

The Governor and Executive Council convened at 1:30 p.m. with all Councilors, except Councilor Burton, being present.

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PEASE DEVELOPMENT AUTHORITY

(Appeared on G&C Agenda of July 8, 1992)

#1A. The Governor and Executive Council, on motion of Councilor Griffin, seconded by Councilor Streeter, **REMOVED from the TABLE**, and on motion of Councilor Streeter, seconded by Councilor Spaulding, authorized the issuance of \$10,000,000 of State Guaranteed Revenue Bonds for facilities improvement at the Pease International Trade Port for Business Express, Inc. A roll call vote was taken, the results are as follows:

Councilor Burton - absent
Councilor Spaulding - yes
Councilor Griffin - yes
Councilor Rinker - yes
Councilor Streeter - yes

DEPARTMENT OF SAFETY

(Appeared on G&C Agenda July 8, 1992)

#64A. **AMEND** - The Governor and Executive Council, on motion of Councilor Streeter, seconded by Councilor Spaulding, **REMOVED from the TABLE**, and on motion of Councilor Griffin, seconded by Councilor Streeter, authorized to **AMEND** contract with Siemens Nixdorf Information Systems, Inc. of Burlington, MA to upgrade the computer system. The change shall delete Section NN Upgrade Option "The State shall have the option to upgrade the EX50 processor to an EX60 processor for the sum of \$100,000 and and additional \$1,000 per month maintenance fee. This option shall be exercised by the State, if at all, during the term of this Amendment to the Lease Agreement. The following: Section U will be inserted in paragraph 15: Waiver or Discharge "The contract may be waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such waiver or discharge by duly constituted authority. There shall be no further amendment of this contract. On motion of Councilor Griffin, seconded by Councilor Streeter item passed as amended.

A RESOLUTION UNDER RSA 12-G:27 APPROVING THE
ISSUANCE OF BONDS BY THE PEASE DEVELOPMENT
AUTHORITY AND AWARDING AN UNCONDITIONAL STATE
GUARANTEE OF THE PRINCIPAL AND INTEREST ON
THE BONDS

WHEREAS, the Governor and Council have received from the Pease Development Authority (the "Authority") its written recommendation that the Governor and Council award an unconditional State guarantee of principal and interest on up to \$10,000,000 of bonds (the "Bonds") to be issued by the Authority to finance certain costs related to the establishment by Business Express, Inc. (the "Lessee"), with the assistance of its affiliated corporations, MarketCorp Flight, Inc. (the "Borrower") and Marketing Corporation of America (the "Guarantor"), of an aircraft maintenance facility at Pease International Tradeport;

WHEREAS, in order to provide a potential source of repayment in the event the State guarantee is called upon it is desirable for the State to enter into two Reimbursement Agreements, one between the State and the Lessee and the other among the State, the Borrower and the Guarantor; and

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

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 that the establishment of an aircraft maintenance facility by the Lessee at Pease International Tradeport (the "Project") is consistent with the Authority's conversion and redevelopment plans; that the Project will be beneficial to the City of Portsmouth, the Town of Newington, the seacoast region and the State and will improve their welfare and prosperity, including the creation of employment and other business opportunities; and that the issuance of the Bonds will serve a public use and provide a public benefit consistent with the purposes and provisions of RSA Chapter 12-G (the "Act").

Section 2. Approval of Bonds and Project. The issuance of the State Guaranteed Airport Revenue Bonds (Business Express, Inc. - 1992A Tax-Exempt Series) in the principal amount of up to \$5,000,000, the proceeds of which will be used to finance capital improvements to Hanger 227, Buildings 222 and 229 and the surrounding land and ramp area at Pease International Tradeport (the "Facilities") and to acquire equipment and rotatable parts for

use at the Facilities all of which will be leased to the Lessee, is hereby approved. The issuance of the State Guaranteed Airport Revenue Bonds (MarketCorp Flight, Inc. - 1992B Taxable Series) in the principal amount of up to \$5,000,000, the proceeds of which will be loaned to MarketCorp Flight, Inc. to pay costs of development, construction, reconstruction, maintenance and operation of the Facilities is hereby approved.

Section 3. Award of State Guarantee. In view of the general public benefits expected to be derived from the Project, and its contribution to the social and economic prosperity of the State and its political subdivisions, the Governor and Council hereby award an unconditional guarantee of the principal and interest on the Bonds pursuant to Section 27 of the Act and authorize the State Treasurer to execute by her manual or facsimile signature the endorsement appearing on the Bonds to evidence such guarantee.

Section 4. Authorization of Reimbursement Agreements. The State shall be a party to the Reimbursement Agreement between the State and the Lessee and the Reimbursement Agreement among the State, the Borrower and the Guarantor (collectively, the "Reimbursement Agreements") and the Governor and State Treasurer are together authorized to execute and deliver the Reimbursement Agreements on behalf of the State substantially in the form presented to this meeting (being draft dated July 8, 1992) but subject to such changes as the Governor and State Treasurer may approve, their signatures being conclusive identification of the documents as the Reimbursement Agreements (with approved changes, if any,) authorized by this resolution.

Section 5. Other Action. The Governor and Council authorizing the Authority, the Governor and the State Treasurer to take such further action under the Act with respect to the transaction as may be required.

Section 6. Effective Date. This resolution shall take effect upon its passage.


Passed and Agreed to July 14, 1992




Governor Judd Gregg

ABSENT

Councilor Raymond S. Burton




Councilor Peter J. Spaulding



Councilor Ruth L. Griffin



Councilor Earl A. Rinker, III



Councilor Bernard A. Streeter, Jr.