into an educational tuition agreement with White Mountain Community College, Berlin, NH, and to participate in the course entitled Water and Wastewater Treatment Plant Maintenance during the period of January 12, 2009 through May 29, 2009 and to pay said costs in the amount of $573. **100% Winnipesaukee River Basin Funds.**

#28 Authorized to amend a **sole source** contract with Sanborn, Head and Associates Inc., Concord, NH, (previously approved by G&C on 6-27-07, item #122), to continue oversight of the cleanup of three contaminated sites (Pelham, Nashua, and Gilford), by increasing the amount by $400,000 from $1,964,262 to $2,364,262. Effective upon G&C approval through June 30, 2011. **100% Hazardous Waste Remediation Funds.**

#29 Authorized to enter into grant agreements with the City of Portsmouth to fund Household Hazardous Waste collection projects in the amount of $4,756. Effective upon G&C approval through June 30, 2009. **100% Hazardous Waste Funds.**

#30 Authorized to enter into a **retroactive** grant agreements with the entities as detailed in letter dated December 4, 2008, to fund Household Hazardous Waste collection projects totaling $15,028. Effective July 27, 2008 through June 30, 2009. **100% Hazardous Waste Funds.**

#31 Authorized to amend a **sole source** agreement with Jeffrey H. Taylor & Associates Inc., Concord, NH, (previously approved by G&C on 4-4-07, item #63A), for facilitation and research services in support of the Salt Reduction Workgroup relative to the I-93 expansion project by extending the completion date to June 30, 2011 from December 31, 2008, and by increasing the amount by $39,000 to $120,800 from $81,800. **100% Interagency Transfer Funds – Highway Funds.**

#32 Authorized to enter into an Allonge to Promissory Note and Amendment of Loan Agreement with Pennichuck Water Works Inc., in the amount of $3,000,000. This finalizes the loan amount used to finance improvements to the existing surface water treatment facility. Effective upon G&C approval.

#33 Authorized to approve a loan agreement with the Town of Merrimack, in the amount of $1,600,000 to finance the Sewer Interceptor Improvements Project. Effective upon G&C approval. **83% Federal, 17% Capital Funds.**

#34 Authorized to enter into an agreement with G&K Services Co, Manchester, NH, for uniforms, and mat rental and cleaning services in the amount of $35,405. Effective January 1, 2009 through December 31, 2012. Effective upon G&C approval. **100% WRB Funds.**

#35 Authorized to amend a loan agreement with the Town of Jaffrey, (previously approved by G&C on 2-8-06, item #45), to finance water system improvements, by increasing the amount by $197,460 from $1,452,000 to $1,649,460. Effective upon G&C approval. **100% DWSRF Loan Funds.**

#36 Authorized to amend a grant agreement with Blizzard Inc., d/b/a Lakeport Landing Marina, Laconia, NH, (previously approved by G&C on 6-4-08, item #56), for the installation of a boat sewage pumpout station by extending the completion date to May 1, 2009 from December 31, 2008. **100% Federal Funds.**

#37 Authorized to amend an agreement with the Town of Seabrook, NH, (previously approved by G&C on 11-28-07, item #78), to reduce sources of bacteria in waterways through outreach to pet owners, by extending the completion date to June 30, 2009 from December 31, 2008. **100% Federal Funds.**

#38 Authorized to amend an agreement with the Piscataquog Land Conservancy, New Boston, NH, (previously approved by G&C on 3-23-05, item #51), for the Lake Horace Marsh Restoration Project by extending the completion date to December 31, 2010 from December 31, 2008, updating the Grantee Name as set forth in sub-paragraph 1.3 of the agreement to Piscataquog Land Conservancy to reflect this organization's change of legal name, and changing the wording of one of the Tasks within the Scope of Services. **100% Federal Funds.**

#39 Authorized to amend a contract with Weston Solutions Inc., Manchester, NH, (previously amended by G&C on 12-11-07, item #49), for operations and maintenance, sampling and analysis and remedy evaluation services at the Kearsarge Metallurgical Corporation Superfund Site, by increasing the value by $109,294 from $3,155,333 to $3,264,627, and by extending the contract completion date from December 31, 2008 to December 31, 2009. **100% General Funds.**

#40 Authorized to enter into a contract with Cushing & Sons Drilling, Keene, NH, to drill and install bedrock monitoring wells at up to 6 sites located on state-owned lands for an amount not to exceed $80,000. Effective upon G&C approval through June 30, 2009. **100% Capital Funds.**

#41 Authorized to amend a grant agreement with the Town of Hampton, NH (previously approved by G&C on 6-4-08, item #59), to establish a nature trail at the Lamprey Ice Pond and conduct an engineering study of a dam on the property, by extending the completion date to December 31, 2009 from December 31, 2008. **100% Federal Funds.**

#42 Authorized Hyland / Jensen Family Trust's request to construct a permanent, steel pier leading to a seasonal, aluminum ramp landing on a seasonal float providing water access on shoreline frontage on the Squamscott River in Stratham.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

Office of the Commissioner

#43 Authorized with Councilor Hollingworth and Councilor Pignatelli voting **no,** to make a one-time payment in the amount of $5,000 to the Administrative Office of the Courts, Concord, NH, to provide support for a statewide conference entitled Mental Illness, Substance Abuse and the Criminal Justice System, Opportunities for Alternative Sentencing, held November 6-7, 2008. Effective **retroactive** to November 6, 2008 through December 31, 2008. **50% Federal, 50% General Funds.**

#44 Authorized to make an unencumbered payment to the New England States' Consortium Systems Organization, Shrewsbury, MA, to provide Medicaid technical support services in an amount not to exceed $28,500. Effective January 1, 2009 or upon G&C approval, whichever is later, through December 31, 2009. **100% General Funds.**

Bureau of Human Resource Management

#45 Authorized to make a **retroactive** one-time payment from SFY 2009 funds to Nancy Flaherty, Coordinator Catastrophic Illness Program, Division of Elderly & Adult Services in the amount of $2,232.45 to compensate for wages that were not paid for the SFY 2008. **50% Federal, 50% General Funds.**

#46 Authorized to make a **retroactive** one-time payment from SFY 2009 funds to Rita Lamy, Public Health Nurse Coordinator, Division of Children, Youth and Families in the amount of $4,415.85 to compensate for wages that were not paid for the SFY 2008. **75% Federal, 25% General Funds.**

#47 Authorized to make a **retroactive** one-time payment from SFY 2009 funds to Michael Cassidy, Youth Counselor II, Division of Juvenile Justice in the amount of $1,824 to compensate for wages that were not paid for the SFY 2008. **85% General, 15% Other (out of state revenue) Funds.**

Employee Assistance Program

#48 Authorized to provide travel reimbursement for Marie Spink, Employee Assistance Program Field Representative in the amount of $4.55 for expenses incurred on June 25, 2008, and to provide travel reimbursement for Rose Pound, Employee Assistance Program Field Representative in the amount of $59.09 for expenses incurred on June 30, 2008. **56% General, 6% Federal, 38% Agency Transfers.**

Division of Family Assistance

#49 Authorized to enter Suzette Stratton into a **retroactive** Educational Tuition Agreement with Springfield College, Springfield, MA, to participate in the course entitled Contemporary American Literature during the period of September 6, 2008 through December 21, 2008, and to pay said costs in the amount of $1,050. **25% Federal, 75% General Funds.**

#50 Authorized to enter into a **sole source** contract with Southwestern Community Services Inc., Keene, NH, as a grant recipient under the Community Services Block Grant to provide nutritional services, community based services and anti-poverty programs to low-income families in an amount not to exceed $414,946. (2)Further Authorized an advance payment of $63,985. Effective upon G&C approval through September 30, 2009. **100% Federal Funds.**

#51 Authorized to enter into a **sole source** contract with Community Action Program Belknap-Merrimack Counties Inc., Concord, NH, as a grant recipient under the Community Services Block Grant to provide nutritional services, community based services and anti-poverty programs to low-income families in an amount not to exceed $460,985. (2)Further Authorized an advance payment of $72,840. Effective upon G&C approval through September 30, 2009. **100% Federal Funds.**

#52 Authorized to enter into a **sole source** contract with Tri-County Community Action Program Inc., Berlin, NH, as a grant recipient under the Community Services Block Grant to provide nutritional services, community based services and anti-poverty programs to low-income families in an amount not to exceed $638,775. (2)Further Authorized an advance payment of $100,932. Effective upon G&C approval through September 30, 2009. **100% Federal Funds.**

#53 Authorized to enter into a **sole source** contract with Southern NH Services Inc., Manchester, NH, as a grant recipient under the Community Services Block Grant to provide nutritional services, community based services and anti-poverty programs to low-income families in an amount not to exceed $999,642. (2)Further Authorized an advance payment of $146,891. Effective upon G&C approval through September 30, 2009. **100% Federal Funds.**

#54 Authorized to enter into a **sole source** contract with Rockingham Community Action Inc., Portsmouth, NH, as a grant recipient under the Community Services Block Grant to provide nutritional services, community based services and anti-poverty programs to low-income families in an amount not to exceed $516,023. (2)Further Authorized an advance payment of $81,536. Effective upon G&C approval through September 30, 2009. **100% Federal Funds.**

#55 Authorized to enter into a **sole source** contract with Strafford County Community Action Committee Inc., Dover, NH, as a grant recipient under the Community Services Block Grant to provide nutritional services, community based services and anti-poverty programs to low-income families in an amount not to exceed $385,266. (2)Further Authorized an advance payment of $60,875. Effective upon G&C approval through September 30, 2009. **100% Federal Funds.**

Division for Juvenile Justice Services

#56 Authorized to enter into an agreement with Pastoral Counseling Services Inc., Manchester, NH, to provide basic counseling skills training to identified youth counselors at the Sununu Youth Services Center in an amount not to exceed $15,400. Effective upon G&C approval through December 31, 2009. **100% Federal Funds.**

Office of Medicaid Business and Policy

#57 Authorized to amend a **sole source** contract with FOX Systems Inc., Scottsdale, AZ (previously amended by G&C on 12-11-07, item #60), for quality assurance services for the State's Medicaid Management Information System , by increasing the amount by $787,725 from $4,471,470 to $5,259,195, and by extending the completion date from December 31, 2008 to June 30, 2010. **90% Federal (Medicaid), 10% State General Funds.**

Division of Community Based Care Services

#58 Authorized Bureau of Drug and Alcohol Services, Alcohol and Other Drug Prevention Section to enter into an agreement with Nancy T. Mihevc d/b/a The Research Group, Florence, MA, to provide questionnaire printing, scanning and delivery of a clean data set for the NH Youth Risk Behavior Survey in an amount not to exceed $45,000. Effective upon G&C approval through December 31, 2009. **100% Federal Funds.**

Bureau of Developmental Services

#59 Authorized Special Medical Services Section to amend an agreement with the Trustees of Dartmouth College, through the Hood Center for Children and Families, Lebanon, NH (previously approved by G&C on 6-4-08, item #105), to exclude administration and management of the Partners In Health Program from the Hood Center for Children and Families to the Special Medical Services Section, by decreasing the price amount by $158,618 from $848,618 to $690,000. Effective January 1, 2009 or upon G&C approval, whichever is later, through June 30, 2009. **100% Federal Funds.**

Bureau of Elderly & Adult Services

#60 Authorized to amend a **sole source** agreement with Ossipee Concerned Citizens Inc., Center Ossipee, NH, (previously amended by G&C on 5-7-08, item #72), to provide home delivered meals, by increasing the amount by $17,909.50 from $684,630.34 to $702,539.84. Effective **retroactive** to November 3, 2008 through June 30, 2009. **58% Federal, 42% General Funds.**

Division for Children, Youth & Families

#61 Authorized to **retroactively** award six grants totaling $238,538 for the provision of Title I programs to the agencies as detailed in letter dated November 19, 2008. Effective October 8, 2008 through August 31, 2009. **100% Federal Funds.**

#62 Authorized to accept and expend funds in the amount of $15,686 in SFY 2009 from the Department of Education, through a grant entitled DCYF Title I, to be used to support Title I program activities. Effective **retroactive** to October 8, 2008 through September 30, 2009. (2)Further Authorized to **retroactively** amend a contract with Southeastern Regional Education Service Center, Bedford, NH (previously approved by G&C on 6-25-08, item #173), for educational specialist services, by increasing the price by $98,550 from $45,000 to $143,550, and by extending the completion date from September 30, 2008 to September 30, 2009. **100% Federal Funds.**

#63 Authorized to **retroactively** reimburse the individuals, as detailed in letter dated November 25, 2008, from current year funds for in-state travel expenses incurred while in the performance of official state business during the last state fiscal year in the total amount of $1,020.35. **50% Federal, 50% General Funds.**

Division of Public Health Services

#64 Authorized Bureau of Disease Control and Health Statistics, Communicable Disease Section, to enter into a **sole source** agreement with Trustees of Dartmouth College, Office of Sponsored Projects, Hanover, NH, to conduct and evaluate a pandemic influenza planning demonstration project in an amount not to exceed $848,664. Effective upon G&C approval through December 31, 2009. **100% Federal Funds.**

#65 Authorized Bureau of Prevention Services to enter into a memorandum of agreement with the Department of Education for the purpose of defining the terms of collaboration in administering the Youth Risk Behavior Survey. (2)Further Authorized Bureau of Prevention Services, Alcohol, Tobacco and Other Drug Section, Tobacco Prevention and Control Program to accept and expend other funds in the amount of $15,000 from the DOE to fund the 2009 Youth Risk Behavior Survey. Effective upon G&C approval through June 30, 2009. **100% Other (Transfer from Education) Funds.**

NEW HAMPSHIRE BOARD OF MEDICINE

#66 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton Authorized the request to enter into a contract with Kang Company Inc., Concord, NH, for Janitorial services in the amount of $12,000. Effective January 1, 2009 through December 31, 2010. **99% General, 1% Other Funds.**

BOARD OF PHARMACY

#67 The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea Authorized the request to enter into a contract with the NH PharmAssist Foundation, Manchester, NH, for the administration of a peer assistance program for the identification of and development of a treatment plan for impaired pharmacists in the amount of $6,500. Effective January 1, 2009 through December 31, 2009. **100% Agency Income (Fees).**

NEW HAMPSHIRE VETERANS HOME

#68 The Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek Authorized the request to enter into a contract with Quality Behavior Solutions Inc., Holliston, MA, to provide quarterly on-site behavior skills training to the employees of the Home in the amount of $32,330.70. Effective upon G&C approval through April 30, 2011. **33% Federal, 40% Agency Income, 27% General Funds.**

POSTSECONDARY EDUCATION COMMISSION

#69 The Governor and Council on motion of Councilor Burton, seconded by Councilor Hollingworth Authorized the request to budget and expend new grants funds in the amount of $330,000 from the US Department of Education to increase aspirations and access to postsecondary education for NH students. Effective upon G&C approval through June 30, 2009. **100% Federal Funds. Fiscal Committee approved.**

DEPARTMENT OF EDUCATION

The Governor and Council acted as follows:

#70 Authorized to accept, budget and expend additional grant funds received in the amount of $617,338.62 from the US Department of Education, for the NH RESPONDS – Personal Development for Excellence in Education Grant, to provide recruitment, retention, and professional development activities for education personnel in Special Education. Effective upon G&C approval through June 30, 2009. **100% Federal Funds. Fiscal Committee approved.**

#71 Authorized to amend a contract with Hezel Associates LLC, Syracuse, NY (previously approved by G&C on 10-21-08, item #75), to continue the external evaluation of the NH Reading First Program, and to include an additional and final round of date collection and interpretation as required for the completion of this project by the US Department of Education, by increasing the amount by $20,000 from $272,402 to $292,402, and by extending the completion date from December 31, 2008 to December 31, 2009. (2)Further Authorized to provide payment for services rendered and approved, and Authorized the waiver of the 25% withholding provision. **100% Federal Funds.**

DEPARTMENT OF SAFETY

#72 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Shea Authorized the request Division of Homeland Security and Emergency Management to enter into a grant agreement with Southern NH Planning Commission, Manchester, NH, for the purpose of facilitating the preparation of a local hazard mitigation plan in the amount of $10,000. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

DEPARTMENT OF TRANSPORTATION

The Governor and Council acted as follows:

#73 Authorized with Councilor Wieczorek voting **no,** to reclassify position #18364 Computer System Technician, labor grade 19, to an Audit Supervisor II, labor grade 20 in the Division of Operations, Bureau of Turnpikes. **100% Turnpike Funds.**

#74 Authorized to amend a contract with The Initiative for a 20/20 Vision for Concord d/b/a Concord 20/20, Concord, NH (previously amended by G&C on 11-15-06, item #164), for transportation planning and projects in the Concord NH area, by extending the completion date to December 31, 2010 from December 31, 2008. **100% Federal Funds.**

#75 Authorized Bureau of Finance and Contracts to pay Small Claim for individual amounts less than $600. Effective upon G&C approval through March 31, 2009. **100% Highway Funds**.

#76 Authorized Bureau of Bridge Design to enter into an agreement with the State of Maine for completion of a Transportation Needs Study between Portsmouth, NH and Kittery, ME. Effective upon G&C approval.

#77 Authorized Bureau of Highway Design to enter into an agreement with Vanasse Hangen Brustlin Inc., Bedford, NH and Watertown, MA, for the final design for the widening of the Spaulding Turnpike in the Town of Newington and City of Dover in the amount of $14,962,127. Effective upon G&C approval through December 31, 2013. **100% Turnpike Funds.**

#78 Authorized Bureau of Highway Design to amend a contract with Edwards and Kelcey, Manchester, NH, (previously approved by G&C on 9-26-02, item #148), for the final design of the replacement of a bridge carrying NH 9 over the B&M Railroad in the City of Dover, by extending the completion date from December 31, 2008 to December 31, 2009.

#79 Authorized Bureau of Right of Way to quitclaim to the Town of Madbury, approximately 1,365 feet of relocated Pudding Hill Road. This highway was acquired as part of the Madbury 12922 project, with the understanding that once this roadway was completed it would be turned over to the Town of Madbury as a Class V Highway.

#80 Authorized Bureau of Right of Way to pay various owners $1,092,145.70 as documented in the Contemplated Awards List for amounts greater than $5,000 for the period extending from November 3, 2008 through November 26, 2008. Effective upon G&C approval.

#81 Authorized Bureau of Materials & Research to enter into an agreement with three firms: John Turner Consulting Inc., Dover, NH; R.W. Gillespie & Associates Inc., Saco, ME; Greenman-Pedersen Inc., Nashua, NH, for the purpose of providing materials testing and construction inspection services not to exceed $400,000, $300,000 and $200,000. Effective upon G&C approval through December 31, 2010. **80% Federal, 20% Highway Funds.**

LATE ITEMS

DEPARTMENT OF ADMINISTRATIVE SERVICES

A Authorized Central Mailing Distribution to enter into a service contract with NH Mailing Services, Concord, NH, for presort mailing services for the State of NH in an amount not to exceed $500,000. Effective January 1, 2009 through December 31, 2010. **100% Agency Income-Mixed.**

DEPARTMENT OF SAFETY

B Authorized an annual salary step increase for Kevin P. O'Brien (position #9U539) from GG, step 3 ($77,400) to Grade GG, step 4 ($81,642). Effective December 18, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

C Authorized to enter into a short-term License for use of Premises with the Concord Coalition to End Homelessness, Concord, NH. Effective upon G&C approval through June 30, 2009.

The Honorable Board then Adjourned at 11:45 a.m.