

GOVERNOR AND EXECUTIVE COUNCIL MINUTES  
Newport Opera House, Newport, New Hampshire  
October 22, 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 Wieczorek, seconded by Councilor Shea, accepted the minutes of October 8, 2008.

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The Governor and Executive Council, on motion of Councilor Shea, seconded by Councilor Wieczorek approved the appointment of several persons nominated for Civil Commissions from the October 8, 2008 meeting.

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

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**CONFIRMATIONS**

The Governor and Council confirmed the following:

Business Finance Authority

Dick Anagnost, Bedford  
Reappointment

Effective: November 3, 2008  
Term: November 3, 2011

Business Finance Authority

Edward F. Caron, Hudson  
Reappointment

Effective: November 3, 2008  
Term: November 3, 2011

Business Finance Authority

(Elected/Appointed Official)  
Steven D. Griffin, Berlin  
Reappointment

Effective: November 3, 2008  
Term: November 3, 2011

Compensation Appeals Board

(Attorney)  
J. Kirk Trombley, Durham  
Succeeding: John Emery, Bedford (resigned)

Effective: October 22, 2008  
Term: January 1, 2010

Board of Licensure of Interpreters for the Deaf and Hard of Hearing

Nominated by the New Hampshire Association of the Deaf, Inc.  
Marie Desrosiers, Concord  
Succeeding: Lori A. McLaren, Pembroke

Effective: October 22, 2008  
Term: October 10, 2011

Board of Licensure of Interpreters for the Deaf and Hard of Hearing

Nominated by the New Hampshire Association of the Deaf, Inc.  
Christopher M. Emerson, Epsom  
Reappointment

Effective: October 22, 2008  
Term: October 10, 2011

Dropout Prevention and Dropout Recovery Oversight Council

(Public Member)  
Kevin E. Cash, Rochester  
Succeeding: Kelly A. Clark, Webster

Effective: October 22, 2008  
Term: September 17, 2011

Enhanced 911 Commission

(Firefighter)  
Brett R. Scholbe, Auburn  
Reappointment

Effective: October 22, 2008  
Term: September 16, 2011

Board of Foresters

(Industrial Forester)

Donald W. Winsor, Plymouth

Succeeding: J. Peter Howland, Conway

Effective: October 22, 2008

Term: August 22, 2013

Human Rights Commission

William E. Brennan, Bedford

Reappointment

Effective: November 1, 2008

Term: November 1, 2013

Human Rights Commission

Behzad Mirhashem, Mont Vernon

Succeeding: Marta E. Rodriguez, Nashua (resigned)

Effective: October 22, 2008

Term: November 1, 2011

Joint Promotional Program Screening Committee

(Camping)

Nominated by the New Hampshire Travel Council

Robert A. Bradley, Jr., Epsom

Reappointment

Effective: October 22, 2008

Term: July 13, 2011

Joint Promotional Program Screening Committee

(Lodging)

Nominated by the New Hampshire Travel Council

Cynthia Foster, North Conway

Reappointment

Effective: October 22, 2008

Term: July 13, 2011

State Library Advisory Council

Marlene F. McGonigle, (d), Meriden

Succeeding: Frances M. Wiggin (d) Bedford

Effective: October 22, 2008

Term: July 26, 2011

Nash Stream Forest Citizens Committee

(Representative of snowmobile club)

David Goulet, Stark

Reappointment

Effective: October 22, 2008

Term: October 5, 2011

Nash Stream Forest Citizens Committee

(Environmental Organization)

Wendell M. Lees, Kearsarge

Reappointment

Effective: November 2, 2008

Term: November 2, 2011

Recreational Therapy Governing Board

Janet R. Sable, Strafford

Succeeding: Lou G. Powell, Strafford

Effective: October 25, 2008

Term: October 25, 2011

Speech Language Pathology Governing Board

(Public Member)

Julie A. Introcaso, Manchester

Succeeding: Nancy Rescino, Bow (resigned)

Effective: October 22, 2008

Term: March 4, 2009

Telecommunications Planning and Development Advisory Board

Nominated by the Commissioner of the Department of Resources and Economic Development

(County Government)

Arthur Durette, Pembroke

Reappointment

Effective: October 22, 2008

Term: October 18, 2011

Traffic Safety Commission

William A. Bevelaqua, Manchester  
Succeeding: Mark Hounsell, Conway (resigned)

Effective: October 22, 2008  
Term: September 16, 2010

University System of New Hampshire Board of Trustees

Pamela Diamantis, Greenland  
Succeeding: Andrew E. Lietz, Rye

Effective: October 22, 2008  
Term: June 30, 2012

Volunteer NH Board of Directors

(Local Government)  
Leslie A. Nepveu, Hooksett  
Reappointment

Effective: October 22, 2008  
Term: October 10, 2011

State Commission on the Status of Women

Ellie C. Stein, Dunbarton  
Succeeding: Lillye Ramos Spooner (resigned)

Effective: October 22, 2008  
Term: October 20, 2011

**NOMINATIONS**

The Governor placed into nomination the following:

Board of Accountancy

(Certified Public Accountant)  
Jefferson M. Chickering, Manchester  
Reappointment

Effective: Upon confirmation  
Term: November 19, 2013

Adult Parole Board

Paul E. Emery, Bow  
Succeeding: Donald Laroche, Berlin, (resigned)

Effective: Upon confirmation  
Term: September 29, 2011

New Hampshire State Council on the Arts

Karen B. Smith, Exeter  
Reappointment

Effective: November 23, 2008  
Term: November 23, 2013

New Hampshire State Council on the Arts

Toni Pappas, Manchester  
Reappointment

Effective: November 23, 2008  
Term: November 23, 2013

Current Use Advisory Board

(Public Member)  
Thomas N. Thomson, Orford  
Reappointment

Effective: Upon confirmation  
Term: November 16, 2010

Current Use Advisory Board

(Public Member/Agriculture)  
Rebecca Nelson, Newport  
Reappointment

Effective: Upon confirmation  
Term: November 16, 2010

Department of Employment Security Appellate Board

(Attorney-Vice Chair)  
Heather E. Krans, Exeter  
Reappointment

Effective: November 21, 2008  
Term: November 21, 2012

Interim Director of the Division of Forests and Lands

Nominated by the Commissioner of the Department of Resources and Economic Development

Brad W. Simpkins, Hillsborough

Effective: Upon confirmation

Vacancy

Term: Until a Director is confirmed  
& duly sworn

Salary: GG, Step 2/\$73,158

Board of Foresters

(Public Member)

Charles W. Thompson, Wilmot

Effective: Upon confirmation

Succeeding: Thomas G. Christont, Lyndeborough (reached term limit) Term: August 22, 2013

State Historical Resources Council

Robert Macieski, New Boston

Effective: December 10, 2008

Reappointment

Term: December 10, 2013

Marital Mediator Certification Board

Nominated by the New Hampshire Conflict Resolution Association

Elizabeth Christensen, Pelham

Effective: November 21, 2008

Succeeding: Honey Hastings, Temple

Term: November 21, 2011

Ports and Harbors Advisory Council

Donald J. Coker, Portsmouth

Effective: Upon confirmation

Succeeding: Mark C. Epply, Rye

Term: August 29, 2013

Rivers Management Advisory Committee

Nominated by the New Hampshire Municipal Association

Frederick J. McNeill, Manchester

Effective: Upon confirmation

Succeeding: Thomas Sutton, Jr., Lincoln

Term: November 16, 2011

Director of the Division of Emergency Services, Communications and Management: Department of Safety

Nominated by the Commissioner of the Department of Safety

Bruce G. Cheney, Laconia

Effective: December 1, 2008

Reappointment

Term: December 1, 2012

Salary: Group II, Maximum/\$98,923

**COMMUNITY DEVELOPMENT FINANCE AUTHORITY**

#1 The Governor and Council on motion of Councilor Hollingworth, seconded by Councilor Shea authorized the request to enter into an agreement with the County of Carroll, Ossipee, NH, for the purpose of building the capacity of NH's Regional Development Corporations in the amount of \$200,000. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

**OFFICE OF ENERGY AND PLANNING**

The Governor and Council acted as follows:

#1A Authorized to amend a **sole source** contract with Southwestern Community Services Inc., Keene, NH, (previously approved by G&C on 3-26-08, item #11), for the Weatherization Assistance Program, by increasing the amount by \$14,711 from \$176,423 to \$191,134. Effective upon G&C approval through March 31, 2009. **100% Federal Funds.**

#1B Authorized to enter into a **sole source** contract with Southwestern Community Services Inc., Keene, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving Weatherization services in the amount of \$63,761. (2)Further Authorized to advance to the vendor \$11,477. Effective upon G&C approval through September 30, 2009. **100% Federal Funds.**

**ADJUTANT GENERAL**

The Governor and Council acted as follows:

#2 Authorized to accept and expend funds in the amount of \$350.96 from the Fish and Game Department for expenses incurred on August 5, 2008 Aerial Serial and Rescue support in NH. **100% Transfer Funds.**

#3 Authorized Michael J. Moranti, Manchester, NH, be confirmed to the rank of Major, NH Army National Guard.

**HIGHWAY SAFETY AGENCY**

#3A The Governor and Council on motion of Councilor Burton, seconded by Councilor Hollingworth authorized the request to enter into a contractual agreement with the Courtyard Marriott & Grappone Conference Center, Concord, NH, to serve as the host site for the 2008 Annual Drunk and Drugged Driving Awareness Month Lunch Scheduled for November 24, 2008 in the amount of \$4,590. Effective upon G&C approval through November 30, 2008. **100% Federal Funds.**

**DEPARTMENT OF ADMINISTRATIVE SERVICES**

The Governor and Council acted as follows:

#4 Authorized Bureau of General Services to **retroactively** amend a contract with EnviroVantage Inc., Epping, NH, (previously approved by G&C on 6-25-08, item #51), for mold remediation and office renovation services, by extending the completion date to October 31, 2008.

#5 Authorized to accept and place on file the Report and Findings of Councilor Debora Pignatelli with regard to the financing of certain equipment and the construction, renovation and furnishing of certain existing facilities in connection with Nashua Regional Cancer Center Inc., Nashua, NH.

#5A Authorized Bureau of Public Works Design and Construction to amend a contract with Gerard A. Laflamme Inc., Londonderry, NH, (previously approved by G&C on 6-25-08, item #47), for additional work to the Uninterruptible Power Supply, by increasing the amount by \$43,118 from \$298,700 to \$341,818. Effective upon G&C approval through December 15, 2008. **100% Highway Funds.**

#5B Authorized Bureau of Public Works Design and Construction to enter into a contract with Virgin Construction Corporation, Franklin, NH, for emergency repairs, low bid design/build sanitary sewer extension, NH State Liquor Store, Hampton, NH, and to utilize funds from any money in the Treasury not otherwise appropriated in an amount not to exceed \$295,000. Effective upon G&C approval through May 30, 2009. **100% General Funds.**

#5C Authorized Risk Management Unit to enter into an agreement with The Segal Company, Farmington, CT, for Actuarial, Claims Audit and Employee Benefits Consulting Services in an amount not to exceed \$1,330,000. Effective November 1, 2008 through December 31, 2011.

#5D Authorized to **retroactively** amend a contract with Berry, Dunn, McNeil Parker, Portland, ME, to provide additional quality assurance services for the Enterprise Resource Planning Project, by increasing the amount by \$100,428.50 from \$897,503 to \$997,317.50, and by extending the end date from September 30, 2008 to September 30, 2009. **100% General Funds.**

**TREASURY DEPARTMENT**

The Governor and Council acted as follows:

#6 Authorized to award an unconditional state guarantee of principal and interest of the proposed Pease Development Authority's State Guaranteed Bonds, 2008 Series A in the principal amount of \$5 million and obligation of the Pease Development Authority to pay principal and interest on a proposed line of credit note in the maximum aggregate principal amount of \$2.5 million to be outstanding at any time. (2)Further Authorized the State Treasurer to enter into a reimbursement agreement between the Authority and the State relative to issuance of stated obligations of the Authority.

#7 Authorized to issue a warrant from funds not otherwise appropriated and the State Treasurer to issue checks in the amount of \$279,413.12 to the rightful owners of abandoned or unclaimed funds.

#### DEPARTMENT OF CULTURAL RESOURCES

The Governor and Council acted as follows:

#8 Authorized Division of Arts to award an Art in Education Partnership Initiative Grant in the amount of \$7,500 to the Arts Alliance of Northern NH, Littleton. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

#9 Authorized to award a Cultural Conservation Grant to the NH Division of Archives and Records Management in the amount of \$5,234. Effective upon G&C approval through June 30, 2009. **100% Conservation Plate Funds.**

#10 Authorized to award a Cultural Conservation Grant in the amount of \$7,200 to the NH Veterans Home, Tilton, for the preservation of building plans. (2)Further Authorized to accept and expend a Cultural Conservation Grant from the Department of Cultural Resources in the amount of \$7,200. Effective upon G&C approval through June 30, 2009. **100% Conservation Plate Funds.**

#11 Authorized Division of Historic Resources to accept a Term Historic Preservation Easement consisting of the real property and structure known as The Currier Museum of Art, Manchester and no appraised value, from The Currier Museum of Art, Manchester, a NH voluntary corporation, for the term of fifty years from G&C approval.

#### ATTORNEY GENERAL

The Governor and Council acted as follows:

#12 Authorized to accept and expend a grant in the amount of \$49,999 from the Bureau of Justice Statistics, Office of Justice Programs, Federal Fiscal Year 2008 State Justice Statistics Program, to be utilized to support NH's Statistical Analysis Center. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

#13 Authorized to appoint K. Allen Brooks as a Senior Assistant Attorney General at a salary level of \$70,404.56. Effective upon G&C approval through June 30, 2009.

#14 Authorized to appoint Rosemary Wiant as an Assistant Attorney General at a salary level of \$60,500.04. Effective upon G&C approval through August 31, 2009.

#15 Authorized to reappoint Constance N. Stratton as a Senior Assistant Attorney General at a salary level of \$82,094.48. Effective October 31, 2008 through October 31, 2013.

#16 Authorized to reappoint Deborah B. Weissbard as an Assistant Attorney General at a salary level of \$73,000. Effective October 31, 2008 through October 31, 2013.

#17 **DENIED** – The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton voted to **deny** the petition of Nelson Nixon Santana requesting a pardon hearing for the offenses of Habitual Offender (Rockingham County) and Reckless Conduct (Merrimack County). The petitioner is not eligible for an annulment until June 22, 2013.

#18 Authorized to **retroactively** amend a **sole source** contract with Dr. Paul Morrow (previously amended by G&C on 9-3-07, item #26A), as a substitute medical examiner, by increasing the amount by \$10,000 from \$16,359.92 to \$26,359.92 to conduct autopsies as needed in the absence of the State Medical Examiner and the Deputy Chief Medical Examiner. Effective upon G&C approval through June 30, 2009. **100% General Funds.**

#18A Authorized to expend a sum not to exceed \$504,000 from funds not otherwise appropriated for the purpose of covering projected shortfalls for the Addison and Brooks capital murder cases. Effective upon G&C approval through June 30, 2009. **This action is contingent upon approval of the Fiscal Committee October 22, 2008.**

### NEW HAMPSHIRE EMPLOYMENT SECURITY

#19 The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea authorized the request to continue (1) Employment Counselor, position #8T128, salary grade 18, through June 30, 2009. **Federal Funds.**

### PUBLIC UTILITIES COMMISSION

The Governor and Council acted as follows:

#20 Authorized to enter into a contract with Steven E. Patnaude, LCR, Boscawen, NH, to provide court-reporting services in an amount not to exceed \$7,500. Effective upon G&C approval through October 1, 2010.

#21 Authorized to appoint F. Anne Ross of Salisbury, NH as General Counsel, at an annual salary of \$84,297, salary group HH, step 3. Effective September 12, 2008.

#22 Authorized to continue membership and participate in the New England Conference of Public Utilities Commissioners for an amount of \$24,000. Effective upon G&C approval through September 30, 2009. **100% Other Funds.**

#22A Authorized to enter into a contract with ACCENT on Systems Ltd., Bucks, England, to provide assistance to Commission staff with programming and implementation of a computer-based system, providing tracking and reporting components on the overall effectiveness of various Safety Training programs associated with the Underground Damage Prevention in an amount not to exceed \$52,500. (2)Further Authorized to enter into a contract with iTek Solutions Inc., Carson City, NV, to provide assistance to Commission staff with programming and implementation of a computer-based system, providing tracking and reporting components on the overall effectiveness of various Safety Training programs associated with the Underground Damage Prevention in an amount not to exceed \$52,500. (3)Further Authorized to enter into a contract with Richard Hale Shaw, Carson City, NV, to provide assistance to Commission staff with programming and implementation of a computer-based system, providing tracking and reporting components on the overall effectiveness of various Safety Training programs associated with the Underground Damage Prevention in an amount not to exceed \$52,500. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

### DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Council acted as follows:

#23 Authorized Division of Parks and Recreation to accept a donation of \$28,000 from the US Forest Service Jump Start Grant Program through the North Country Resource Conservation & Development Area. Effective upon G&C approval through June 30, 2009.

#24 Authorized Division of Parks and Recreation to make a **retroactive** payment in the amount of \$2,036.83, to Team EJP Concord, NH, for purchases made by Construction and Maintenance crew for emergency repairs at Wellington State Park on September 10, 2008. **100% Parks Funds.**

#25 Authorized to amend a contract with F.A. Gray Inc., Portsmouth, NH, (previously approved by G&C on 9-5-07, item #29), for minor repairs and painting of the Wentworth Coolidge Mansion a historical landmark building, by extending the completion date to June 30, 2009 from October 27, 2008. **100% General Funds – Capital.**

#26 Authorized to enter into a memorandum of agreement with the Belknap County Conservation District to use approximately 48 acres at Opechee Bay State Forest in Laconia, NH. Effective upon G&C approval through a period of 25 years.

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

The Governor and Council acted as follows:

- #27 Authorized to make **retroactive** unencumbered payment to James S. Piscopo, General Contractor Inc., in the amount of \$21,351.95 for emergency work undertaken on August 8<sup>th</sup> and 16<sup>th</sup>, 2008 to stabilize and refill a 36-inch sewer interceptor on Lakeside Avenue in the Weirs Beach section of Laconia, NH. **100% WRBP Funds.**
- #28 Authorized with Councilor Wieczorek voting **no**, to reclassify position #40501 from Environmentalist III, labor grade 23, to Supervisor VI, labor grade 27. Effective upon G&C approval. **100% Federal Fund.**
- #29 Authorized to enter into a **sole source** agreement with the University of NH, Complex Systems Research Center, Durham, NH, to digitize three 1:24,000-scale surficial geology maps and two 1:24,000-scale bedrock geology maps in the amount of \$6,250. (2) Further Authorized an advance payment in the amount of \$2,100 to hire student staff. Effective upon G&C approval through January 31, 2009. **100% Federal Funds.**
- #30 Authorized to budget and expend prior year carry forward funds from Annual Dam Registration and Permitting Fees in the amount of \$40,300. Effective upon G&C approval through June 30, 2009. **100% Dam Registration Funds.**
- #31 Authorized to dispose of three state-owned parcels, one of which includes a metal framed building in Nashua, NH, to the City of Nashua at a nominal price of \$1 and an administrative fee of \$1,100.
- #32 Authorized to approve an Original Loan Agreement with New Hampton Village Precinct to finance water system improvements in the amount of \$650,000. Effective upon G&C approval. **100% State Revolving Loan Funds.**
- #33 Authorized to award Wastewater State Aid Grants in an aggregate amount of \$2,296,941 for water pollution control projects. Effective upon G&C approval. **100% General Funds.**
- #34 Authorized to amend a lease agreement with Gerald P. McCarthy Properties, Wareham, MA, (previously amended by G&C on 3-5-08, item #55), for the storage and repair of boats, by extending the completion date to April 30, 2009 from October 31, 2008, and by increasing the amount by \$6,750 to \$20,250 from \$13,500. Effective upon G&C approval through April 30, 2009. **100% Lake Restoration Funds.**
- #35 Authorized to enter into an agreement with Eckhardt & Johnson Inc., Manchester, NH, for maintenance and repair of dual fuel boilers in the amount of \$21,197. Effective upon G&C approval through June 30, 2011. **100% Winn River Basin Funds.**
- #36 Authorized to approve a Supplemental Loan Agreement with Meriden Village Water District, which lowers the Original Loan Agreement by \$25,113.75 from \$344,700 to \$319,586.25, and finalizes the loan amount used to finance an upgrade to the lagoon aeration system. Effective upon G&C approval.
- #37 Authorized to enter into an agreement with the Rockingham County Conservation District, Brentwood, NH, to design, obtain permits and restore a portion of Little River Marsh in North Hampton in the amount of \$70,193. Effective upon G&C approval through October 31, 2009. **100% Federal Funds.**
- #38 Authorized to approve a Supplemental Loan Agreement with the Ossipee Water & Sewer Commission in the amount of \$224,999.80, which finalizes the loan amount used to finance a water main replacement project. Effective upon G&C approval.
- #39 Authorized Thomas Haas' request to construct a tidal docking structure consisting of a permanent pier connecting to a ramp, connecting to a float and associated float stop, providing one under-sized slip on frontage on Great Bay in Durham.

#40 Authorized James Adams' request to construct a tidal docking structure consisting of a permanent pier connecting to a ramp, connecting to a float and associated float stop, providing one under-sized slip on frontage on the Great Bay in Durham.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

#41 Authorized to make a one-time payment of \$25,000 to the United Way of Merrimack County, Concord, NH, to provide support for statewide 2-1-1 information and referral service. Effective upon G&C approval through June 30, 2009. **100% General Funds.**

#42 Authorized as administrator of the Social Security Program, to amend the agreement between the Secretary of the United States Department of Health and Human Services and the State of NH, to extend Social Security and Medicare coverage to the employees of the Town of Jefferson whose positions are covered by the NH Retirement System-Group I. Effective date of coverage is January 1, 2008.

#### Bureau of Facilities and Assets Management

#42A Authorized to amend a lease with 40 Terrill Park Drive LLC c/o CPManagement Inc., Exeter, NH, (previously approved by G&C on 11-19-03, item #71), by increasing the amount of \$123,569.10 to \$2,431,085.91 from \$2,307,516.81, and by extending the end date from October 31, 2008 to January 31, 2009. **60% General, 40% Federal Funds.**

#42B Authorized to amend a lease with Paulette D. Semprini, New Castle, NH, (previously approved by G&C on 8-23-06, item #76), by increasing the amount of \$55,359.96 to \$175,263.19 from \$119,903.23, and by extending the end date from October 31, 2008 to October 31, 2009. **60% General, 40% Federal Funds.**

#42C Authorized to amend a lease with 30 Maplewood Avenue Trust, Quincy, MA, (previously approved by G&C on 11-19-03, item #72), by increasing the amount of \$341,377.56 to \$1,865,405.52 from \$1,524,027.96, and by extending the end date from October 31, 2008 to October 31, 2009. **60% General, 40% Federal Funds.**

#### Bureau of Human Resource Management

#43 Authorized to make a one-time payment from SFY 2009 funds to Penny Sampson, Administrator II, Division of Juvenile Justice Services in the amount of \$2,075.82, for wages that were not paid for the SFY 2008. **86% General, 14% Other (School Dist).**

#44 Authorized to make a one-time payment from SFY 2009 funds to Lawrence Bello, Teacher I, Division of Juvenile Justice Services in the amount of \$10,942.62, for wages that were not paid for the SFY 2003, 2004, 2005, 2006, 2007, and 2008. **85% General, 15% Other (School Dist).**

#45 Authorized to make a one-time payment from SFY 2009 funds to Diana Smith, Administrator II, Bureau of Administration in the amount of \$3,068.20, for wages that were not paid for the SFY 2007, and 2008. **60% General, 40% Federal Funds.**

#46 Authorized to make a one-time payment from SFY 2009 funds to Angela Kalampalikis, Youth Counselor I, Division of Juvenile Justice Services in the amount of \$285.30, for wages that were not paid for the SFY 2007, and 2008. **86% General, 14% Federal Funds.**

#47 Authorized to make a one-time payment from SFY 2009 funds to Rosemary Ekdahl, Dental Hygienist, NH Hospital in the amount of \$134.09, for wages that were not paid for the SFY 2008. **70% General, 30% Federal Funds.**

#48 Authorized to make a one-time payment from SFY 2009 funds to David Roberts, Program Planner I, Division of Public Health in the amount of \$346.28, for wages that were not paid for the SFY 2008. **100% Federal Funds.**

**Bureau of Developmental Services**

#49 Authorized to amend a **sole source** contract with Moore Center Services Inc., Manchester, NH (previously approved by G&C on 6-27-07, item #216), to provide grant project services by increasing the price by \$45,000 from \$1,270,031 to \$1,315,031. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

**Public Health Services**

#50 Authorized Bureau of Prevention Services, Nutrition and Health Promotion Section to accept and expend federal funds in the amount of \$30,000 from the US Department of Agriculture to fund the WIC Program Food Package Implementation Project. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

**New Hampshire Hospital**

#51 Authorized to accept donations from August 1, 2008 through September 30, 2008 from contributors as detailed in letter dated September 30, 2008, in the amount of \$1,744.62.

#52 Authorized to accept nonmonetary donations from August 1, 2008 through September 30, 2008 as detailed in letter dated September 30, 2008, in the amount of \$825.

**NEW HAMPSHIRE VETERANS HOME**

#53 The Governor and Council on motion of Councilor Hollingworth, seconded by Councilor Wiczorek authorized the request to **retroactively** pay Gustavo Preston Service Company, Chelmsford, MA, the amount of \$940.30 for the preventive maintenance of hydro-tank and pumps located at the Veterans Home from April 15, 2008. **100% General Funds.**

**NEW HAMPSHIRE LOTTERY**

#54 The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea authorized the request to accept and place on file the Annual Report for the fiscal year ended June 30, 2008.

**DEPARTMENT OF SAFETY**

The Governor and Council acted as follows:

#55 Authorized Division of State Police to enter into a contract with Ferdinando Insurance Associates Inc., Manchester, NH, for insurance coverage on the State Police Aircraft in the amount of \$25,078. Effective November 1, 2008 through October 31, 2009. **81% Highway, 19% Turnpike Funds.**

#56 Authorized Division of State Police to reclassify position #18443 from a Clerk IV, labor grade 12 to a Human Resources Assistant II, labor grade 12. Effective upon G&C approval. **100% Highway Funds.**

#57 Authorized Division of State Police to reclassify position #41914 from a Regulatory Trooper, labor grade 19 to a Program Assistant II, labor grade 21. Effective upon G&C approval. **100% Highway Funds.**

#58 Authorized Division of Administration to accept and expend a \$7,250 agreement known as the "Northeast Region Motor Fuel Project" from the Federal Highway Administration for the Joint Federal/State Motor Fuel Tax Compliance project. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

#58A Authorized Division of State Police to enter into a memorandum of understanding with the Department of Justice for the purpose of completing the entry of crimes into the Uniform Charge Table component of the Integrated Crime Justice Information System. (2)Further Authorized to enter a \$6,545 **sole source** contract with Kathleen Brown, Hollis, NH, for the purpose of completing the entry of crimes into the Uniform Charge Table component of the Integrated Crime Justice Information System. Effective upon G&C approval through January 31, 2009. **100% Federal Funds.**

**DEPARTMENT OF TRANSPORTATION**

The Governor and Council acted as follows:

#59 Authorized to amend a contract with Harrington & Cortelyou Inc., Kansas City, MO, and Yates Electric Service Inc., Durham, NH, (previously approved by G&C on 2-13-08, item #82A), to complete the permanent electrical repairs to the lift system and appurtenances of the Sarah Long Bridge carrying the US Route 1 Bypass over the Piscataqua River between Portsmouth, NH and Kittery, ME, by increasing the amount by \$150,000 from \$500,000 to \$650,000. Effective upon G&C approval. **100% Betterment Funds.**

#60 Authorized to reclassify positions #20418 Civil Engineer IV, labor grade 27 to Program Specialist II, labor grade 21 and #20422 Engineering Technician V, labor grade 22 to Program Specialist 21. **100% Highway Funds.**

#61 Authorized an annual salary step increase for William J. Cass from Grade 11, Step 3 (\$89,137) to Grade II, Step 4 (\$94,031) effective September 5, 2008.

#62 Authorized Bureau of Finance & Contracts to exercise a contract renewal with OCE North America Inc., Chicago, IL (previously approved by G&C on 4-23-08, item #89), for equipment maintenance in the amount of \$27,647.28. (2)Further Authorized to pay overage charges, if needed, at a rate of \$.01435 per sq foot for usage in excess of 600,000 sq feet, the amount included in the base contract. Effective November 1, 2008 through October 31, 2009. **100% Highway Funds.**

#63 Authorized Bureau of Rail & Transit to amend a contract with Advance Transit Inc., Wilder, VT (previously amended by G&C on 1-16-08, item #218), to purchase transit vehicles and transit related equipment, by increasing the amount by \$175,735 from \$1,683,853 to \$1,859,588. Effective upon G&C approval through June 30, 2009. **100% Federal Funds.**

#64 Authorized Bureau of Bridge Design to enter into an agreement with the State of Vermont for the replacement of the bridge carrying US Route 4 over the Connecticut River between Lebanon, NH, and Hartford, VT. Effective upon G&C approval.

#65 Authorized to accept and place on file the Monthly Equipment Acquisition Plan status report for the period ending September 30, 2008.

#66 Authorized Bureau of Rail & Transit to enter into agreements with the agencies as detailed in letter dated October 3, 2008, to provide vehicles and equipment through the Elderly Individuals and Individuals with Disabilities Program in an amount not to exceed \$373,512. Effective upon G&C approval through for the life of the equipment to be purchased. **100% Federal Funds.**

#67 Authorized Right of Way to quitclaim any interest the State of NH may have in a portion of DOT land that was formerly a portion of a Patrol Facility and would be considered surplus State owned property upon completion of the Manchester Airport Access Road, to the abutting property owner, Edgemere Realty LLC, in the Town of Bedford. Effective upon G&C approval.

#68 Authorized Bureau of Right of Way to pay various owners \$432,975.97 as documented in the Contemplated Awards List for amounts greater than \$5,000 for the period extending from September 23, 2008 through September 30, 2008. Effective upon G&C approval. **Funding is available based on the funding source for each particular project.**

#69 Authorized Bureau of Aeronautics to provide funding to the City of Lebanon, NH, for AIP-37 to upgrade airfield electrical systems in the amount of \$110,663. Effective upon G&C approval through June 30, 2012. **97.44% Federal, 2.56% General Funds.**

#70 Authorized with Councilor Shea abstaining, the Bureau of Construction to amend a contract with Continental Paving Inc., Londonderry, NH, (previously approved by G&C on 3-5-08, item #107), for roadway and bridge rehabilitation on I-89 from Exit 7 to 8 and Exit 9 to 11 in the towns of Hopkinton and New London. Effective upon G&C approval. **90% Federal, 10% State Highway Funds.**

#71 Authorized Bureau of Construction to enter into a contract with R.J. Olszak Construction Inc., d/b/a All-Ways Wrecking, Bridgewater, NH, for building demolition along US 3 (South River Road), in Bedford on the basis of a low bid of \$157,678. Effective upon G&C approval through December 19, 2008. (2)Further Authorized a contingency in the amount of \$23,651.70 for payment of latent conditions, which may appear during the construction of the project. **80% Federal, 20% Highway Funds.**

#72 Authorized Bureau of Construction to enter into a contract with Pike Industries Inc., Belmont, NH, for roadway rehabilitation on US Route 3 from the Carroll/Whitefield town line north 2.2 miles to approximately View Street on the basis of a low bid of \$4,733,160.90. Effective upon G&C approval through August 27, 2010. (2)Further Authorized a contingency in the amount of \$331,321.26 for payment of latent conditions, which may appear during the construction of the project. **80% Federal, 20% Highway Funds.**

#73 Authorized Bureau of Construction to enter into a contract with R.J. Olszak Construction Inc., d/b/a All-Ways Wrecking, Bridgewater, NH, for demolition of buildings on three State owned parcels located in the Towns of Pembroke, Gilmanton and Belmont on the basis of a low bid of \$50,960. Effective upon G&C approval through October 24, 2009. (2)Further Authorized a contingency in the amount of \$7,644 for payment of latent conditions, which may appear during the construction of the project. **80% Federal, 20% Highway Funds.**

#74 Authorized to accept and place on file the Bureau of Constructions' quarterly summary of active projects that may require contingencies, for the period through September 30, 2008.

#75 Authorized to enter into a lease agreement with the Pease Development Authority, Portsmouth, NH, to operate and maintain the Skyhaven Airport in Rochester, NH, for the cost of \$1.00. (2)Further Authorized to transfer the unexpended balance of the Skyhaven Airport Maintenance and Operations Fund as of November 1, 2008 to the PDA in the amount not to exceed \$25,000. **100% Skyhaven Airport Revenue.**

#76

#### **TUITION REQUESTS**

The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Shea, authorized the requests:

- A. HEALTH & HUMAN SERVICES – Family Assistance -** Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$855.00 for the sole purpose of enrolling Monica Brady-DeRico, Family Services Specialist II, in the on-line course entitled “Psychology of Personality”. Source of funds: 25% Federal 75% General
- B. HEALTH & HUMAN SERVICES – Family Assistance –** Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$2,250.00 for the sole purpose of enrolling Melissa Diozzi, Family Services Specialist I, in the courses entitled “Professional Affairs & Ethics” and “Human Development”. Source of funds: 25% Federal 75% General
- C. HEALTH & HUMAN SERVICES – Family Assistance –** Request permission to pay Franklin Pierce University, Rindge, NH, the sum of \$810.00 for the sole purpose of enrolling Michele Hilliard, Family Services Specialist II, in the course entitled “College Writing II”. Source of funds: 25% Federal 75% General
- D. HEALTH & HUMAN SERVICES – Family Assistance –** Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$1,320.00 for the sole purpose of enrolling Laura LeMien, Family Services Specialist II, in the courses entitled “Leadership” and “Principles of Finance”. Source of funds: 25% Federal 75% General
- E. HEALTH & HUMAN SERVICES – Family Assistance –** Request permission to pay Franklin Pierce University, Rindge, NH, the sum of \$1,580.00 for the sole purpose of enrolling Daniella Thorpe, Family Services Specialist I, in the on-line courses entitled “Introduction to Sociology” and “Deviance & Social Control”. Source of funds: 25% Federal 75% General

- F. HEALTH & HUMAN SERVICES – New Hampshire Hospital** – Request permission to pay Franklin Pierce University, Concord, NH, the sum of \$688.50 for the sole purpose of enrolling Elva Alvarado, Accounting Technician, in the course entitled “Principles of Financial Management”. Source of funds: Agency 095 – 75% General 25% Federal; Agency 094 – 66% General 33% Federal 1% Other
- G. LIQUOR** – Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$855.00 for the sole purpose of enrolling Cherie L. Sirrianna, Accounting Technician, in the course entitled “Finite Applied Mathematics”. Source of funds: 100% General
- H. PUBLIC UTILITIES COMMISSION** – Request permission to pay Daniel Webster College, Nashua, NH, the sum of \$1,530.00 for the sole purpose of enrolling Robyn J. Descoteau, PUC Examiner, in the course entitled “Capstone Research Project”. Source of funds: 100% Utility Assessment
- I. TRANSPORTATION** – Request permission to pay Southern New Hampshire University, Salem, NH, the sum of \$394.50 for the sole purpose of enrolling Valerie Labbe, Accountant I, in the course entitled “Corporate Finance”. Source of funds: 100% Highway
- J. TRANSPORTATION** – Request permission to pay New England College, Henniker, NH, the sum of \$1,115.00 for the sole purpose of enrolling Alexis Martin, Safety Supervisor, in the courses entitled “Governmental Policy Makers II” and “Capstone Project Part I”. Source of funds: 100% Highway
- K. TREASURY** – Request permission to pay Franklin Pierce University, Concord, NH, the sum of \$688.50 for the sole purpose of enrolling Sylvia Yeaton, Accountant IV, in the course entitled “Challenges of Business and Society”. Source of funds: 100% General

**Requested Tuition Total: \$12,086.50**

**ITEM REMOVED FROM TABLE**

The Governor and Council on motion of Councilor Pignatelli, seconded by Councilor Burton, voted to remove item #94 which was tabled at the October 8, 2008 Meeting

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

#94 The Governor and Council on motion of Councilor Hollingworth, seconded by Councilor Burton, voted to approve Richard Gemberling’s request to install a permanent wharf in addition to an existing “U” shaped pier consisting of two piling piers connected by a walkway on an average of 360 ft of frontage on Barndoor Island on Lake Winnepesaukee in Alton.

**ITEM REMOVED FROM TABLE**

The Governor and Council on motion of Councilor Hollingworth, seconded by Councilor Burton, voted to remove item #127A which was tabled at the October 8, 2008 Meeting

**LIQUOR COMMISSION**

#127A The Governor and Council on motion of Councilor Hollingworth, seconded by Councilor Shea, and with Councilor Pignatelli voting **no**, voted to approve the request to enter into a contract with Hammar & Sons Incorporated, Pelham, NH, to provide sign maintenance and repair services at various liquor store locations throughout NH for a total price of \$366,575. Effective upon G&C approval through August 31, 2011. **100% General Funds.**

**LATE ITEMS**

**BUSINESS FINANCE AUTHORITY**

- A. The Governor and Executive Council on motion of Councilor Hollingworth, 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 hearing, and make statutory findings under RSA 162-I:9 with respect to the proposed issuance of up to \$116,960,000.00 Pollution Control Revenue Refunding Bonds by the Authority and the loan of the proceeds of the Bonds to The United Illuminating Company to refinance the Borrower’s share of the cost of constructing, acquiring and installing certain pollution control and sewage or solid waste disposal facilities at the Seabrook Station Plant in the Town of Seabrook, NH.

EXTRACT FROM THE MINUTES OF THE MEETING OF THE  
GOVERNOR AND COUNCIL HELD OCTOBER 22, 2008  
IN THE NEWPORT OPERA HOUSE, NEWPORT

\* \* \* \* \*

At 11:20 a.m. the Governor announced that the next matter to be considered would be the refinancing of pollution control, sewage and solid waste disposal facilities by the Business Finance Authority for The United Illuminating Company in Seabrook and declared that the public hearing on the subject had commenced. He said that he and the members of the Council had received documentation and information with respect to the project. The Governor said that the meeting would then hear anyone wishing to speak on the subject. Jack Donovan, Executive Director of the Authority, stated that the Authority had approved the refinancing and recommended that the Governor and Council make the required findings under RSA 162-I:9. He also briefly explained the project, emphasized that the credit of the State was not involved. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Hollingworth introduced a resolution entitled “A RESOLUTION UNDER RSA 162-I:9 WITH RESPECT TO THE REFINANCING OF INDUSTRIAL FACILITIES BY THE BUSINESS FINANCE AUTHORITY FOR THE UNITED ILLUMINATING COMPANY IN SEABROOK” and moved its adoption, which was seconded by Councilor Shea. After discussion of the resolution, the Governor called for a vote on the motion. Those voting in favor were: the Governor and Councilor Burton, Councilor 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-I:9 WITH RESPECT TO THE REFINANCING  
OF AN INDUSTRIAL FACILITY BY THE BUSINESS FINANCE AUTHORITY FOR  
THE UNITED ILLUMINATING COMPANY IN SEABROOK

WHEREAS, the Governor and Council have received from the Business Finance Authority (the “Authority”) its written recommendation that the Governor and Council make certain findings and a determination pursuant to RSA 162-I:9 with respect to the refunding of the Authority’s \$27,500,000 principal amount of the Pollution Control Refunding Revenue Bonds (The United Illuminating Company Project – 1997 Series A) dated July 1, 1997 (the “Refunded 1997 Bonds”), \$25,000,000 principal amount of Pollution Control Refunding Revenue Bonds (The United Illuminating Company Project – 1999 Series A (the “Refunded 1999 Bonds”) and \$64,460,000 principal amount of the Authority’s Pollution Control Refunding Revenue Bonds (The United Illuminating Company Project – 2003 Series A) dated August 1, 2003 (the “Refunded 2003 Bonds” and, together with the Refunded 1997 Bonds and the Refunded 1999 Bonds, the “Refunded Bonds”), which financed a portion of the acquisition and construction of pollution control, sewage and solid waste disposal facilities in the Town of Seabrook (the “Project”), by issuing tax-exempt refunding revenue bonds (the “Bonds”) not exceeding \$116,960,000 in

aggregate principal amount under RSA 162-I (the “Act”) for The United Illuminating Company (the “Borrower”) in Seabrook;

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

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

IT IS HEREBY RESOLVED THAT:

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

(a) Special findings:

(1) The Project consists of refinancing the Borrower’s share of the cost of constructing, acquiring and installing certain pollution control and sewage or solid waste disposal facilities at the Seabrook Station Plant near the Town of Seabrook. The Project is within the definition of “Industrial Facility” in RSA 162-I (the “Act”) and may be financed under the Act.

(2) The establishment and operation of the Project protect and enhance the physical environment within the State of New Hampshire.

(b) General findings:

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

(2) FPL Energy Seabrook, LLC, the current operator, has the skills and financial resources necessary to operate the Project successfully;

(3) The LOAN AND TRUST AGREEMENT (which is a combined financing document and security document, hereinafter called the “Agreement”) contains provisions so that under no circumstances will the Authority be obligated directly or indirectly to pay project costs, debt service or expenses of operation, maintenance and upkeep of the Project except from bond proceeds or from funds received under the Agreement, exclusive of funds received thereunder by the Authority for its own use;

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

(5) The proposed refinancing of the Project by the Authority and the operation and use of the Project 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 refinancing and the current operation and use of the Industrial Facility serve a public use and provide a public benefit; and the Governor and Council determine that the Authority’s refinancing of the Project will be within the policy of, and the authority conferred by, the Act.

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

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

Passed and Agreed to October 22, 2008.

**DEPARTMENT OF ADMINISTRATIVE SERVICES**

- B. The Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek authorized the request to accept and place on file the Report and Findings of Councilor Raymond Burton with regard to the refinancing of certain existing indebtedness in connection with Mary Hitchcock Memorial Hospital, Lebanon, NH.

**OFFICE OF THE ADJUTANT GENERAL**

- C. The Governor and Council on motion of Councilor Shea, seconded by Councilor Burton authorized the request to transfer appropriated funds in the amount of \$535,000.00 within the organizational unit of the appropriation warrant dated July 1, 2008, Chapter 262, Laws of 2007, for the fiscal year 2009, to compensate for expected shortfalls and to adjust the budget. This action is contingent upon approval of the Fiscal committee October 22, 2008.

**OFFICE OF ENERGY AND PLANNING**

- D. The Governor and Council on motion of Councilor Hollingworth, seconded by Councilor Burton authorized the request to enter into a SOLE SOURCE contract with Community Action Program of Belknap-Merrimack Counties, Inc., Concord, NH, in the amount of \$1,200,000.00 for weatherization services and materials in connection with Stay Warm NH. **100% Other Funds (Regional Greenhouse Gas Initiative Funds)**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**New Hampshire Hospital**

- E. The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea authorized the request to enter into an agreement with The Pharmacist Connection, Manchester, NH, in an amount not to exceed \$210,000.00 to perform pharmacist services. **66% General, 33% Federal and 10% (reimbursement from school districts) Other Funds.**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Bureau of Human Resource Management**

- F. The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea authorized the request to enter into an Educational Tuition Agreement and to pay \$4275.00 to Springfield College, Manchester, NH, to enroll Alice M. Leeming, Human Resources Technician, in the course entitled, "Contradictions in Human Services Admin." **25% Federal and %75 General Funds**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**New Hampshire Hospital**

- G. The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea authorized the request to enter into a **RETROACTIVE** Educational Tuition Agreement and to pay \$944.00 to Rush University, Chicago, Illinois, to enroll Todd Lauster, Registered Nurse II, in the course entitled, "Health Promotion and Disease Prevention in Diverse Populations." **66% General, 33% Federal and 1% Other (transfer from other agencies) Funds**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Office of Improvement and Integrity**

- H. The Governor and Council on motion of Councilor Burton, seconded by Councilor Shea authorized the request to enter into an Educational Tuition Agreement and to pay \$789.00 to Southern NH University, Manchester, NH, to enroll Stephanie E. Ondus, Fraud Investigator, in the court entitled, "Introduction to Critical Reading." **50% Federal, 50% General Funds**

Next Governor and Executive Council meeting is scheduled for Wednesday, November 19, 2008 at 10:00 a.m. at the State House, Concord, New Hampshire.

The Honorable Board then Adjourned at 11:30 a.m.