

## **Minutes December 2, 1998**

### **GOVERNOR AND EXECUTIVE COUNCIL MINUTES**

State House, Concord, NH  
December 2, 1998  
10:30 a.m.  
#21

Motion of Councilor Normand, seconded by Councilor Griffin, the Governor and Executive Council voted to adjourn the meeting of November 18, 1998. The Governor and Executive Council convened the December 2, 1998 meeting at 10:30 a.m., with all present.

The Governor and Executive Council, on motion of Councilor Spaulding, seconded by Councilor Griffin, accepted the minutes of November 18, 1998.

The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Griffin, confirmed the appointment of several persons nominated for Civil Commissions from the November 18, 1998 meeting.

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

The Governor and Executive Council accepted the following resignations:

### **FISH & GAME COMMISSION, SULLIVAN COUNTY**

George F. Disnard, Claremont  
Effective: December 1, 1998  
Reason: Elected to New Hampshire Senate

### **OIL FUND DISBURSEMENT BOARD**

Norman C. VanderNoot, Laconia  
Effective: Upon acceptance of resignation  
Reason: No longer represents petroleum refiners

The Governor and Executive Council confirmed the following:

### **BOARD OF ACCOUNTANCY**

Kevin Howe, Manchester  
CPA  
Effective: December 2, 1998  
TERM: December 2, 2000

Robert A. Lemay, Belmont  
CPA  
Effective: December 2, 1998  
TERM: December 2, 2001

Leon G. Owen, Concord  
Public Accountant  
Effective: December 2, 1998  
TERM: December 2, 2003

Helaine B. Roberts, Portsmouth  
CPA

Effective: December 2, 1998  
TERM: December 2, 2002

**APPELLATE BOARD**

Jeffrey R. Crocker, Peterborough  
Attorney

Reappointment  
Effective: December 2, 1998  
TERM: October 14, 2001

**CONNECTICUT RIVER VALLEY RESOURCE COMMISSION**

Glenn E. English, North Haverhill  
Public Member  
Succeeding: Richard Fabrizio, North Haverhill  
Effective: December 2, 1998  
TERM: February 10, 2000

**CURRENT USE ADVISORY BOARD**

Phyllis Sherman, Center Conway  
Public Member/Agriculture  
Reappointment  
Effective: December 2, 1998  
TERM: November 16, 2000

**AUBURN DISTRICT COURT JUSTICE**

David G. LeFrancois, Derry  
Vacancy  
Effective: December 2, 1998  
TERM: until 70 years of age

**ECONOMIC DEVELOPMENT MATCHING GRANTS PROGRAM**

Douglas R. Elliott, Jr., Somersworth  
NH Municipal Association  
Succeeding: George Bald, Somersworth  
Effective: December 2, 1998  
TERM: September 8, 2000

**JUDICIAL COUNCIL**

Michael A. Pignatelli, Nashua  
Attorney  
Succeeding: Joseph M. McDonough III, Manchester  
Effective: December 2, 1998  
TERM: October 18, 2001

**BOARD OF LAND SURVEYORS**

Linda Capuchino, Manchester  
Public Member  
Succeeding: Thomas Brown, Somersworth, (resigned)  
Effective: December 2, 1998  
TERM: February 3, 2002

**CHRISTA MCAULIFFE PLANETARIUM COMMISSION**

Richard M. Carmody, Portsmouth  
Pursuant to 1998 Chapter Law 33  
Effective: December 2, 1998  
TERM: December 2, 2001

**MEDICAL REVIEW SUBCOMMITTEE**

Wendy Gair Muello, MD, Lancaster  
Nominated by Board of Medicine  
Succeeding: Dana Merrithew, MD, Rumney (resigned)  
Effective: December 2, 1998  
TERM: December 3, 2001

**PESTICIDES CONTROL BOARD**

Anne D. Krantz, Amherst  
Public Member  
Succeeding: Howard Rollins, Gilford  
Effective: November 23, 1998  
TERM: November 23, 2001

**NEW HAMPSHIRE STATE PORT AUTHORITY**

Wayne M. Burton, Durham  
Succeeding: Edward Hause, Lincolnville, ME  
Effective: December 2, 1998  
TERM: December 16, 2000

Robert M. Snover, Portsmouth  
Reappointment  
Effective: December 2, 1998  
TERM: August 29, 2003

**PUBLIC WATER ACCESS ADVISORY BOARD**

Kathleen C. Paine, Concord  
Lakes Association  
Succeeding: Virginia Soule, New London  
Effective: December 2, 1998  
TERM: October 27, 2001

**RIVERS MANAGEMENT ADVISORY COMMITTEE**

Wesley R. Stinson, Concord  
Historic/Archeological-nominated by the NH Historical Society  
Succeeding: Victoria Bunker, Farmington  
Effective: December 2, 1998  
TERM: June 15, 2001

**ADVISORY COMMITTEE ON SHORE FISHERIES**

David T. Goethel, Hampton  
Alternate  
Effective: December 2, 1998  
TERM: December 2, 2001

**NEW HAMPSHIRE COMMISSION ON THE STATUS OF WOMEN**

Linda A. Jenkins, Eaton Center  
Succeeding: Marjorie Webster, Tuftonboro  
Effective: December 2, 1998  
TERM: October 20, 2001

The Governor nominated the following:

**COMPENSATION APPEALS BOARD**

John C. Emery, Bedford  
Attorney

Reappointment  
Effective: Upon confirmation  
TERM: January 1, 2003

**NEW HAMPSHIRE STATE COUNCIL ON THE ARTS**

Paul W. Hodes, Concord  
Succeeding: Peter Morgan, New Boston (resigned)  
Effective: Upon confirmation  
TERM: October 28, 2001

**COMMISSIONER: DEPARTMENT OF LABOR**

James D. Casey, Dover  
Succeeding: Diane M. Symonds, Hampton  
Effective: Upon confirmation  
Salary: Group N/Maximum \$60,361  
TERM: August 30, 2001

**OIL FUND DISBURSEMENT FUND**

David F. Harrington, New Boston  
Petroleum refiners  
Succeeding: Norman VanderNoot, Laconia (resigned)  
Effective: Upon confirmation  
TERM: January 1, 2000

**PARI-MUTUEL COMMISSION**

George E. Hickman, Madbury  
Succeeding: John T. Bottomley, North Hampton  
Effective: Upon confirmation  
TERM: September 24, 2001

**JOINT PHARMACEUTICAL FORMULARY BOARD**

Bruce Bartolini, MD, Hampton  
MD specializing in internal medicine  
Succeeding: J. Beatty Hunter, Bedford (resigned)  
Effective: Upon confirmation  
TERM: January 27, 2004

**DIRECTOR OF ADMINISTRATION: DEPARTMENT OF TRANSPORTATION**

W. Douglas Scamman, Jr., Stratham  
Nominated by Commissioner  
Reappointment  
Effective: Upon confirmation  
Salary: Group P/Maximum \$72,206  
TERM: October 17, 2002

**UNIVERSITY SYSTEM OF NEW HAMPSHIRE BOARD OF TRUSTEES**

John D. Crosier, Concord  
Succeeding: Sherilyn Burnett-Young, Concord  
Effective: Upon confirmation  
TERM: June 30, 2002

Merle W. Schotanus, Grantham  
Succeeding: George J. Khoury, Salem (resigned)  
Effective: Upon confirmation  
TERM: June 30, 2001

### **WASTE MANAGEMENT COUNCIL**

Richard DiPentima, Lee  
Public Health Expert  
Succeeding: William Arnold, Manchester  
Effective: Upon confirmation  
TERM: December 23, 2001

John H. Osgood, Wolfeboro  
Private Solid Waste Management Industry  
Reappointment  
Effective: Upon confirmation  
TERM: December 23, 2002

### **STATE COMMISSION ON THE STATUS OF WOMEN**

Katherine Aeschliman, Keene  
Succeeding: Darlene Goodin, New Boston (resigned)  
Effective: Upon confirmation  
TERM: October 20, 1999

Priscilla J. Shaw, Newmarket  
Succeeding: Elizabeth Powell, Hampton  
Effective: Upon confirmation  
TERM: October 20, 2001

### **BUSINESS FINANCE AUTHORITY**

#1 The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Streeter, authorized to hold a Public Hearing with respect to the financing of an industrial facility by the Business Finance Authority for Lew A. Cummings Co., Inc. located in Hooksett, NH. Action will authorize a Resolution under RSA 162 I:9 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

A roll call vote as requested, 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 DECEMBER 2, 1998 IN THE COUNCIL CHAMBER, STATE HOUSE, CONCORD At 11:00 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 Lew A. Cummings Co., Inc. in Hooksett 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 Jack Cummings, President of Lew A. Cummings Co., 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 Normand 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 LEW A. CUMMINGS CO., INC. IN HOOKSETT" and moved its adoption, which was seconded by Councilor Burton. 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 Spaulding, Councilor Griffin, Councilor Normand and Councilor 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 LEW A. CUMMINGS CO., INC. IN HOOKSETT

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 Lew A. Cummings Co., Inc. (the "Borrower") in Hooksett by the Authority's making of up to \$2,662,200 in a loan 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 and installation of a printing press to be located at 4 Peters Brook Drive in the Town of Hooksett which will be owned by the Borrower for use in the commercial printing business. 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 Loan Agreement and Escrow Agreement (which are combined financing documents 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 Loan 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 December 2, 1998

#2 The Governor and Executive Council, on motion of Councilor Streeter, seconded by Councilor Burton, authorized to hold a Public Hearing with respect to the financing of an industrial facility by the Business Finance Authority for FARM Steel, Inc. and Austin Realty, Inc., Rindge, NH. Action will authorize a Resolution under RSA 162-I:9 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act. A roll call vote as requested, 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 DECEMBER 2, 1998 IN THE COUNCIL CHAMBER, STATE HOUSE, CONCORD

At 11:05 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 Austin Realty Ltd. and FARM Steel, Inc. in Rindge 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 Ann Gavin, President of FARM Steel, 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 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 AUSTIN REALTY LTD. AND FARM STEEL, INC. IN RINDGE" and moved its adoption, which was seconded by Councilor Burton. 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 Spaulding, Councilor Griffin, Councilor Normand and Councilor 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 AUSTIN REALTY LTD. AND FARM STEEL, INC. IN RINDGE

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 Austin Realty Ltd. ("Austin") and FARM Steel, Inc. ("FARM") (collectively, the "Borrowers") in Rindge by the Authority's making of up to \$1,515,000 in a loan 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 construction of an approximately 32,000 square foot enclosed cranebay and the renovation and equipping of an existing manufacturing facility located at 97 Hunt Hill Road in the Town of Rindge which will be owned by Austin and used by FAMM in the fabrication of structural steel. 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 Borrowers have the skills and financial resources necessary to operate the Facility successfully;

(3) The Loan Agreement and Escrow Agreement (which are combined financing documents 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 Loan 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 December 2, 1998



#3 The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Streeter, authorized to hold a Public Hearing with respect to the financing of an industrial facility by the Business Finance Authority for Luminescent Systems, Inc., Lebanon, NH. Action will authorize a Resolution under RSA 162-I:9 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

A roll call vote as requested, the results areas 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 DECEMBER 2, 1998 IN THE COUNCIL CHAMBER, STATE HOUSE, CONCORD

At 11:10 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 Luminescent Systems, Inc. in Lebanon and declared that the public hearing on the subject had commenced. She said that she 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 financing 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 and introduced Don Derrick of Luminescent Systems, 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 LUMINESCENT SYSTEMS, INC. IN LEBANON" and moved its adoption, which was seconded by Councilor Streeter. 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 Spaulding, Councilor Griffin, Councilor Normand and Councilor 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

LUMINESCENT SYSTEMS, INC. IN LEBANON 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 Luminescent Systems, Inc. (the "Borrower") in Lebanon by the Authority's issue of up to \$7,500,000 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 9.6 acres of land and the construction and equipping of an approximately 80,000 square foot industrial facility located at Lot 27, Centerra Business Park, 4 Lucent Drive in the City of Lebanon which will be used by the Borrower in the manufacture of electroluminescent lighting products. 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 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 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 Agreement 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.

Passed and Agreed to December 2, 1998

#4 The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Spaulding, authorized to hold a Public Hearing with respect to the financing of an commercial facility by the Business Finance Authority for Valley Regional Hospital, Claremont, NH. Action will authorize a Resolution under RSA 162-I:9 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

A roll call vote as requested, 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 DECEMBER 2, 1998 IN THE COUNCIL CHAMBER, STATE HOUSE, CONCORD

At 11:15 a.m., the Governor announced that the next matter to be considered would be the financing of a commercial facility project by the Business Finance Authority for Valley Regional Hospital, a tax-exempt organization described in Section 501 (c)(3) of the Internal Revenue Code (the "Borrower") in Claremont 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 Dean Bitner, Chief Financial Officer of the Borrower. 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 A COMMERCIAL FACILITY BY THE BUSINESS FINANCE AUTHORITY FOR VALLEY REGIONAL HOSPITAL IN CLAREMONT, NEW HAMPSHIRE" 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 Councilor Burton, Councilor Spaulding, Councilor Griffin, Councilor Normand and Councilor 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 A COMMERCIAL FACILITY BY THE BUSINESS FINANCE AUTHORITY OF THE STATE OF NEW HAMPSHIRE FOR VALLEY REGIONAL HOSPITAL IN CLAREMONT, NEW HAMPSHIRE

WHEREAS, the Governor and Council have received from the Business Finance Authority of the State of New Hampshire (the "Authority") its written recommendation that the Governor and Council make certain findings and a determination under RSA 162-I:9 with respect to the financing or refinancing of a commercial facility for Valley Regional Hospital, a tax-exempt organization described in Section 501 (c)(3) of the Internal Revenue Code (the "Borrower") in Claremont, New Hampshire by the Authority's issuance of up to \$1,950,000 in Bonds (the "Bonds") under RSA 162-I (the "Act"); and

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

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

NOW, THEREFORE, in consideration of the foregoing, IT IS HEREBY RESOLVED THAT:

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

(a) Special Findings.

(1) The project to be financed or refinanced with the proceeds of the Bonds consists of (i) the acquisition of a computer system, medical equipment and certain building alterations required therefor; and (ii) the payment of certain closing costs (collectively, the "Facility"). The Facility is within the definition of "Commercial Facility" in RSA 162-I and may be financed under the Act.

(2) The establishment and operation of the Facility will create and preserve employment opportunities directly or indirectly within the State of New Hampshire (the "State").

(b) General Findings.

(1) The creation, establishment, acquisition, construction, expansion, remodeling or replacement of the Facility (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 Master Financing Agreement and Escrow Agreement and the other documents evidencing and securing the Bonds (the "Financing Documents") contain provisions so that under no circumstances will the Authority be obliged, directly or indirectly, to pay Project costs, debt service or expenses of operation, maintenance and upkeep of the Facility except from proceeds of the Bonds or from funds received under the Financing Documents, exclusive of funds received under the Financing Documents by the Authority for its own use.

(4) The Financing Documents do not purport to create any debt of the State with respect to the Facility, other than a special obligation of the Authority acting on behalf of the State under the Act.

(5) The proposed financing of the Project by the Authority and the proposed operation and use of the Facility will serve one or more needs and implement one or more purposes set forth in RSA 162-I, will preserve or increase the social or economic prosperity of the State and one or more of its political subdivisions, and will promote the general welfare of the State's citizens.

Section 2. Ultimate Finding and Determination. The Governor and Council find that the proposed financing, operation and use of the Facility will serve a public use and provide a public benefit and determine that the Authority's financing of the Project will be within the policy of, and the authority conferred by, the Act.

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

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

Passed and Agreed to: December 2, 1998.

#5 The Governor and Executive Council, on motion of Councilor Spaulding, seconded by Councilor Streeter, authorized to hold a Public Hearing with respect to the financing of an industrial facility by the Business Finance Authority for Frameworks, Inc., Antrim, NH. Action will authorize a Resolution under RSA 162-I:9 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

A roll call vote as requested, 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 DECEMBER 2, 1998 IN THE COUNCIL CHAMBER, STATE HOUSE, CONCORD

At 11:20 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 Frameworks, Inc. in Antrim 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 Belliveau, President of Frameworks, Inc. Mr. Donovan stated there was a misprint in the public notice for the project. The amount of bond issue is \$2,200,000 not \$2,000,000. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Spaulding 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 FRAMEWORKS, INC. IN ANTRIM" and moved its adoption, which was seconded by Councilor Streeter. 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 Spaulding, Councilor Griffin, Councilor Normand and Councilor 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 162I:9 WITH RESPECT TO THE FINANCING OF AN INDUSTRIAL FACILITY BY THE BUSINESS FINANCE AUTHORITY FOR FRAMEWORKS, INC. IN ANTRIM

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 162I:9 with respect to the financing of an industrial facility for Frameworks, Inc. (the "Borrower") in Antrim by the Authority's making of a loan (the "Loan") of up to \$2,200,000 under RSA 162I (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 5.133 acres of land and the renovation of existing buildings and construction of approximately 40,000 square feet of new manufacturing space located on High Street in the Town of Antrim which will be used by the Borrower in the manufacture of automobile lighting products. The Project is within the definition of "Industrial facility" in RSA 162I (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 Loan Agreement and Escrow Agreement (which are combined financing documents 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 Loan 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 162I: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 December 2, 1998

#### **OFFICE OF STATE PLANNING**

The Governor and Executive Council acted as follows:

#6 Authorized the Department of Resources and Economic Development (DRED) to provide \$5,000 through June 30, 1999 for maintenance and support of the GRANIT project at the University of New Hampshire. (2) Authorized to accept and expend these funds for the maintenance and support of GRANIT project at the University of New Hampshire.

#7 Authorized to AMEND an existing Agreement with the City of Dover, [initially approved on August 12, 1998 (Item #12)], by changing the end date from December 31, 1998 to June 30, 1999. No additional funds are required by this action.

#8 Authorized to accept and place on file the Land Conservation Investment Program (LCIP) Monitoring Activities Report for FY 98. This report was accepted by the Council on Resources and Development and is submitted in accordance with NH Administrative Rules Part Land 1104.02(d) and RSA 162-C (formerly RSA 221-A).

#### **OFFICE OF EMERGENCY MANAGEMENT**

#9 The Governor and Executive Council, on motion of Councilor Griffin, seconded by Councilor Streeter, authorized to accept and expend supplemental disaster assistance funds in the amount of \$1,014,001 from the Federal Emergency Management Agency through June 30, 2001. These are supplemental funds for additional damages as a result of a severe ice storm, high winds, and snow during the period of January 7, 1998 through January 16, 1998.

#### **OFFICE OF THE ADJUTANT GENERAL**

The Governor and Executive Council acted as follows:

#10 Authorized the confirmation of Lt. Col. Michael W. Horne, Hooksett, NH to the rank of Colonel, New Hampshire Air National Guard.

#11 Authorized the confirmation of Captain Gayle M. Turner, Melrose, MA to the rank of Major, New Hampshire Air National Guard.

#12 Authorized the nomination of Major Steven F. Greco, Rye, NH to the rank of Lieutenant Colonel, New Hampshire Air National Guard.

#13 Authorized the nomination of Major Peter R. Crocker, Andover, MA to the rank of Lieutenant Colonel, New Hampshire Air National Guard.

#14 Authorized the nomination of Captain Luis N. Maldonado, Concord, NH to the rank of Major, New Hampshire Army National Guard.

#15 Authorized the nomination of Captain Lawrence A. Rea, Somersworth, NH to the rank of Major, New Hampshire Air National Guard.

#16 Authorized the nomination of Captain John F. Cuddy, Londonderry, NH to the rank of Major, New Hampshire Air National Guard.

#17 Authorized the nomination of Captain Mark W. Leahey, Rochester, NH to the rank of Major, New Hampshire Air National Guard.

#18 Authorized the nomination of Captain Timothy D. Ainsworth, New Boston, NH to the rank of Major, New Hampshire Air National Guard.

#19 Authorized the nomination of MAJ Jeffery R. Howard, Littleton, NH to the rank of Lieutenant Colonel, New Hampshire Air National Guard.

#20 Authorized for nomination of MAJ Dwight D. Kranz, Jr, Hampton, NH to the rank of Lieutenant Colonel, New Hampshire Air National Guard.

#21 Authorized for nomination of CPT Joanne R. Gauthier, Barnstead, NH to the rank of Major, New Hampshire Air National Guard.

#### **DEPARTMENT OF ADMINISTRATIVE SERVICES**

#22 The Governor and Executive Council, on motion of Councilor Normand, seconded by Councilor Burton, authorized list of agency transfers for Fiscal Year 1999 during the month of October 1998.

#### **NEW HAMPSHIRE DEPARTMENT OF STATE**

#22A The Governor and Executive Council, on motion of Councilor Streeter, seconded by Councilor Normand, authorized to accept and place on file the return of votes cast at the biennial election held November 3, 1998 in several towns and wards of the State for the proposed amendments to the New Hampshire Constitution.

#### **TREASURY DEPARTMENT**

The Governor and Executive Council acted as follows:

#23 Authorized to accept and expend \$46,206.00 in Fiscal Year 1999 additional program revenues through June 30, 1999 and direct the Director, Division of Accounting Services, to adjust the budget as indicated in letter of November 18, 1998.

#24 Authorized to accept and place on file the Annual Report of the Treasurer for the fiscal year ended June 30, 1998.

#25 Authorized to issue a warrant from funds not otherwise appropriated and the State Treasurer to issue checks totaling the amount \$6,761.49 as indicated in letter of November 18, 1998.

## **DEPARTMENT OF CULTURAL RESOURCES**

The Governor and Executive Council acted as follows:

#26 Authorized Division of Libraries to enter into an agreement with R&W Cleaning Services, Inc., Manchester, NH in the amount of \$14,666.00 through June 30, 2000 for janitorial services at the Library Services to Persons with Disabilities Section located in the Dolloff Building on the New Hampshire Hospital grounds.

#27 Authorized Division of Arts to grant an award to Operafest of New Hampshire in the amount of \$5,000 upon Governor & Council approval. This grant will support the arts programming for the 1998-1999 season.

## **DEPARTMENT OF JUSTICE**

The Governor and Executive Council acted as follows:

#28 Authorized, with Councilor Normand Abstaining, to expend \$100,000 from the general fund to pay unanticipated litigation costs incurred in the defense of the State of New Hampshire in its tobacco litigation as specified in letter of November 5, 1998. FISCAL COMMITTEE APPROVED

#29 Authorized to accept and expend a grant of \$659,200 from the U.S. Department of Justice through September 30, 2000.

#30 Authorized to enter into grants with the Administrative Office of the Courts in the amount of \$13,500 through September 30, 1999. This request is for equipment to ensure the timeliness and accuracy of Domestic Violence Restraining Orders by entering required data directly into the federal data base rather than relaying the data to the New Hampshire State Police as is current practice.

#31 Authorized to RETROACTIVELY grant permission to Mary Castelli, Assistant Attorney General and Christopher Domian, Investigator to travel out of state to Richmond, Virginia to the National White Collar Crime Center Focus Group for three days, November 30 through December 2, 1998.

#32 Authorized to RETROACTIVELY grant permission to Senior Assistant Attorney General Michael J. Walls, Bureau Chief of the Environmental Protection Bureau; and Assistant Attorney General Geoffrey J. Ransom, Environmental Protection Bureau to travel out of state to the Northeast Environmental Enforcement Project Conference in Charlottesville, Virginia for three days, November 16 through November 18, 1998.

#33 Authorized to RETROACTIVELY grant permission for Michael DeLucia, Director Charitable Trusts; and Terry Knowles, Registrar of Charitable Trusts to travel out of state to the Workshop for IRS 990 Automation for three days, December 2 through December 4, 1998.

## **EMPLOYMENT SECURITY**



The Governor and Executive Council acted as follows:

#34 Authorized to enter into a service agreement with Brix & Stix Construction Corporation, in the amount of \$25,000.00 annually through June 30, 2001 for snow plowing and removal services at NHES's Manchester Administrative and local offices.

#35 Authorized to enter into a service agreement with AAA Energy Service Inc. in the amount of \$35,000.00 annually through June 30, 2001 for HVAC maintenance services at NHES's Manchester Job and Information Center.

#### **DEPARTMENT OF CORRECTIONS**

The Governor and Executive Council acted as follows:

#36 Authorized to accept and expend a grant in the amount of \$52,329.22 from the NH Department of Education through June 30, 1999. This grant will provide for an up to date computer network with current software programs to aid both staff and inmates to develop and implement career assessments.

#37 Authorized request to establish a Records Clerk position through June 30, 1999 as specified in letter of October 7, 1998. FISCAL COMMITTEE APPROVED

#38 Authorized request to expend \$15,000 from the line item appropriated for Corrections and Supervision Services related to overcrowding for the purpose of contracting with the Department of Health and Human Services for a relapse prevention program for offenders under parole or probation supervision, as a alternative to violation and subsequent incarceration at the State Prison, as specified in letter of September 15, 1998. FISCAL COMMITTEE APPROVED

#39 Authorized to accept the 119 ceramic molds as indicated in letter of November 6, 1998 which have been donated to the NHSP for Men Ceramics Program by Neil and Patti Ewing, 63 W. Parish Road, Concord, NH. The molds are valued at \$2,000.

#### **DEPARTMENT OF LABOR**

#40 The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Spaulding, authorized to renew lease with the Lighthouse Trust, 124-D Hall Street, Concord, NH for a total cost not to exceed \$34,080.00 for the period January 1, 1999 to December 31, 2000 for 3,000 square feet of storage space located at 126-C Hall Street, Concord, NH.

#### **NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS**

#41 The Governor and Executive Council, on motion of Councilor Streeter, seconded by Councilor Normand, authorized to budget and expend funds brought forward from prior year funds in the amount of \$1,000 and adjust appropriation 010-076-2150 as indicated in letter of November 19, 1998.

#### **DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT**

The Governor and Executive Council acted as follows:

#42 Authorized Office of Travel and Tourism Development to pay annual membership in the Travel Industry Association of America in the amount of \$1,305.00 and to pay a publications subscription in the amount of \$1,900.00 for a total of \$3,205.00.

#43 Authorized the Division of Forests and Lands to reallocate the balance of \$11,784.20 which was unexpended as of September 30, 1998 from a two year federal allotment for the Federal Fiscal Years October 1, 1997-September 30, 1999 under Cooperative Forestry Assistance Act of 1978, PL 95-313, Urban and Community Forestry, America the Beautiful.

#44 Authorized Office of Business and Industrial Development to accept funds totaling \$90,338.50 from the Department of Defense in accordance with grant #SP4800-098-2-0036 for continuation of a New Hampshire Procurement Technical Assistance Program for the period of January 1, 1999 to December 31, 1999. (2)Authorized to amend and approve two full-time temporary positions, Secretary II Labor Grade 8 and Program Assistant Labor Grade 11 through June 30, 1999, not December 31, 1999 as specified in letter of November 4, 1998. FISCAL COMMITTEE APPROVED

#45 Authorized, with Councilor Streeter voting NO, to enter into contract with Plugged N Systems of Jackson, Mississippi, in the amount of \$14,500.00 for obtaining a customized version of the Global Trade Management Systems Software Program. SOLE SOURCE

#46 Authorized Office of Travel and Tourism Development to enter into an agreement with Whitewater Production Company, North Hampton, NH in the amount of \$25,178.00 through June 30, 1999 for the production of six-minute promotional video presenting an overall look at what New Hampshire offers from a travel and tourism standpoint.

#47 Authorized Division of Economic Development to award grants under the Joint Promotional Program in the total amount of \$177,630.35 to the associations and in the amounts as specified in letter of September 16,1998.

#48 Authorized Division of Parks and Recreation, Bureau of Trails to enter into a Grant-in-Aid Equipment Contract with the Lyme Pinnacle Snowmobile Club in the amount of \$26,000.00 through January 1, 1999.

#49 Authorized Division of Parks and Recreation, Bureau of Trails to enter into a Grant-in-Aid Equipment Contract with the Swift Diamond Snowmobile Club in the amount of \$1,000.00 through May 1, 1999.

#49A Authorized Division of Parks and Recreation request for approval of recommendations made by the Cannon Mountain Advisory Commission for capital improvements for the ski area and related state park facilities at Cannon Mountain as detailed on page V-3 of the Cannon Mountain Master Development Plan attached to letter of November 20, 1998. This approval is for Phase I.

## **DEPARTMENT OF ENVIRONMENTAL SERVICES**

The Governor and Executive Council acted as follows:

#50 Authorized request to establish a Civil Engineer IV position through June 30, 1999 as specified in letter of November 2, 1998. FISCAL COMMITTEE APPROVED

#51 Authorized Water Division, Maintenance Section under the authority of RSA 482:57, to budget unallocated Maintenance of Dams funds in the amount of \$187,000 for FY99.

#52 Authorized Air Resources Division, blanket approval for out-of-state travel to Kittery and other locations in Maine for more than one person for the period from January 1, 1999 through March 31, 1999 [Initially approved on February 1, 1995 (Item #61)].

#53 Authorized Water Division to enter into a service agreement with Sharon and Walter Construction, Inc. 128 A Hall Street, Concord in an amount not to exceed \$22,320.00 through June 30, 1999 for roofing repairs at Seawalls Falls Maintenance Facility in Concord, NH.

#54 Authorized to enter into agreements with each of the nine regional planning agencies in New Hampshire, in order to implement the second year of a new Regional Environmental Planning Program, for a total of \$225,000 through June 30, 1999.

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **OFFICE OF FINANCE**

The Governor and Executive Council acted as follows:

#55 Authorized to AMEND the agreement between the Secretary of the United States Department of Health and Human Services and the State of New Hampshire, to extend Social Security and Medicare coverage to the employees of Town of Dunbarton whose positions are covered by the New Hampshire Retirement System-Group I. Effective date of coverage is June 1, 1995.

#56 Authorized Department of Expenditures, an exception to Adm. 610.03 (d), New Hampshire Code of Administrative Rules, to negotiate a long term lease agreement for a maximum of ten years for office space in Nashua, New Hampshire.

### **OFFICE OF HEALTH MANAGEMENT**

The Governor and Executive Council acted as follows:

#57 Authorized Bureau of Disease Prevention and Control to accept and expend \$8,267 in federal refugee grant funds from the Federal Department of Health and Human Services through June 30, 1999.

#58 Authorized to enter into contract with Ana Reya Concepcion-Medina, MD, Northfield, NH through November 18, 2000 for an amount not to exceed \$40,000. This contract is in conjunction with the State Loan Repayment Program that requires a two-year contract for eligibility.

#59 Authorized to enter into contract with Mary Elizabeth Weber, FNP, Colebrook, NH through November 18, 2000 for an amount not to exceed \$18,680. This contract is in conjunction with the State Loan Repayment Program that requires a two-year contract for eligibility.

#60 Authorized Special Medical Services Bureau to RETROACTIVELY enter into an agreement with the University of Massachusetts Medical Center, Jamaica Plain, Massachusetts, retroactive to July 1, 1998 through June 30, 1999 in an amount not to exceed \$220,235. This contract provides for laboratory analysis of blood samples obtained on all New Hampshire newborns in order to test for six potentially harmful disorders: Phenylketouria, Galactosemia, Homocystinuria, Maple Syrup Urine Disease, Hypothyroidism, and Toxoplasmosis.

## **DEPARTMENT OF YOUTH DEVELOPMENT SERVICES**

#61 The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Spaulding, authorized to enter into a contract with Jennifer Johnson, RD, in the amount of \$8,280 through December 1, 2001. Miss Johnson will provide dietary reviews of the Department's menus for residents, prepare individual menus for youth requiring special diets. She will also provide consultation in all areas of institutional food preparation and dietetic services to the Department's Dietary Staff provide training in nutrition, applicable sanitation, and health codes to Department Dietary and/or Medical Staff.

### **OFFICE OF FAMILY SERVICES**

The Governor and Executive Council acted as follows:

#62 Authorized Office of Family Services, Children, Youth and Families to enter into an agreement with Community Alliance of Human Services, Claremont, NH, in an amount not to exceed \$13,425.00 through June 30, 1999. This contract would continue to enhance and expand the structured system of family involvement, education, empowerment and advocacy known as the Family Empowerment Project.

#63 Authorized Office of Family Services, Children, Youth and Families to enter into an agreement with Family Resource Center at Gorham, Gorham, NH in an amount not to exceed \$15,000.00 through September 15, 1999. This contract would implement the Community Action Plan developed by the local Interagency Team under a previous contract.

#### **NEW HAMPSHIRE HOSPITAL**

#64 The Governor and Executive Council, on motion of Councilor Spaulding, seconded by Councilor Burton, authorized to enter into an agreement with Walchak's Lawn and Home Care Inc., 8 Sullivan Drive, Bow, NH through June 30, 2000 in the amount of \$28,650 for snow and ice removal, pressure washing and power sweeping services.

#### **NEW HAMPSHIRE VETERANS HOME**

#65 The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Griffin, with Councilor Streeter voting NO, authorized to AMEND agreement with Aries Engineering, Inc, Concord, NH for environmental consulting and engineering services by increasing the amount by \$28,920.00 from \$22,525.00 to \$51,445.00 to perform Ground Water Management Permit Deed Recordation and 5-Year Ground Water Monitoring Services. The Completion date will be April 2003.  
SOLE SOURCE

#### **DEPARTMENT OF EDUCATION**

The Governor and Executive Council acted as follows:

#66 Authorized to accept and expend additional federal funds in the amount of \$114,158.79 during the fiscal year ending June 30, 1999 in Account No. 025-056-4050 and direct the Director, Division of Accounting Services to adjust the budget as indicated in letter of November 6, 1998.

#67 Authorized to accept and expend additional revenue in the amount of \$120,738.83 in Account Number 025-056-6031 Apprenticeship Training through June 30, 1999.

#68 Authorized to accept and expend additional grant funds in the amount of \$1,288,725.61 from the United States Department of Education during the fiscal year ending June 30, 1999, in Account No. 025-56-3095 and direct the Director, Division of Account Services, to adjust the budget as indicated in letter of October 29, 1998.

#69 Authorized to accept and expend additional grant funds in the amount of \$139,147.87 from the United States Department of Education during the fiscal year ending June 30, 1999, in Account No. 025-056-3267 and direct the Director, Division of Accounting Services to adjust the budget as indicated in letter of October 29, 1998.

#70 Authorized, with Councilor Streeter voting NO, to enter into contract with Patricia Delisle, Concord, NH at a per page rate of \$3.00, in an amount not to exceed \$19,998.00 through June 30, 1999 to provide transcription service for due process hearings to settle disputes between the parents of a student with disabilities and school districts. SOLE SOURCE

#71 Authorized with Councilor Streeter voting NO, to enter into contract with Jan B. Martin, Weare, NH at a per page rate of \$3.00, in an amount not to exceed \$19,998.00 through June 30, 1999 to

provide transcription service for due process hearings to settle disputes between the parents of a student with disabilities and school districts. SOLE SOURCE

#72 Authorized with Councilor Streeter voting NO, to enter into contract with Judith A. Park, Hampton, NH at a per page rate of \$3.00, in an amount not to exceed \$19,998.00 through June 30, 1999 to provide transcription service for due process hearings to settle disputes between the parents of a student with disabilities and school districts. SOLE SOURCE

#73 Authorized, with Councilor Streeter voting NO, to enter into contract with Richard E. Cowing, Plymouth, NH at a per page rate of \$3.00, in an amount not to exceed \$19,998.00 through June 30, 1999 to provide transcription service for due process hearings to settle disputes between the parents of a student with disabilities and school districts. SOLE SOURCE

## **NH COMMUNITY TECHNICAL COLLEGE SYSTEM**

The Governor and Executive Council acted as follows:

#74 Authorized to establish a TI/C Associate Professor position, adjunct faculty and educational service consultants through June 30, 1999 and transfer and expend \$63,200 from the Department's non-lapsing account to establish a Mobile Equipment and Diesel Technology Program as specified in letter dated October 27, 1998.

## **FISCAL COMMITTEE APPROVED**

#75 Authorized request to transfer and expend \$80,000 from the Department's non-lapsing account to establish a Cisco Networking Academy at each Regional Community Technical College and Institute, as specified in letter dated November 3, 1998. FISCAL COMMITTEE APPROVED

#76 Authorized N. H. Technical Institute, N. H. Community Technical Colleges, Christa McAuliffe Planetarium, and Police Standards and Training blanket exemption to the two or more person out-of-state travel prior approval requirement for the purposes described as indicated in letter of November 5, 1998, as authorized by the Commissioner, to various locations throughout New England, for the period January 1, 1999 through June 30, 1999.

#77 Authorized Manchester Community Technical College to extend the service period of Ms. Maxine Little, position #8T035, as a temporary full-time I/C Counselor I, classification 522000, Grade 10, A216 for a period of seven months. This extension period will be from December 5, 1998 through June 30, 1999.

#78 Authorized NHCTC-Berlin to enter into a electrical and refrigeration service contract with Ray's Electric, Inc., PO Box 383, Jericho Road, Berlin, NH in the amount not to exceed \$4000.00 through June 30, 1999. This contract is for the wiring of auto lifts, installing new electrical panels for additional equipment, and installing outlets and receptacles.

#79 Authorized NHCTC-Manchester to enter into an instructional contract with Frank Stetson of Training and Certification Specialists, PO Box 139, Milford, NH in the amount not to exceed \$10,295.00 through June 30, 1999 to provide instructional services in electronic soldering.

#80 Authorized NHCTC-Stratham to enter into an consulting contract with Carl Lind, 42 Tidewater Farm Road, Stratham, NH, in the amount not to exceed \$10,000.00 through June 30, 1999 to provide consulting services for Chief Executive Officers of three New Hampshire Companies, ADMIX, Inc., Laurier Inc. and Metal Works Corporation.

## **NEW HAMPSHIRE SWEEPSTAKES COMMISSION**

#81 The Governor and Executive Council, on motion of Councilor Spaulding, seconded by Councilor Streeter, authorized request for the third quarter of FY 99 for the Commission Members, Executive Director and such employees of the Sweepstakes Commission as may be authorized by the Executive Director to travel out-of-state in the execution of the Tri-States Megabucks Program.

#### **POSTSECONDARY EDUCATION COMMISSION**

#82 The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Streeter, authorized to award a \$6,000.00 grant under the provisions of RSA 188-D:33-35 for the purpose of granting scholarships to New Hampshire residents who have completed their freshman year and who will be selected for scholarships by the college on the basis of financial need or merit.

#### **DEPARTMENT OF SAFETY**

The Governor and Executive Council acted as follows:

#83 Authorized and extension of leave of absence without pay through January 16, 1999 to be grant to Dorinda Louise, Auditor, II.

#84 Authorized to accept and expend a \$194,710.00 State Identification System Grant (SIS) from the State Department of Justice through September 30, 1999.

#85 Authorized to accept and expend a \$210,000.00 grant from the State Department of Justice to assist in establishing The National Sex Offender Registry Assistance Program.

#### **DEPARTMENT OF TRANSPORTATION**

The Governor and Executive Council acted as follows:

#86 Authorized to provide shared financial support of the SHRP-HWYCON Software Project as a joint development program administered by the American Association of State Highway and Transportation Officials, 444 N. Capitol Street, N.W., Suite 249, Washington, DC for a total fee of \$3000.00.

#87 Authorized the Department to sell a 8,208 square foot residential lot improved with a 1 1/2 story single family house in Exeter to Philip Pastan for \$99,000. \$500.00 of the sale price to be credited to 015-096-0000 REV/SRC 2156 Sale of Service while the remainder of \$98,500.00 dollars to be credited to Stratham-Exeter, NHS-F018-2-(59), 10421, 015-096-3054-090-0308.

#88 Authorized to accept a Petition for a hearing on alterations to a portion of U.S. Route 4 in the Town of Grafton as specified in letter of November 9, 1998.

#89 Authorized to accept the Contemplated Award List for the period October 27, 1998 through November 10, 1998.

#90 Authorized to accept and place on file the Department's Equipment Acquisition Plan Status Report for the period ending October 31, 1998.

#91 Authorized to AMEND the scope of work by increasing the total amount payable for Contract #216282 with Green Mountain Consultant Group of Pembroke, NH by \$96,116.00. This changes the May 27, 1998, original resolution encumbrance of \$184,500.00 to a revised amount of \$280,616.00.

#92 Authorized to AMEND the existing agreement with Central New Hampshire Planning Commission. The completion date was amended on July 4, 1998 to read September 30, 1998. This amendment changes the completion date to March 1, 1999 and the Prime Limitation be increased to \$49,000.00.

#93 Authorized to expend an amount not to exceed \$25,000.00 from appropriation Account #010-096-2991-090-0252 for the purchase of a new railroad bridge timbers and other track materials to repair railroad bridge #19.99 in Tilton, and for the purchase of railroad cross-ties that will also be installed on the State-owned Concord to Lincoln Railroad Line.

#94 Authorized to enter into an agreement with Tennant/Wallace Architects, 74 West Merrimack Street, Manchester, NH, for a lump sum price of \$89,000.00 for the purpose of Design, Study, and Schematic Plan Development for Conversion of the Walker Building, New Hampshire Hospital Campus, State Offices Park South, Concord, NH. (2) Further resolve that a contingency in the amount of \$8,900.00 be approved for payment of latent conditions which may appear during the execution of the project.

#95 Authorized to enter into a contract with Limerick Steepjacks, Inc., PO Box 550, Limerick, ME for a lump sum price of \$98,600.00 for the purpose of Exterior Paint and Repairs, Londergan Hall and Spaulding Hall, New Hampshire Hospital Campus, State Office Park South, Concord, NH. (2) Further resolve that a contingency in the amount of \$4,930.00 be approved for payment of latent conditions which may appear during the execution of the project.

#96 Authorized to enter into a contract with Major L. Rodd, Inc., 2 Perkins Street, St. Johnsbury, VT for a lump sum price of \$146,175.00 for the purpose of re-roofing Little Hall, New Hampshire Technical Institute, Concord, NH. (2) Further resolve that a contingency in the amount of \$13,000.00 be approved for payment of latent conditions which may appear during the execution of the project.

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

The Governor and Executive Council acted as follows:

#97 Authorized request of Tony Lacava to install a pier with aluminum ramp to a seasonal float on property located at Sagamore Creek in Rye.

#98 TABLED-The Governor and Executive Council, on motion of Councilor Griffin, seconded by Councilor Normand, voted to TABLE the request of Michael Thiel to construct a permanent pier with a ramp to an L-shaped float system on property located at Berry Brook in Rye.

#99 Authorized request of Clayton Wentworth to construct and install a cantilevered boardwalk on property located on the Piscataqua River in Dover.

#100 Authorized request of Bruce Myers to construct a seasonal dock with runners attached to anchoring blocks on property located at Great Bay in Greenland.

#101 Authorized, with Councilor Streeter and Councilor Spaulding voting NO, request of Rita Betournay to dredge area in front of an existing boat ramp located adjacent to designated prime wetland of the Heath Brook wetland complex on Wentworth Lake in Wolfeboro.

#### **#102 TUITION REQUESTS**

The Governor and Executive Council approved the following tuition requests:

A. ADMINISTRATIVE SERVICES, Office of the Commissioner - Request permission to pay New Hampshire College, Graduate School, Manchester, NH, the sum of \$945.00 for the sole purpose enrolling Mike Hoffman, Business Supervisor Trainee, in the course entitled "Business Law."

B. EMERGENCY MANAGEMENT - Requests permission to pay New Hampshire College, Concord, NH, the sum of \$945.00 for the sole purpose of enrolling Jennifer Harper, Exercise Training Officer, in the course entitled "Marketing Strategies."

C. HEALTH AND HUMAN SERVICES, Office of Health Management - Requests permission to pay New Hampshire College, Manchester, NH, the sum of \$945.00 for the sole purpose of enrolling Arthur Chicaderis, Health Policy Analyst, in the course entitled "Topics in Health Administration."

D. HOSPITAL - Requests permission to pay the University of New Hampshire, Durham, NH, the sum of \$679.00 for the sole purpose of enrolling William Savage, Recreational Therapist I, in the course entitled "Recreational Services for Individuals."

E. HOSPITAL - Requests permission to pay the College for Lifelong Learning, Manchester, NH, the sum of \$420.00 for the sole purpose of enrolling Carl Steele, Recreational Therapist II, in the course entitled "Principles of Case Management."

F. TRANSPORTATION - Requests permission to pay New Hampshire College the sum of \$944.00 for the sole purpose of enrolling Margaret Blacker, Business Administrator, in the courses entitled "Strategic Management", and "Production and Operations Management", also permission to pay Franklin Pierce College, Concord, NH, the sum of \$810.00 for the sole purpose of enrolling Charles Dusseault, Civil Engineer IV, in the courses entitled "Legal and Ethical Issues for Leadership", and "Economics."

G. YOUTH DEVELOPMENT SERVICES - Requests permission to pay Keene State College, Keene, NH, the sum of \$668.80 for the sole purpose of enrolling Robyn Catcott, Teacher III, in the course entitled "Teaching Students with Learning Disabilities."

H. YOUTH DEVELOPMENT SERVICES - Requests permission to pay River College, Nashua, NH the sum of \$882.00 for the sole purpose of enrolling Tracy Bellemare, Guidance Counselor, in the course entitled "Abnormal Psychology for Counselors."

#### #103 TRAVEL REQUESTS

The Governor and Executive Council approved the following travel requests:

A. EDUCATION - Requests permission for Virginia O'Brien Irwin, Administrator, and Richard Barker, Education Consultant, or designee to travel to New Orleans, on December 8-13, 1998 to attend the American Vocational Association 1998 Annual Convention. Total Cost: \$3,011.90. Source of Funds: 100% Federal Funds.

B. ENVIRONMENTAL SERVICES - Requests permission for Doug Laughton, and Joy Vandezande, Air Pollution Control Engineers, or designee, to travel to Avon, CT, on December 8-10, 1998 to attend the Westar P4 Title V Permit Writers Workshop. Total Cost: \$600.00. Source of Funds: 100% Fees.

C. HEALTH AND HUMAN SERVICES, Division of Behavioral Health - Requests permission for Denise Devlin, LADC, Administrator, Karen Hicks, Governor's Rep., Stan Rosenberg, Evaluator, Alice Brunning Project Coordinator, George Wolford, Evaluator, and Michael Wrosley, Advisory Board Member, or designee, to travel to Washington, DC, on December 8-11, 1998 to attend the Building One Voice for Prevention Conference. Total Cost: \$4,338.00. Source of Funds: 80% Federal Funds & 20 % Drug Forfeiture Funds.

D. JUSTICE - Requests permission for Susan Paige-Morgan, and Timothy Brackett, Criminal Justice Program Specialist, or designee, to travel to Washington, DC, on December 8-12, 1998 to attend the Office of Juvenile Justice and Delinquency Prevention National Conference. Total Cost: \$1,976.00. Source of Funds: 100% Federal Funds.

E. SAFETY - Requests RETROACTIVE permission for Abigail Blanchard, and Audrey Martell, Auditors II, or designee, to travel to Fitchburg, MA, on November 2-6, 1998 to perform an audit on Fanelli Amusements Incorporated. Total Cost: \$80.00. Source of Funds: 100% Highway Funds.



F. SAFETY - Requests permission for Susan Ryan, and Paul Therrien, Road Toll Auditors II, or designee to travel to Tampe, AZ, on January 8-12, 1999 to attend the International Fuel Tax Administrators Audit Workshop. ALSO A CASH ADVANCE OF \$830.00 IS REQUESTED FOR Susan Ryan and ALSO A CASH ADVANCE OF \$830.00 IS REQUESTED for Paul Therrien. Total Cost: \$2,210.00. Source of Funds: 100% Motor Fuel Tax Grant.

G. SAFETY - Requests permission for Bettina Ford, and Catherine Cormier, Road Toll Auditors II, or designee, to travel to Ayer, MA, on December 14-18, 1998 to perform an audit on GV Moore Lumber Company. Total Cost: \$80.00. Source of Funds: 100% Highway Funds.

H. SAFETY - Requests permission for Jeffrey Kellett, Paralegal II, and Jacqueline Carson, Fingerprint Clerk, or designee, to travel to Los Angeles, CA, on February 1-4, 1999 to attend the Integrated Automated Fingerprint Identification System Conference. Total Cost: \$1,780.00. All costs will be reimbursed by the Federal Bureau of Investigation.

#### **LATE ITEMS**

##### **A. DEPARTMENT OF ADMINISTRATIVE SERVICES**

Authorize the appointment of Peter J. Spaulding as a designee of the Executive Council to hold a hearing on a proposal for New England College, Henniker, New Hampshire.

##### **B. ENVIORNMENTAL SERVICES**

Request of Mark Billings to dredge lakebed and excavate along shoreline to construct a dug-in boathouse providing two slips on property located at Lake Winnepesaukee in Meredith.

#### **ITEM REMOVED from TABLE**

#### **OFFICE OF HEALTH AND HUMAN SERVICES**

#79 The Governor and Executive Council, on motion of Councilor Normand, seconded by Councilor Griffin, voted to remove item #79 which was tabled on November 18, 1998 Governor and Executive Council Meeting. After considerable discussion Councilor Normand, seconded by Councilor Spaulding, voted to Table the request to RETROACTIVELY enter into a janitorial agreement with Systems Management, Inc., 1001 Sampson Street, New Castle, PA, retroactive to November 1, 1998 and to end June 30, 2000, to provide janitorial services for the Department's Concord leasehold property located at 115, 117 and 129 Pleasant Street in Concord, NH.

#### **OFFICE OF INFORMATION SYSTEMS**

#76 The Governor and Executive Council, on motion of Councilor Normand, seconded by Councilor Spaulding, voted to remove item #76 which was tabled on October 28, 1998 Governor and Executive Council Meeting. Councilor Burton, seconded by Councilor Spaulding, voted to approve the request to increase the encumbrance limit of the Technical and Support Personnel 2 contract [initially approved January 28, 1998 (item #101), and amended on August 12, 1998, (Item #119)], by \$7,532,246 from \$4,539,000 to a total cumulative amount, for all vendors, not to exceed \$12,071,246, through June 30, 1999. There is no minimum or maximum amount for any of the vendors, except that the total amount for any or all of the vendors shall not exceed the total budget amount of \$12,071,246.

#### **NO PARDON HEARINGS**

The Governor set the next regular meeting of Governor and Executive Council for December 16, 1998 at 10:30 a.m. at the State House, Concord, New Hampshire.

The Honorable Board the adjourned.

