Minutes February 6, 1997

GOVERNOR AND EXECUTIVE COUNCIL MINUTES

State House, Concord, New Hampshire February 6, 1997 10:00 A.M.

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

The Governor and Executive Council, on motion of Councilor Streeter, seconded by Councilor Griffin, accepted the minutes of the January 22, 1997 meeting with the following AMENDMENT.

DEPARTMENT OF TRANSPORTATION

#90 AMENDED - Authorized to appoint a Special Commission for the alteration to NH Rte. 9 in the Town of Stoddard. The commission appointed was:

- · Richard Cadarette of Bow,
- Larry Elliott of Antrim and
- Wanda Druding of Contoocook.

The amended Commission will be:

- Richard Cadarette of Bow,
- Frederick Comstock of Northwood and
- Wanda Druding of Contoocook.

The Governor and Executive Council, on motion of Councilor Streeter, seconded by Councilor Burton, confirmed the appointment of several persons nominated for Civil Commissions from the January 22, 1997 list.

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

The Governor and Executive Council, on motion of Councilor Griffin, seconded by Councilor Spaulding, accepted the following Resolution:

The Governor and Executive Council, on motion of Councilor Griffin, seconded by Councilor Spaulding, unanimously voted to DENY the following Resignation:

FISH AND GAME COMMISSION

G. Ritchie White Effective Immediately

The Governor and Executive Council unanimously accepted with regret the following resignation:

LAKES MANAGEMENT ADVISORY COMMITTEE (NH State Conservation Committee)

PETER B. DAVIS, Jaffrey Effective Immediately

The Governor and Executive Council confirmed the following:

CONNECTICUT RIVER VALLEY RESOURCE COMMISSION

CLEVE P. KAPALA, Canterbury

TERM: January 22, 2000 (Hydro-Electric Concern)

Reappointment

Effective February 6, 1997

JOHN B. TUCKER, New London TERM: January 22, 2000

(Public Member) / Reappointment

Effective February 6, 1997

STATE BOARD OF EDUCATION

District 3

Chairman

JOHN M. LEWIS, Durham

TERM: January 31, 2002 Replacing Joy Johnson Falkenham, Salem

Effective February 6, 1997

District 4

JOEL C. OLBRICHT, Derry TERM: January 31, 2001

Replacing Ovide Lamontange, Manchester

Effective February 6, 1997

District 5

ANN MCARDLE, Sharon TERM: January 31, 1999

Replacing Tracy S. Hatch, Nashua

Effective February 6, 1997

BOARD OF FORESTERS

PHILIP BRYCE, Milan TERM: August 22, 2001 (Director, Division of Forest

(Director, Division of Forest and Lands) Replacing John E. Sargent, Chichester

Effective February 6, 1997

The Governor nominated the following:

NEW HAMPSHIRE STATE COUNCIL ON THE ARTS

JOHN B. KUHNS, Hanover TERM: October 28, 2001 Replacing Edward J. Tomey, Keene Effective Upon Confirmation

JOSEPH F. MCDONALD, Concord

TERM: October 14, 2001

Reappointment

Effective Upon Confirmation

STATE HISTORICAL RECORDS ADVISORY BOARD

WILLIAM E. ROSS, Dover TERM: January 2, 2000 Reappointment

Effective Upon Confirmation

DIVISION OF PERSONNEL Manager of Employee Relations (RSA 21-I:44, IV)

THOMAS F. MANNING TERM: July 1, 1999 Reappointment Effective Upon Confirmation

PUBLIC EMPLOYEE LABOR RELATIONS BOARD (Management)

SEYMOUR OSMAN, Dover TERM: October 15, 2002 Replacing Richard W. Roulx, Manchester Effective Upon Confirmation

BUSINESS FINANCE AUTHORITY

#1 The Governor and Executive Council, on motion of Councilor Streeter, seconded by Councilor Spaulding, authorized and held a Public Hearing with respect to the financing of an industrial facility by the Business Finance Authority for Alene Candles, Inc. of Milford. Action authorized a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act. A roll call vote was requester, the results are as follows:

Councilor Burton - yes Councilor Spaulding - yes Councilor Griffin - yes Councilor Normand - yes Councilor Streeter - yes

EXTRACT FROM THE MINUTES OF THE MEETING OF THE GOVERNOR AND COUNCIL HELD F EBRUARY 6, 1997 IN THE COUNCIL CHAMBER, STATE HOUSE, CONCORD

At 10:40 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 for KSH Realty, LLC and Alene Candles Inc. in Milford and declared that the public hearing on the subject had commenced. She said that she 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, emphasized that the credit of the State was not involved and introduced Paul and Nancy Amato of Alene Candles Inc. and Mike Perrella from Primary Bank. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Streeter 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 KSH REALTY, LLC AND ALENE CANDLES INC. IN MILFORD" and moved its adoption, which was seconded by Councilor Spaulding. After discussion of the resolution, the Governor called for a vote on the motion. Those voting in favor were: the Governor and Councilors Burton, Spaulding, Griffin, Normand and Streeter; 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 FINANCING OF AN INDUSTRIAL FACILITY BY THE BUSINESS FINANCE AUTHORITY FOR KSH REALTY, LLC AND ALENE CANDLES INC. IN MILFORD

WHEREAS, the Governor and Council have received from the Business Finance Authority (the "Authority") its written recommendation that the Governor and Council make certain findings and a determination pursuant to RSA 162-I:9 with respect to the financing of an industrial facility for KSH

Realty, LLC (the "Borrower") and Alene Candles Inc. (the "User") in Milford by the Authority's issue of \$1,650,000 Bonds under RSA 162-I (the "Act");

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

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

IT IS HEREBY RESOLVED THAT:

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

- (a) Special findings:
- (1) The Project (which when completed will constitute the "Facility") consists of acquisition of approximately 4 acres of land and an existing 25,800 square foot building thereon, the renovation and construction of a 24,000 square foot addition to the building and the acquisition of equipment for use in the building located at 25 Scarborough Lane in the Town of Milford which will be used by the User for the manufacture of candles. 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 Facility will create and preserve employment opportunities directly and indirectly within the State of New Hampshire.
- (b) General findings:
- (1) The Project and the proposed financing of the Project are feasible;
- (2) The Borrower and the User have the skills and financial resources necessary to operate the Facility successfully;
- (3) The LOAN AND MORTGAGE AGREEMENT and the LOAN AND SECURITY AGREEMENT (each of which is a combined financing document and security document, hereinafter called the "Agreements") 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 Bond proceeds or from funds received under the Agreements, exclusive of funds received thereunder by the Authority for its own use;
- (4) The Agreements 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; and
- (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 industrial Facility will serve a public use and provide a public benefit; and the Governor and Council 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 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 February 6, 1997
- #2 The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Spaulding, authorized and held a Public Hearing with respect to the financing of an industrial facility by the Business Finance Authority for Upper Valley Press, Inc. of Haverhill. Action authorized a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act. A roll call vote was requester, the results are as follows: Councilor Burton yes Councilor Spaulding yes

Councilor Griffin - yes Councilor Normand - yes Councilor Streeter - yes

EXTRACT FROM THE MINUTES OF THE MEETING OF THE GOVERNOR AND COUNCIL HELD FEBRUARY 6, 1997 IN THE COUNCIL CHAMBER, STATE HOUSE, CONCORD

At 10:45 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 for Upper Valley Press, Inc. in Haverhill and declared that the public hearing on the subject had commenced. She said that she 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, emphasized that the credit of the State was not involved and introduced Chip and Carol Harris of Upper Valley Press, Inc. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Burton introduced a resolution entitled "A RESOLUTION UNDER RSA 162-I:9 WITH RESPECT TO THE FINANCING OF AN INDUSTRIAL FACILITY BY THE BUSINESS FINANCE AUTHORITY FOR UPPER VALLEY PRESS, INC. IN HAVERHILL" and moved its adoption, which was seconded by Councilor Spaulding. After discussion of the resolution, the Governor called for a vote on the motion. Those voting in favor were: the Governor and Councilors Burton, Spaulding, Griffin, Normand and Streeter; 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 FINANCING OF AN INDUSTRIAL FACILITY BY THE BUSINESS FINANCE AUTHORITY FOR UPPER VALLEY PRESS, INC. IN HAVERHILL

WHEREAS, the Governor and Council have received from the Business Finance Authority (the "Authority") its written recommendation that the Governor and Council make certain findings and a determination pursuant to RSA 162-I:9 with respect to the financing of an industrial facility for Upper Valley Press, Inc. (currently known as Upper Valley Press (NH), Inc.; the company's name will be changed prior to closing) (the "Borrower") in Haverhill by the Authority's issue of \$6,500,000 Bonds under RSA 162-I (the "Act");

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

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

IT IS HEREBY RESOLVED THAT:

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

- (a) Special findings:
- (1) The Project (which when completed will constitute the "Facility") consists of the acquisition of approximately 10 acres of land and an existing approximately 36,000 square foot building, the construction of an approximately 27,000 square foot addition thereto, and the renovation and equipping thereof for use as an industrial facility located on Route 116 (Benton Road) in the Town of Haverhill which will be used by the Borrower for printing newspapers, flyers and similar materials. 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 Facility will create and preserve employment opportunities directly and indirectly within the State of New Hampshire.
- (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 TRUST INDENTURE (which is a security document, hereinafter called the "Indenture") contains provisions so that under no circumstances will the Authority be obligated directly or indirectly to pay project costs, debt service or expenses of operation, maintenance and upkeep of the Facility except from Bond proceeds or from funds received under the Agreement, exclusive of funds received thereunder by the Authority for its own use;
- (4) The Indenture does not purport to create any debt of the State with respect to the Facility, other than a special obligation of the Authority acting on behalf of the State under the Act; and
- (5) The proposed financing 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 industrial Facility will serve a public use and provide a public benefit; and the Governor and Council 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 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.

#3 The Governor and Executive Council, on motion of Councilor Spaulding, seconded by Councilor Burton, authorized and held a Public Hearing with respect to the contract ("Capital Access Program: Lender Participation Agreement") with Franklin Savings Bank. Action authorized Resolutions under RSA 162-A:18 to determine the contract will serve a public use, provide public benefit, the proposed participating bank are qualified to participate, appropriate measures have been taken to insure CAP loans will be made under the requirements of the Act, the contract complies with RSA 162-A:12, and reasonable precautions have been made to minimize loss, all within the policy and authority of the Act. A roll call vote was requester, the results are as follows:

Councilor Burton - yes Councilor Spaulding - yes Councilor Griffin - yes Councilor Normand - yes Councilor Streeter - yes

A RESOLUTION UNDER RSA 162-A:18 APPROVING THE EXECUTION OF THE STANDARD CONTRACT ENTITLED "CAPITAL ACCESS PROGRAM: LENDER PARTICIPATION AGREEMENT" OF THE BUSINESS FINANCE AUTHORITY OF THE STATE OF NH BY FRANKLIN SAVINGS BANK

WHEREAS, the Governor and Council (the "Governor and Council") of the State of New Hampshire (the "State") have previously, upon recommendation of the Business Finance Authority of the State of New Hampshire (the "Authority"), approved the Authority's standard contract entitled "CAPITAL ACCESS PROGRAM: LENDER PARTICIPATION AGREEMENT" (the "Standard Contract") by resolution dated September 2, 1992 (the "Approving Resolution"); and

WHEREAS, at the time of such approval of the Standard Contract, the Governor and Council made, upon recommendation of the Authority, certain findings and determinations pursuant to RSA 162-A:18 with respect to the approval of the Standard Contract, which findings and determinations are stated in the Approving Resolution;

WHEREAS, in the Approving Resolution, the Governor and Council authorized the Authority to take necessary and appropriate steps to cause the execution of the Standard Contract with qualifying State banking institutions; and

WHEREAS, acting pursuant to the direction of the Authority, the Executive Director of the Authority has received interest from Franklin Savings Bank (the "Specific Bank") to execute the Standard Contract and participate in the Authority's Capital Access Program through such execution; and

WHEREAS, the Executive Director of the Authority has examined such information as he has deemed necessary and appropriate and has determined that the Specific Bank is a duly organized bank or trust company authorized to make loans and accept deposits in the State of New Hampshire and accordingly is qualified to execute the Standard Contract and participate in the Capital Access Program;

WHEREAS, the Governor and Council have received all the documentation and information with respect to the proposed execution of the Standard Contract which they have requested;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

Findings and Determinations. On the basis of the documentation and information received by the Governor and Council, and assuming

- (1) the execution of the Standard Contract as approved by the Governor and Council on September 2, 1992, by the Authority and an authorized officer of the Specific Bank, and
- (2) review and acceptance of the executed Standard Contract by an appropriate official of the Office of Attorney General upon receipt of a certificate of registration of the Specific Bank and a resolution of the board of directors of the Specific Bank authorizing execution of the Standard Contract, the Governor and Council hereby find:
- (a) The proposed execution of the Standard Contract and the actions of the Authority and parties executing such Standard Contract taken pursuant to the terms of such Contract will serve a public use and provide a public benefit.
- (b) The proposed execution of the Standard Contract and the actions of the Authority and parties executing such Standard Contract taken pursuant to the terms of such Contract is within the policy of, and the authority conferred by RSA Chapter 162-A.
- (c) The proposed execution of the Standard Contract and the actions of the Authority and parties executing such Standard Contract taken pursuant to the terms of such Contract will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens.
- (d) The proposed execution of the Standard Contract and the actions of the Authority and parties executing such Standard Contract taken pursuant to the terms of such Contract will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.
- (e) Appropriate measures have been taken to ensure that a the Specific Bank participating under the terms of such Standard Contract makes only loans which meet the requirements of RSA 162-A:12, IV. (f) The Standard Contract complies with RSA 162-A:12, III.
- (g) Reasonable precautions have been taken to minimize the risk of loss to any reserve fund which is established under the terms of the proposed Standard Contract.
- (h) The Specific Bank is qualified to execute the Standard Contract and to participate under the terms of such Standard Contract and the applicable provisions of RSA Chapter 162-A.

Approval. Subject to

- (1) the execution of the Standard Contract as approved by the Governor and Council on September 2, 1992, by the Authority and an authorized officer of the Specific Bank, and
- (2) review and acceptance of the executed Standard Contract by an appropriate official of the Office of Attorney General upon receipt of a certificate of registration of the Specific Bank and a resolution of the board of directors of the Specific Bank authorizing execution of the Standard Contract, the Governor and Council approve the proposed execution of the Standard Contract by the Authority and authorize the Authority to take such further action with respect to such proposed execution as is necessary and appropriate to carry out the proposed transaction.

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

Passed and Agreed to February 6,1997.

OFFICE OF STATE PLANNING

The Governor and Executive Council acted as follows:

- #4 Authorized to accept and expend \$50,000 from the Dept. of Resources & Economic Development through June 30, 1998.
- #5 Authorized agreement with the Town of Exeter at \$9,500 as part of the NH Coastal Program through June 30, 1997.
- #6 Authorized agreement with the Audubon Society of NH at \$46,100 to conduct and coordinate all public education and outreach components of the NH Estuaries Project through July 30, 1997.
- #7 Authorized to amend agreement with OGBE Communications, Inc. of Manchester by increasing dollar amount by \$4,000. **Sole Source.**

ADJUTANT GENERAL'S DEPARTMENT

The Governor and Executive Council acted as follows:

- #8 Authorized to accept funds of \$80,200 from the federal government (National Guard Bureau) to cover the cost of utilities in support of the aircraft flight simulator at Pease Air National Guard Base.
- #9 Authorized to accept funds of \$40,000 from the federal government (National Guard Bureau) to cover the cost of utilities at buildings occupied by tenants at Pease Air National Guard Base.
- #10 Authorized the confirmation of Captain Alain Lamoureux of Concord to the rank of Major, NH Army National Guard.
- #11 Authorized the confirmation of Captain Christopher Conley of Wolfeboro to the rank of Major, NH Army National Guard.
- #12 Authorized the nomination of Major Roger Clements of York ME to the rank of Lieutenant Colonel, NH Air National Guard.

DEPARTMENT OF ADMINISTRATIVE SERVICES

- #13 Authorized to accept the suggested quarterly allotments and to make necessary adjustments for state departments and agencies for the Fiscal Year ending June 30, 1997.
- #14 Authorized to accept the list of agency transfers for the month of December 1996.
- #15 Authorized to appoint James Normand as a designee of the Executive Council to hold a hearing on a proposal for the refinancing of existing indebtedness, construction, renovation and purchase of equipment project in connection with Catholic Medical Center in Manchester.
- #16 Authorized to appoint James Normand as a designee of the Executive Council to hold a hearing on a proposal for the refinancing of existing indebtedness, construction, renovation and purchase of equipment project in connection with Elliot Hospital in Manchester.
- #17 Authorized to appoint Ruth Griffin as a designee of the Executive Council to hold a hearing on a proposal for the refinancing of existing indebtedness, construction, renovation and purchase of equipment project in connection with River Woods at Exeter in Exeter.

#18 AMENDED - The Governor and Executive Council, on motion of Councilor Streeter, seconded by Councilor Spaulding, authorized to appoint Raymond Burton and James Normand (amended to read and not or) as designees of the Executive Council to hold a hearing on a proposal for the refinancing of existing indebtedness, construction, renovation and purchase of equipment project in connection with Leahy Hitchcock Clinic (changed from Hitchcock Clinic to Leahy Hitchcock Clinic) in Lebanon.

#19 Authorized to appoint Raymond Burton as a designee of the Executive Council to hold a hearing on a proposal for the refinancing of existing indebtedness, construction, renovation and purchase of equipment project in connection with Androscoggin Valley Hospital in Berlin.

TREASURY DEPARTMENT

The Governor and Executive Council acted as follows:

- #20 Authorized to accept and expend \$22,000 of FY97 program revenues through June 30, 1997.
- #21. Authorized to issue a check from funds not otherwise appropriated for in the amount of \$5,092 to Mars Store, Inc.
- #22 Authorized to issue checks from funds not otherwise appropriated for in the total amount of \$41,516.80.

DEPARTMENT OF JUSTICE

#23 The Governor and Executive Council, on motion of Councilor Griffin, seconded by Councilor Burton, authorized grants with agencies listed in letter of January 22, 1997 in the total amount of \$182,075 under the Victims of Crime grant program through December 31, 1997.

DEPARTMENT OF CULTURAL AFFAIRS

The Governor and Executive Council acted as follows:

#24 Authorized to award grants totaling \$149,991 to various libraries as stated in letter of January 14, 1997 for Library Services and Construction Act, Title II projects.

#25 Authorized to accept and expend \$30,000 from the US Department of Agriculture, Forestry Service through September 30, 1997.

RETIREMENT SYSTEM

#26 The Governor and Executive Council, on motion of Councilor Streeter, seconded by Councilor Burton, authorized contract with Milestone Engineering & Construction, Inc. at \$12,250 to construct a File Server Room within existing office facility through June 30, 1997. **Sole Source.**

HIGHWAY SAFETY AGENCY

#27 The Governor and Executive Council, on motion of Councilor Streeter, seconded by Councilor Griffin, authorized agreement with the Concord Hospital at \$9,850 to serve as the administrator and coordinator of the Concord Chapter of Emergency Nurses Cancel Alcohol Related Emergencies through September 30, 1997. **Sole Source.**

INSURANCE DEPARTMENT

#28 The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Griffin, authorized out of state travel to attend meetings of the National Association of Insurance Commissioners from January 1 through March 31, 1997.

DEPARTMENT OF CORRECTIONS

#28A The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Griffin, authorized to RETROACTIVELY amend contract with Fences Unlimited, Inc. of Salem to provide for the conversion of two existing swing gates to overhead track slide type motorized gates from October 31, 1996 to January 11, 1997.

EMPLOYMENT SECURITY

The Governor and Executive Council acted as follows:

#29 Authorized to amend agreement with Nudd & Davis Electrical Contractors by increasing dollar amount by \$10,000, from \$25,000 to \$35,000 for electrical services through June 30, 1997.

#30 Authorized to reclassify position of Program Specialist III, LG 22 to Manager, LG 23.

FISH AND GAME DEPARTMENT

The Governor and Executive Council acted as follows:

#31 Authorized to accept \$30,000 in Federal Aid in Sportfish Restoration Funds through June 30, 1997.

#32 Authorized to accept a donation of \$4,500 from the Inland Lakes Fishing Association.

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Executive Council acted as follows:

#33 Authorized to accept the report regarding package plan programs, lift ticket sales and season pass sales for the quarter ending December 31, 1996.

#34 Authorized to renew contract with Softshare Information Services of Santa Barbara CA at \$6,000 for bid-matching computer services through December 31, 1997. **Sole Source.**

#35 Authorized to pay subscription fee of \$7,575 to Information Handling Services, Inc. of Englewood CO for the use of Military Standard and Specification Library Software from February 22, 1997 through February 22, 1998. **Sole Source.**

#36 Authorized to award grants in the total amount of \$18,862.25 under the Joint Promotional Program to various organizations as stated in letter of January 21, 1997.

#37 Authorized to accept \$5,000 in federal funds under the Cooperative Forestry Assistance Act, Nursery and Tree Improvement through September 30, 1997.

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Executive Council acted as follows:

#38 Authorized to accept \$13,484 from the US Environmental Protection Agency to implement increased stormwater management controls at Crystal Lake in Manchester through August 1, 1998.

#39 Authorized to RETROACTIVELY enter in a water user contract with Sweetwater Hydroelectric, Inc. for the Sugar Project from August 5, 1996 not exceeding 15 years, but renewable and not exceeding a period of 50 years.

#40 Authorized to accept \$14,677 from the US Environmental Protection Agency to continue a biological assessment of lakes project through September 30, 1998.

- #41 Authorized contract with Burnham & Deane of Concord at \$15,150 to perform annual audits for three projects and annual reviews for five projects through December 31, 1999.
- #42 Authorized agreement with the City of Concord at \$9,001.50 to conduct a hazardous waste collection project through November 1, 1997.
- #43 Authorized agreement with the Southeast Regional Refuse Disposal District at \$6,310.25 to conduct a hazardous waste collection project through September 15, 1997.
- #44 Authorized agreement with the City of Concord at \$7,420.75 to conduct a hazardous waste collection project through September 15, 1997.
- #45 Authorized loan agreement with the City of Lebanon at \$1,869,161 to help finance the closing of the municipal landfill.
- #46 Authorized to budget additional unallocated FY97 Permit Fee funds of \$72,000 through June 30, 1997.
- #47 Authorized to reimburse trained volunteers participating in the Water Division's Volunteer Groundwater Education Program for preapproved travel expenses.
- #48 Authorized to budget additional unallocated FY97 Title V Permit fee funds of \$20,000 through June 30, 1997.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

- #49 Authorized to RETROACTIVELY accept and expend \$200,000 in federal funds and Authorized contract with the NH Coalition Against Domestic and Sexual Violence at \$200,000 from October 1, 1996 through September 30, 1997. **Sole Source.**
- #50 Authorized to accept and expend \$25 in donations to the Sudden Infant Death Syndrome Program through June 30, 1997.
- #51 Authorized to accept and expend \$74,746 from the Maternal and Child Health Bureau from January 22 through June 30, 1997.
- #52 Authorized to pay \$6,580 to the Association of State and Territorial Health Officials for annual membership dues RETROACTIVE from July 1, 1996 through June 30, 1997.
- #53 Authorized contract with the Town of Andover at \$16,025 to provide educational information about the awareness of water quality from January 15 through June 30, 1997.
- #54 Authorized contract with the City of Claremont at \$10,000 to conduct a series of rabies educational sessions to public schools and the community.
- #55 Authorized to RETROACTIVELY amend contract with Ammonoosuc Community Health Services, Inc. by increasing dollar amount by \$18,750, from \$30,000 to \$48,750 effective January 1 through June 30, 1997. **Sole Source.**
- #56 Authorized to RETROACTIVELY amend contract with Valley Regional Hospital of Claremont by increasing dollar amount by \$7,500, from \$30,000 to \$37,500 from January 1 through June 30, 1997.

#57 Authorized to amend agreement with Coos County Family Health Services, Inc. of Berlin by increasing dollar amount by \$27,656, from \$614,228 to \$641,884 from January 1 through June 30, 1997.

DIVISION OF PUBLIC HEALTH

#58 The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Spaulding, authorized to accept and expend \$725,971 from the Centers for Disease Control and Prevention and to establish a Personal Computer Specialist I position through June 30, 1997 as stated in letter of October 30, 1996. Fiscal Committee approved January 9, 1997.

DIVISION OF HUMAN SERVICES

#59 The Governor and Executive Council, on motion of Councilor Streeter, seconded by Councilor Burton, authorized to amend allocations by transferring funds between consultants through June 30, 1997.

DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL SERVICES

The Governor and Executive Council acted as follows:

- #60 Authorized to RETROACTIVELY amend contract with Odyssey House, Inc. of Hampton by extending the end date from December 31, 1996 to February 15, 1997.
- #61 Authorized RETROACTIVE contract with Nashua Pastoral Care Center, Inc. at \$29,424 to provide case management services through June 30, 1997.
- #62 Authorized to accept donations of \$970 from October 1 through December 31, 1996 and deposit into the Patient's Welfare Fund.
- #63 Authorized agreement with Manchester Emergency Housing, Inc. at \$35,000 as part of the Emergency Shelter State Grant-In-Aid Program through June 30, 1997.
- #64 Authorized to accept and expend \$47,930.11 of federal funds for drug and violence prevention programs through September 30, 1997.

NH VETERANS HOME

#65 The Governor and Executive Council, on motion of Councilor Griffin, seconded by Councilor Burton, authorized to accept \$8,528.30 received during the period of October 1 through December 31, 1996 from fundraising drives of various organizations and personal contributions.

DEPARTMENT OF YOUTH DEVELOPMENT SERVICES

#66 The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Streeter, authorized to accept material and donations as stated in letter of January 7, 1997 for the period of October 1 through December 31, 1996.

DEPARTMENT OF EDUCATION

The Governor and Executive Council acted as follows:

#67 Authorized to grant funds of \$14,710.48 in accordance with Title II of the Dwight D. Eisenhower Professional Development Program to the Mount Washington Observatory through March 31, 1998.

- #68 Authorized to grant funds of \$5,000 in accordance with Title II of the Dwight D. Eisenhower Professional Development Program to Franklin Pierce College through September 30, 1997.
- #69 Authorized to grant funds of \$5,000 in accordance with Title II of the Dwight D. Eisenhower Professional Development Program to Rivier College through November 30, 1997.
- #70 Authorized to grant funds of \$14,936.40 in accordance with Title II of the Dwight D. Eisenhower Professional Development Program to Notre Dame College through December 30, 1997.
- #71 Authorized to grant funds of \$5,000 in accordance with Title II of the Dwight D. Eisenhower Professional Development Program to the Upper Valley Teacher Training Program Inc. through June 6, 1997.
- #72 Authorized to expend additional revenue of \$38,880.72 from the Set Aside account through June 30, 1997.
- #73 Authorized contract with John Dabuliewicz at \$10,000 to conduct special education and state board education hearings through June 30, 1997. **Sole Source.**
- #74 Authorized to amend the grant for staff development services to adult educators to Second Start by increasing dollar amount by \$20,818 through June 30, 1997.
- #75 Authorized to amend the grant to the Latin American Center/Manchester Consolidated Services, Inc. by increasing dollar amount by \$876 through June 30, 1997.

POSTSECONDARY EDUCATION COMMISSION

The Governor and Executive Council acted as follows:

- #76 Authorized to grant an award of \$32,000 to Plymouth State College for scholarships to students who meet certain requirements.
- #77 Authorized to grant an award of \$10,000 to Hesser College for scholarships to students who meet certain requirements.

COMMUNITY TECHNICAL COLLEGE SYSTEM

#78 The Governor and Executive Council, on motion of Councilor Griffin, seconded by Councilor Normand, authorized contract with Pamela Martin of Newmarket at \$20,000 to provide instructional services of SAP R/3 for the TDC clients of Cabletron through June 30, 1997. **Sole Source.**

DEPARTMENT OF TRANSPORTATION

- #79 Authorized contract with R. S. Audley, Inc. at \$7,784,652.65 for reconstruction and widening of Rte 111 & 111A in Nashua.
- #80 Authorized agreement with C&M Engineering of Manchester at \$50,000 for professional services for design and construction documents, on-site observation and inspection services for Public Works Projects.
- #81 Authorized contract with Busby Construction Co. , Inc. of Atkinson at \$932,466 to replace retaining wall on the Kancamagus Highway.

- #82 Authorized contract with Continental Paving, Inc. of Londonderry at \$1,260,278.30 for widening and roadway construction in Litchfield.
- #83 Authorized contract with Hiltz Construction, Inc. of Ashland at \$939,536.49 for realignment, reconstruction and construction of a new single span bridge in Dalton.
- #84 Authorized agreement with James Conway Engineering, Inc. of Brookline at \$50,000 for professional services for design and construction documents, on-site observation and inspection services for public works projects.
- #85 Authorized contract with NE Signal Systems, Inc. at \$627,532 for interconnecting nineteen signalized intersections into four subsystems in Nashua/Amherst/Milford.
- #86 Authorized contract with R.S. Audley, Inc. of Bow at \$2,130,470.50 for the construction of NH Rte. 88 and Stony Brook connectors.
- #87 Authorized to accept the Contemplated Award List for the period of November 27, 1997 through January 14, 1997.
- #88 Authorized to pay \$8,000 to the American Traffic Safety Services Association, Inc. of Fredericksburg VA for employee training in FY97.
- #89 Authorized to pay \$7,500 to the Federal Highway Administration Division in Washington DC for bridge maintenance training in FY97.
- #90 Authorized to amend contract with Busby Construction Co. , Inc. of Atkinson by \$108,000, from \$852,696 to \$960,696.
- #91 Authorized to hold a hearing on an alteration to US Rte. 1 in the Town of Seabrook from a revised petition. The previously approved Commission of: Richard Hodgdon of Portsmouth, Clifford Taylor of Portsmouth and Wanda Druding of Contoocook will remain the same.
- #92 Authorized to continue membership with the American Association of State Highway and Transportation Officials in Washington DC at \$8,600.50 for calendar year 1997.
- #93 Authorized contract with R.C. Burke Construction of Bedford at \$799,896 for the construction of Franklin District Court.
- #93A Authorized to amend agreement with Southwest Region Planning Commission of Keene by increasing the dollar amount by \$15,626.23, from \$27,275.78 to \$42,902.01.

DEPARTMENT OF SAFETY

- #94 Authorized to accept an additional \$50,000 from the Federal Highway Administration for the project entitled "The Joint Federal/State Motor Fuel Tax Compliance Project" through June 30, 1997.
- #95 Authorized contract with Multiprocess Computer Corporation of Windham at \$225,000 for document imaging hardware, software and maintenance support through July 31, 1997.
- #96 Authorized agreement with the Community Technical College in Nashua at \$13,225 to provide classroom space and paved parking lot for the motorcycle rider training program.

- #97 Authorized agreement with Fall Mountain Regional School District at \$6,070 to provide classroom space and paved parking lot for the motorcycle rider training program.
- #98 Authorized agreement with McIntosh College in Dover at \$14,975 to provide classroom space and paved parking lot for the motorcycle rider training program.
- #99 Authorized agreement with the Community Technical College in Manchester at \$19,625 to provide classroom space and paved parking lot for the motorcycle rider training program.
- #100 Authorized to RETROACTIVELY amend lease agreement with the Bureau of Court Facilities for office space at the Rochester District Court at \$240 monthly from September 21, 1996 through September 20, 1999.

#101 TUITION REQUESTS

The Governor and Executive Council approved as follows:

- A. **BANKING** Requests permission to pay the Community Technical Institute, Concord, NH, the sum of \$376.00 for the sole purpose of enrolling Cynthia Porter, Bank Examiner III, in the course entitled Computer Networking.
- B. **COMMUNITY TECHNICAL COLLEGE** Requests permission to pay Harvard University, Boston, MA, the sum of \$1130.00 for the sole purpose of enrolling Guy Schafer, Associate Professor, in the course entitled Client/Server Networks & Distributed Systems .
- C. **COMMUNITY TECHNICAL COLLEGE** Requests permission to pay Harvard University, Boston, MA, the sum of \$1025.00 for the sole purpose of enrolling Marion Schafer, Professor of English, in the course entitled Psychology of Written Language.

#102 TRAVEL REQUESTS

- A. **BANKING** Requests permission for Daniel Bilodeau, Bank Examiner I, or designee, to travel to Arlington VA, on April 13 25, 1997, to attend the Assistant Examiner III School. A cash advance of \$400.00 is requested for Daniel Bilodeau. Total Cost \$900.00. Source of Funds: **100% Bank kExams and Assessment Fees.**
- B. **CULTURAL AFFAIRS, STATE LIBRARY** Requests permission for Kendall Wiggin, State Librarian, Matthew Higgins, Administrator and John Barrett, Librarian, or designee, to travel to Washington DC, on February 13 20, 1997, to attend the Midwinter Meeting of the American Library Association. Total Cost \$2,185.00. Source of Funds: **100% Federal.**
- C. **EDUCATION** Requests permission for Kathi Wilhelm, Administrator, Susan Sokul, CACFP Program Reviewer, Barbara Dagenais, CACFP Program Reviewer, and Donald Marsh, Management Analyst or designee, to travel to Chelmsford MA, on February 10, 1997, to attend a USDA sponsored training regarding the implementation of new welfare reform regulation for the Child and Adult Care Food Program. Total Cost \$124.60. Source of Funds: **100% Federal.**
- D. **EDUCATION** Requests permission for Sallie Fellows, MIS Analyst and Bev Muse, Programmer II, or designee, to travel to New Orleans LA, on February 14 19, 1997, to attend the Management of Information Systems Conference. Total Cost: \$2,397.04. Source of Funds: **100% Federal.**
- E. **EDUCATION** Requests permission for John Davy, Education Consultant, and Kathy Sutphen, WP Operator, or designee, to travel to Waltham MA, on February 24, 1997, to attend Access training. Total Cost: \$381.00. Source of Funds: **100% Federal.**

- F. **EMPLOYMENT SECURITY** Requests permission for Edward Lewis, Supervisor, and Bruce Drew, Supervisor, or designee, to travel to Atlantic City NJ, on April 7 11, 1997, to attend MailCom 97 Conference and Exhibition. Total Cost: \$3,250.00. Source of Funds: **100% Federal.**
- G. **FISH AND GAME** Requests permission for Anne Hewitt, Safety Coordinator, and Lt. Timothy Acerno, Enforcement Coordinator, or designee, to travel to Toronto, Ontario, Canada, on June 9 15, 1997 to attend the International Association of Snowmobile Administrators Annual Conference. Total Cost: \$1,800.00. Source of Funds: **100% Fish and Game Funds.**
- H. FISH AND GAME Requests permission for
- · Judy Stokes, Public Affairs Chief,
- James Hall, Hunter-Education Coordinator,
- Mark Ellingwood, Supervisor,
- Steve Weber, Supervisor,
- · Stephen Perry, Supervisor,
- Charles Bridges, Supervisor,
- · Robert Fawcett, Supervisor, and
- James DiStefano, Division Chief, or
- designee, to travel to Sturbridge MA, on February 10 14, 1997, to attend the Systematic Development of Informed Consent course, Total Cost: \$1,612.00. Source of Funds: **100% Fish and Game Funds.**
- I. **FISH AND GAME** Requests permission for Edward Robinson, Biologist, and Julie Malecha, Technician, or designee, to travel to Newport RI, on February 24 28, 1997, to attend the Atlantic Waterfowl Council Technical Section Winter Meeting. Total Cost: \$700.00. Source of Funds: **100% Waterfowl Account.**
- J. **HEALTH AND HUMAN SERVICES, DEVELOPMENTAL DISABILITIES COUNCIL** Requests permission for
- · Alan Robichaud, Executive Director,
- James Piet, Chairman of the Council, and
- Daniel Louney, or
- Council delegate, or
- designee, to travel to Washington DC, on February 13 17, 1997, to attend the Winter 1997 Technical Assistance Institute Public Policy Seminar and Business Meeting. Total Cost: \$3,530.00. Source of Funds: **100% Federal.**
- K. **INSURANCE** Requests permission for
- Charles Blossom, Commissioner, Monica Ciolfi, Deputy Commissioner,
- Steven Lauwers, Assistant Commissioner, and
- Thomas Burke, Director, or
- designee, to travel to Orlando FL, on March 15 19, 1997, to attend National Association of Insurance Commissioners. Total Cost: \$4,320.00. Source of Funds: **100% Insurance Assessment Funds.**
- L. LABOR Requests permission for
- · Diane Symonds, Commissioner,
- Kathryn Barger, Administrator,
- Marylou Armstrong, Program Specialist IV,
- · Gregory Bueddeman,
- Craig Downing,
- Michael King,

- Susan Littlefield,
- · James McDonough,
- · Cynthia Stone,
- Jolanta Swenson-Shea, and
- Peter Trufant, all Hearings Officers, or
- designee, to travel to Phoenix AZ, on April 27 to May 2, 1997, to attend the 24th International Workers Compensation College for Judicial Graduate Course Program. Total Cost: \$22,600.00. Source of Funds: **100% Administration Assessment Funds.**

M. **OFFICE OF STATE PLANNING** - Request permission for

- Rick Langan, UNH,
- · Wendy Lull, Seacoast Science Center,
- Steve Bird, Rockingham Planning Comm., and
- · Vallena Winslow-Pratt, NH Health and Human Services, or
- designee, to travel to San Francisco CA, on February 24 to March 2, 1997, to attend the National Estuary Program Workshop. Total Cost: \$7,510.00. Source of Funds: **100% Federal.**
- N. **OFFICE OF STATE PLANNING** Request permission for Patrick Herligy, Senior Planner, and Donna Severance, Business Administrator, or designee, to travel to Boston MA, on April 29 30, 1997, to attend the OMB Circular A-133 Seminar. Total Cost: \$840.00. Source of Funds: **100% Federal.**
- O. **REAL ESTATE** Request permission for Fred Gagnon, Chairman, and Sally Sullivan, Executive Secretary, or designee, to travel to Williamsburg VA, on March 22 26, 1997, to attend the Regional Meeting of the Association of Appraiser Regulatory Officials. Total Cost: \$1,856.00. Source of Funds: **100% General Funds.**
- P. **RESOURCES AND ECONOMIC DEVELOPMENT** Requests permission for Bryan Nowell, Forest Ranger, and Douglas Miner, Forest Ranger, or designee, to travel to Fort Smith, West Point NY, on February, 18 21, 1997, to attend the Wildfire/Urban Interrace Seminar. Total Cost: \$100.00. Source of Funds: **100% Federal.**
- Q. **RESOURCES AND ECONOMIC DEVELOPMENT** The Governor and Executive Council, on motion of Councilor Spaulding, seconded by Councilor Griffin, with Councilor Normand abstaining, approved: Requests permission for Norman Storrs, Director, and Dawn Wivell, Director, or designee, to travel to Queensland and New South Wales, Australia, on April 24 to May 7, 1997, to attend the Official NH Business Matchmaker Trade Mission. Total Cost: \$11,000.00. Source of Funds: **General**
- R. **SWEEPSTAKES** Requests permission for
- · Rick Wisler, Executive Director,
- Georges Roy, Administrator III,
- Howard Keegan,
- J. Richard Higgins and
- · Gary Kiedaisch, Commissioners,
- to travel to Providence RI, on February 27 28, 1997, to review lottery games, operation and accounting of sales. Total Cost: \$1,200.00. Source of Funds: **Sweepstakes Fund**.
- S. **TREASURY** Requests permission for Manuel Gehring, Auditor, and Judith Houle, Auditor, or designee, to travel to Bismarck ND, on April 5 8, 1997, to attend Auditor Training. Total Cost: \$1,601.00. Source of Funds: **100% Abandoned Property Funds.**
- T. **TREASURY**, **DIVISION OF ABANDONED PROPERTY** Requests permission for Rody Preble, Director, and Jill McDaniel, Claims Processor III, or designee, to travel to New Orleans LA, on March 4 8, 1997, to attend the Midyear NAUPA Conference & Southern Holder Education Seminar. A cash

advance of \$300.00 is requested for Rody Preble and A cash advance of \$300 is requested for Jill McDaniel. Total Cost:: \$1,928.00. Source of Funds: **100% Abandoned Property Funds.**

LATE ITEMS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

A. The Governor and Executive Council, on motion of Councilor Spaulding, seconded by Councilor Griffin, with Councilor Streeter and Councilor Normand voting NO, authorize salary increase to Richard Chevrefils, Assistant Commissioner, from Group S, Step 3 (\$68,780) to Group S, Step Maximum (\$74,939) effective January 31, 1997

B. The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Normand, authorized to increase the salary range for the State Physician/Epidemiologist in Group R by an amount up to \$4,122 per year, to a maximum of \$77,000 per year, as stated in letter of January 31, 1997. Fiscal Committee approved February 4, 1997.

The Governor stated that the April 23, 1997 Governor and Executive Council Meeting will be held at Franklin Pierce College in Rindge.

The next regular meeting of the Governor and Executive Council will be February 19, 1997 in the Executive Council Chambers in Concord NH.

The Honorable Board then Adjourned.