Minutes
October 23, 2002

GOVERNOR AND EXECUTIVE COUNCIL MINUTES
State House, Concord, New Hampshire
October 23, 2002 10:30 a.m.

The Governor and Executive Council convened at 10:30 a.m., with all members present.

The Governor and Executive Council, on motion of Councilor Spaulding, seconded by Councilor Burton, accepted the minutes of October 9, 2002 with the following amendment to the nomination of Edward S. Kelly:

JOINT BOARD OF ARCHITECTS
Edward S. Kelly, Bedford
Public Member
Succeeding: William Walsh, Newport
Effective: Upon confirmation
Term: September 9, 2007

RESIGNATION

The Governor and Council on motion of Councilor Wheeler, seconded by Councilor Wieczorek, accepted the following resignation with regret:

WATER COUNCIL
Peter B. Davis, Jaffrey
Agriculture
Effective: Upon acceptance of resignation

CONFIRMATIONS

The Governor and Executive Council confirmed the following:

AIR RESOURCES COUNCIL
Linda L. Garrish, Manchester
General Public
Reappointment
Effective: December 6, 2002
Term: December 6, 2006

AIR RESOURCES COUNCIL
Robert K. McLellan, MD, MPH, Stratham
Practicing Physician
Reappointment
Effective: October 24, 2002
Term: October 24, 2006

ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION AND TREATMENT COMMISSION
William Butynski, Hinsdale
Drug Abuse Prevention
Reappointment
Effective: October 23, 2002
Term: September 20, 2005

ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION AND TREATMENT COMMISSION
David C. Charlesworth, MD, Bedford
Drug Abuse Treatment
Reappointment
Effective: October 23, 2002
Term: September 20, 2005

JOINT BOARD OF ARCHITECTS
Edward S. Kelly, Bedford
Public Member
Succeeding: William Walsh, Newport
Effective: October 23, 2002
Term: September 9, 2007

NON-MEDICAL DIRECTOR, DIVISION OF MEDICAL & PSYCHIATRIC SERVICES OF THE DEPARTMENT OF CORRECTIONS
Robert MacLeod, Thornton
Nominated by the Commissioner of the Department of Corrections
Vacancy
Effective: October 23, 2002
Term: Serves at the pleasure of the Commissioner
Salary: Group HH, Step 3 - $74,320

BOARD OF FIRE CONTROL
Brian B. Boudreau, Rochester
Propane Gas Distribution
Reappointment
Effective: October 23, 2002
Term: September 2, 2007

BOARD OF FIRE CONTROL
Richard M. Heath, Bow
Electrical Engineer
Reappointment
Effective: October 23, 2002
Term: July 8, 2007

BOARD OF FIRE CONTROL
Donna W. Knighton, Lisbon
Insurance
Reappointment
Effective: October 23, 2002
Term: July 8, 2007

BOARD OF FIRE CONTROL
William F. Ruoff, Antrim
Natural Gas Distribution
Reappointment
Effective: October 23, 2002
Term: September 2, 2007

STATE COMMISSION ON THE STATUS OF MEN
On Motion of Councilor Spaulding, seconded by Councilor Burton, with Councilor Griffin, Councilor Wieczorek and Councilor Wheeler voting NO the following appointment
FAILED
Alexander de Nesnera, MD, Concord
Vacancy

Effective: October 23, 2002
Term: Two years from date of confirmation

STATE COMMISSION ON THE STATUS OF MEN
On Motion of Councilor Spaulding, seconded by Councilor Burton, with Councilor Wieczorek and Councilor Wheeler voting NO, the Governor and Executive Council confirmed
Christopher Emond, Epsom
Vacancy
Effective: October 23, 2002
Term: One year from date of confirmation

TRANSPORTATION APPEALS BOARD
H. Edmund Bergeron, North Conway
Professional Engineer
Succeeding: Barry Lussier, Dunbarton (resigned)
Effective: October 23, 2002
Term: April 23, 2004

NEW HAMPSHIRE RETIREMENT SYSTEM BOARD OF TRUSTEES
Joseph G. Morris, Bedford
Nominated by the NH Education Association
Reappointment
Effective: October 23, 2002
Term: July 1, 2004

STATE COMMISSION ON THE STATUS OF WOMEN
Phyllis K. Abell, Portsmouth
Reappointment
Effective: October 23, 2002
Term: October 20, 2005

WATER RESOURCES COUNCIL
A. Bradford Wyman, West Dummer
Reappointment
Effective: October 23, 2002
Term: October 9, 2006

ADVISORY COUNCIL ON WORKER'S COMPENSATION
Richard N. Joy, Nottingham
Labor
Succeeding: Ronald P. Charland, Manchester (resigned)
Effective: October 23, 2002
Term: June 13, 2003

STATE COMMISSION ON THE STATUS OF WOMEN
Lillye Ramos-Spooner, Loudon
Reappointment
Effective: October 23, 2002
Term: October 20, 2005

NOMINATIONS

The Governor nominated the following:

COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE , MARKETS AND FOOD
Stephen H. Taylor, Plainfield

Reappointment
Effective: November 18, 2002
Term: November 18, 2007
Salary: HH, Max - $82,580

AIR RESOURCES COUNCIL
Allan Silber, Nashua
General Public
Reappointment
Effective: November 21, 2002
Term: November 21, 2006

CONNECTICUT RIVER VALLEY RESOURCE COMMISSION
Cynthia Reeves, Walpole
Commercial Tourism Industry
Succeeding: Sheila Satzow, Claremont (resigned)
Effective: Upon confirmation
Term: January 22, 2005

BOARD OF FORESTERS
Leon "Bud" Meader, Rochester
Public Member
Succeeding: Donna L. Schlachman, Exeter
Effective: Upon confirmation
Term: November 7, 2007

BOARD OF LICENSURE FOR INTERPRETERS FOR THE DEAF AND HARD OF HEARING
Nancy Richter, Portsmouth
State Level Licensee
Reappointment
Effective: Upon confirmation
Term: October 10, 2005

JUDICIAL COUNCIL
Richard F. Winters, Meriden
Lay Person
Succeeding: Lynn Mather, Etna (resigned)
Effective: Upon confirmation
Term: January 1, 2005

BOARD OF MENTAL HEALTH PRACTICE
George R. Samuels, Deerfield
Marriage and Family Therapist
Reappointment
Effective: Upon confirmation
Term: October 31, 2005

PESTICIDES CONTROL BOARD
Jeffrey R. Huntington, Loudon
NH Horticultural Society
Reappointment
Effective: Upon confirmation
Term: November 6, 2005

TELECOMMUNICATIONS PLANNING AND DEVELOPMENT ADVISORY COMMITTEE
Francis A. Windsor, Durham
Long Distance Learning

Reappointment
Effective: Upon confirmation
Term: October 18, 2005

TELECOMMUNICATIONS PLANNING AND DEVELOPMENT ADVISORY COMMITTEE
Kenneth G. Lurvey, Strafford
Regional Economic Development Organization or Planning Commission
Reappointment
Effective: Upon confirmation
Term: October 18, 2005

STATE COMMISSION ON THE STATUS OF WOMEN
Mary Gillette, Nashua
Succeeding: Christine Latulip, Littleton
Effective: Upon confirmation
Term: October 20, 2005

STATE COMMISSION ON THE STATUS OF WOMEN
Laurie L. Chandler, East Kingston
Succeeding: Katherine Aeschliman, Keene
Effective: Upon confirmation
Term: October 20, 2005

APPELLATE BOARD
Thomas D. Noonan, Manchester
Labor
Reappointment
Effective: Upon confirmation
Term: October 14, 2006

AMERICAN AND CANADIAN FRENCH CULTURAL EXCHANGE COMMISSION
Eric Drouart, Nashua
Succeeding: Norman J. Patenaude, Deerfield (resigned)
Effective: Upon confirmation
Term: July 25, 2003

OFFICE OF STATE PLANNING

The Governor and Executive Council acted as follows:

#1 Authorized to accept and expend additional federal funds in the amount of $200,000 from the Environmental Protection Agency (EPA Brownfields Grant), effective upon G&C approval through June 30, 2004 (see attached EPA notice of Assistance Amendment), as specified in letter dated September 30, 2002.
(2) Further authorized to retroactively amend sole source agreement with GZA GeoEnvironmental, Inc., Manchester, NH (initially approved at G&C meeting of 7-21-99 item #14, amended 9-19-01 item #11), for phase two of the Brownfields Coastal Project.

#2 Authorized agreement with the County of Grafton, N. Haverhill, NH in the amount of $55,000 under the provisions of the Community Development Block Grant Program, for improving the administrative capacity of the Regional Development Corporation, effective upon G&C approval through December 31, 2003.

#3 Authorized agreement with the Town of Bethlehem, NH in the amount of $8,000 under the provisions of the Community Development Block Grant Program to determine the feasibility of

bringing the Town Office building into ADA compliance, effective upon G&C approval through December 31, 2003.

#4 Authorized agreement with the Town of Bethlehem, NH in the amount of $6,000 under the provisions of the Community Development Block Grant Program to study the conditions of water mains and services in the Bethlehem Village District, effective upon G&C approval through December 31, 2003.

#5 Authorized to amend agreement with the City of Portsmouth, NH (initially approved at G&C meeting of 2-20-02 item #8), extending the end date from December 31, 2002 to December 31, 2003 to enable the city to conduct borings and evaluate options for design and installation of a sewer line, under the provisions of the NH Estuaries Project.

#6 Authorized to amend agreement with the Town of Rye, NH (initially approved at G&C meeting of 10-10-01 item #4), increasing the amount by $100,000 to $550,000 and extending the end date from December 31, 2002 to August 15, 2003 for restoring the Awcomin Marsh, under the provisions of the NH Coastal Zone Management program.

ENERGY AND COMMUNITY SERVICES

The Governor and Executive Council acted as follows:

#7 Authorized contract with Alternate Energy Corporation, Cumberland, RI in an amount not to exceed $5,500 from federal grant funds, for the maintenance and servicing of the Compressed Natural Gas refueling station at the Stickney Avenue site in Concord, effective upon G&C approval through June 30, 2003.

#8 Authorized contract with James K. Rogers, PE in an amount not to exceed $40,050 to assist with the continuation of the Governor's Building Energy Conservation Initiative, as specified in letter dated September 9, 2002; also included is limited consultation for Industries of the Future and Rebuild-NH, effective upon G&C approval through June 30, 2003.

#9 Authorized contract with International Institute of Boston, though its subsidiary the International Institute of New Hampshire, Manchester, NH in an amount not to exceed $302,000 to provide direct services to New Hampshire refugees, effective upon G&C approval through September 30, 2003.

#10 Authorized contract with Lutheran Community Services of New Hampshire, Concord, NH in an amount not to exceed $200,000 to provide direct services to New Hampshire refugees, effective upon G&C approval through September 30, 2003.

OFFICE OF THE ADJUTANT GENERAL

The Governor and Executive Council acted as follows:

#11 Resolved to confirm to the rank of Lieutenant Colonel, New Hampshire Air National Guard: Major James E. Ramsey, York, ME.

#12 Resolved to nominate for appointment to the rank of Major, New Hampshire Air National Guard: Major Adam C. Shattuck, Henniker, NH.

#13 Authorized payment of a Korean Veterans Bonus in the amount of $100 to Mr. Donald E. Potvin, Rochester, NH.

#14 Authorized to accept material donations in the amount of $8,712 for the New Hampshire State Veterans Cemetery for betterment of the cemetery as listed in attachment to letter dated October 8, 2002.

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Executive Council acted as follows:

#15 Authorized Working Capital Warrant No. 03-05 in the amount of $320,000,000 to cover expenditures for the Month of November, 2002.
(2) Further authorized acceptance of Working Capital Warrant No. 03-03 reporting expenditures of $234,586,317.12 for the Month of September and lapse the balance of $165,413,682.88.

#16 Authorized to accept and place on file the list of agency transfers Authorized for Fiscal Year 2003 during the month of September 2002.

#17 Authorized to accept and place on file the quarterly revised schedule and status report (attached to letter dated October 2, 2002), of Capital Budget Projects.

#18 Authorized Bureau of Purchase and Property to enter into statewide agreements with the vendors listed in Attachment A to letter dated October 2, 2002 effective the date of G&C approval as well as grant permission to implement these agreements under an approved process. These agreements have a term, ending June 30, 2005 contingent upon performance reviews to occur every two years.

#19 Authorized retroactively for the Bureau of Emergency Communications to pay Statewide Communications, Inc., Bedford, NH in the amount of $3,020 for equipment and services involved in upgrading telephone service at the Laconia facility including reprogramming of lines.

TREASURY DEPARTMENT

The Governor and Executive Council acted as follows:

#20 Authorized the Comptroller to issue a warrant in the amount of $6,383.68 from funds not otherwise appropriated and the State Treasurer to issue checks in the amounts as listed in attachment to letter dated October 10, 2002.

#21 Authorized to accept and place on file the State Treasurer's Annual Report for the fiscal year ended June 30, 2002. Attached as Exhibit 5 of report, you will find information included by the State Treasurer, as custodian of the State's trust funds; as specified in letter dated October 11, 2002.

DEPARTMENT OF JUSTICE

The Governor and Executive Council acted as follows:

#22 Authorized to reappoint Paul E. Brodeur, Attorney General's Office, Position #9U270, effective December 31, 2002. His term will expire December 31, 2007.

#23 Authorized salary increase of $3,948 to Assistant Attorney General James Rosenberg, Position #9U289, effective upon G&C approval.

#24 The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton, with Councilor Wieczorek and Councilor Wheeler voting NO, authorized to designate Brian Quirk, Position #9U290, as a Senior Assistant Attorney General, effective upon G&C approval.

#25 The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton, with Councilor Wieczorek and Councilor Wheeler voting NO, authorized to reappoint Michael K. Brown, Position #9U047, as an Assistant Attorney General, for a term effective December 12, 2002 through December 11, 2007.
(2) Further authorized Michael K. Brown, Position #9U047, as a Senior Assistant Attorney General, effective upon G&C approval, at a salary of $68,840.

#26 Authorized to appoint Robert S. Carey, Position #9U500, as an Assistant Attorney General, effective October 31, at a salary level of $60,763; term to expire 5 years after date of appointment.

#27 Authorized to accept and expend a grant from the New Hampshire Highway Safety Agency in the amount of $7,240.50 to be utilized to present a Motor Vehicle Homicide Seminar, effective upon G&C approval through December 31, 2002.

#28 Authorized to enter into subgrants from the FY 2002 Byrne Formula Grant Program, to be utilized to continue out-of-school programs around the State, from November 1, 2002 to September 30, 2005.

#29 DENIED- The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Spaulding, voted to DENY the petition of Jason Allen Teeter, Sr., requesting a pardon hearing for the offense of Resisting Arrest and Obstruction of Government Administration.

DEPARTMENT OF CULTURAL RESOURCES

#30 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Wieczorek, authorized the New Hampshire State Library to accept and expend a grant in the amount of $5,000 from the National Endowment for the Humanities, for a preservation assessment survey upon G&C approval.

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

#31 The Governor and Executive Council on motion of Councilor Wheeler, seconded by Councilor Burton, authorized The New Hampshire State Conservation Committee contract with Rockingham County Conservation District, Brentwood, NH in the amount of $16,958.04 to provide administrative assistance for Conservation Number Plate Grant Program, effective upon G&C approval through June 30, 2003.

BANKING DEPARTMENT

#32 The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton, authorized annual salary increment of $4,370 to Bank Commissioner Peter C. Hildreth, effective September 20, 2002.

EMPLOYMENT SECURITY

The Governor and Executive Council acted as follows:

#33 Authorized service agreement with Alvin J. Coleman & Son Inc., in an amount not to exceed $10,000 annually, in an agreement total of $30,000 for snow plowing and removal services at the Conway Local Job & Information Center, for the three year period effective upon G&C approval through June 30, 2005.

#34 Authorized service agreement with Blazon Construction in the amount of $9,020 for brick work services at the Manchester and Concord offices, effective upon G&C approval through November 30, 2002.

OFFICE OF THE CONSUMER ADVOCATE

#35 The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton, authorized contract with Stephen G. Hill, Hurricane, VA in an amount not to exceed $19,150 to provide expert testimony related to the cost of capital to be used in setting wholesale and potentially retail rates for Verizon New Hampshire, effective upon G&C approval through June 30, 2002.

LIQUOR COMMISSION

The Governor and Executive Council acted as follows:

#36 The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton, with Councilor Wieczorek and Councilor Wheeler voting NO, authorized to retroactively enter into contract with Northeast Door Corporation, Concord, NH in a total contract price of $255,277.50 for providing professional door repair/replacement services and maintenance for various liquor store locations, effective September 1, 2002 through August 31, 2005.

#37 Authorized Amendment #1 with Waste Management of NH-Rochester, Rochester, NH (initially approved at G&C meeting of 6-12-02 item #41), increasing the price by $16,601.60 to $116,013.50 for adding additional requirements to existing contract and allowing for rubbish removal for an additional location, effective upon G&C approval through June 30, 2005.

DEPARTMENT OF CORRECTIONS

The Governor and Executive Council acted as follows:

#38 Authorized to accept and expend a grant from the NH Department of Education, Bureau of Adult Education in the amount of $7,204.98 to further the education of inmates during their incarceration at the NH State Prison for Women in Goffstown, effective upon G&C approval through June 30, 2003.

#39 Authorized to add Michael Champion, MD, Nashua, NH to the approved list of Psychiatric Consultants with an estimated cost of $26,450 for FY 2003.

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

#40 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Griffin, authorized Division of Parks and Recreation to retroactively extend the following temporary employees beyond their one-year anniversary date of full-time employment: Brian Clark, Retail Store Manager I within the Ski Area Retail Operation, anniversary date November 5, 2002; Kimberly Girard, Retail Store Manager I, within the Parks Retail Operation, anniversary dated June 30, 2002.

FISH AND GAME DEPARTMENT

The Governor and Executive Council acted as follows:

#41 Authorized to accept and expend $40,000 of Federal Aid in Sport Fish and Wildlife Restoration Funds, effective upon G&C approval through June 30, 2003.

#42 Authorized to accept and expend $2,000,000 in federal funds from the National Oceanic and Atmosphere Administration for compensating commercial fishermen and the fishing community for losses associated with fishery regulations, effective upon G&C approval through September 30, 2003.

#43 Authorized extension agreement with David R. Whitcher Builder, Inc., Strafford, NH (initially approved at G&C meeting of 4-3-02 item #41), to complete construction of the Hunter Education Building at Owl Brook Training Center in Holderness, retroactive to September 13, 2002 through October 30, 2002.

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Executive Council acted as follows:

#44 Authorized to budget and expend prior year carry forward funds in the amount of $2,500,000 from the Drinking Water State Revolving Fund Program, effective upon G&C approval through June 30, 2003.
(2) Further authorized loan agreement with the City of Manchester, NH in the amount of $2,500,000 to finance the design of the water treatment plant upgrade under the provisions of the State Revolving Fund Program, effective upon G&C approval.

#45 Authorized Water Division to make a retroactive, unencumbered payment to Dufresne-Henry Inc., Manchester, NH (initially approved at G&C meeting of 2-9-00 item #66 for $23,470 that did not include funds to cover contingencies),in the amount of $1,420 to cover contingency costs for professional services associated with embankment repair of the Winnipesaukee River Basin sewer interceptor in Belmont, effective upon G&C approval.

#46 Authorized Waste Management Division contract with Cyn Environmental Services, Stoughton, MA in the amount of $632,135 for removing non-compliant underground petroleum storage tank systems at selected sites, effective upon G&C approval through June 30, 2006.

#47 Authorized sole source contract with the University of Illinois, Champaign, IL in the amount of $5,894 to provide coordination and management services for mercury sample collection and analysis, effective upon G&C approval through March 28, 2003.

#48 Authorized Water Division agreement with Gerard A. LaFlamme, Inc., Manchester, NH in an amount not to exceed $6,300 to perform electrical service work on Mascoma Lake Dam Gate Automation in Lebanon, effective upon G&C approval through December 31, 2002.

#49 Authorized grant agreement with Keewaydin Park Association, Alton Bay, NH in the amount of $8,340 for dredging and bank stabilization efforts in Alton Bay, effective upon G&C approval through December 31, 2004.

#50 Authorized to award Wastewater State Aid Grants in an aggregate amount of $1,355,670 for water pollution control projects covered under RSA 486, effective upon G&C approval and as specified in letter dated September 19, 2002.

#51 Authorized to amend contract with the Town of Durham, NH (initially approved at G&C meeting of 3-14-01 item #121), extending the end date from October 31, 2002 to December 31, 2002 for conducting a feasibility study for re-establishing a navigational channel in the Oyster River.

#52 Authorized loan agreement with the Town of Newport in the amount of $240,000 from the State Water Pollution Control Revolving Fund Program for designing and constructing sewers to replace the Parkview Ejector Station.

#53 Authorized loan agreement with the Town of Tamworth in the amount of $1,065,440 from the State Water Pollution Control Revolving Fund Program for closing of the Town's landfill.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Executive Council acted as follows:

Office of Community & Public Health

#54 Authorized Bureau of Communicable Disease Control to enter into a retroactive Educational Tuition Agreement and to pay said costs in the amount of $2,000 (State's share) with Dianne V. Donovan, a Program Specialist II, to attend the University of New Hampshire in Manchester and take the following 4 courses: Public Health Care Systems, Social and Behavioral Health, Environmental Health, and Public Health Policy.

#55 Authorized Public Health Laboratories to expend for final on-site interviews, as specified in letter dated September 24, 2002: $200 to pay motel expenses incurred on June 3, 2002 by Rangaraj Selvarangan, a candidate for a Microbiologist V vacancy who traveled from Seattle, WA; an estimated $599 for Michelle Yacopucci a candidate for two Toxicologist IV vacancies to travel from SC to NH.
(2) Further authorized Division of Laboratory Science and Environmental Health to pay travel costs for scientific and scientific administrator final candidates that are requested to travel from a distance for an on-site interview with travel costs not to exceed $1,500 per person or $15,000 for the division, effective upon G&C approval through June 30, 2003.

#56 Authorized Bureau of Nutrition and Health Promotion to expend approximately $3,440 (costs to include employee travel, conference center, food and speaker), for training entitled "Customer Service: Looking At Positive Communication and Service".
(2) Further authorized contract with The Executive Court Conference Center, Manchester, NH in the amount of $2,300, for room rental and food costs for said training, effective October 30, 2002. (3) Further authorized contract with Gerri King, PhD, of Human Dynamics Associates, Inc., in the amount of $1,000 to be trainer in above mentioned training.

#57 Authorized Bureau of Radiological Health to amend sole source agreement with Vicki D. Jeffs, Shelbyville, KY (initially approved at G&C meeting of 4-17-02 item #79), increasing the amount by $18,950 to $26,950 and extending the end date retroactive to September 1, 2002 to June 20, 2003 for assistance in processing radioactive material license applications.

Division for Children, Youth and Families

#58 Authorized to enter into a retroactive Educational Tuition Agreement and to pay costs in the amount of $3,234 with Elaine Surrell, a Child Protective Service Worker II, to attend Springfield College, Springfield, MA to take the following courses: Social Work Rsch I and Human Behavior in Soc. Environ. II.

#59 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Spaulding, with Councilor Wheeler voting NO, authorized sole source agreement with the American Bar Association, Center on Children and Law, Washington, DC in the amount of $4,000 to provide Basic and Advanced Trial Skills training for DCYF attorneys, effective October 24, 2002.

Division for Juvenile Justice Services

#60 Authorized contract with Orkin Exterminating Co., Inc., Portland, ME in the amount of $8,184 for pest control services, effective retroactive to October 1, 2002 through June 30, 2005.

Division of Family Assistance

#61 Authorized to accept and expend $8,534 from the NH Department of Safety, Division of Fire Safety & Emergency Management, Office of Emergency Management; effective upon G&C approval through June 30, 2003 and as specified in letter dated September 25, 2002. Fiscal Committee approved.

Office of Program Support

#62 Authorized Bureau of Food Protection to accept and expend $5,000 in funds from the US Food and Drug Administration, effective upon G&C approval through June 30, 2003 and as specified in letter dated October 7, 2002. Fiscal Committee approved.

Division of Behavioral Health

#63 Authorized Division of Behavioral Health to amend sole source agreement with Community Action Program Belknap-Merrimack Counties, Inc., Concord, NH (initially approved at G&C meeting of 8-22-01 item #207, amended 8-14-02 item #172), increasing the price by $1,240,000 to $1,775,000 to provide homeless assistance services, effective upon G&C approval through June 30, 2003.

BOARD OF NURSING

#64 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Burton, authorized to amend agreement with System Automation Client Servers (initially approved at G&C meeting of 6-19-96 item #173), increasing the price by $13,905 to $221,905 retroactive to August 1, 2002 through July 31, 2003.

DEPARTMENT OF EDUCATION

The Governor and Executive Council acted as follows:

#65 Authorized to pay the FY 2003 membership renewal fee to the National Association of State Directors of Special Education in the amount of $6,000.

#66 Authorized to accept and expend additional funds from the US Department of Education in the amount of $15,289,459 to improve educational services for students with disabilities, effective upon G&C approval through June 30, 2003.

#67 Authorized to distribute grant funds in the amount of $5,428,913 from the US Department of Education to selected school districts in the amounts shown on list attached to letter dated October 11, 2002 for completing urgent school repairs and renovations, for education technology improvements, and for services under the Individuals with Disabilities Education Act, effective upon G&C approval through June 30, 2004.

#68 Authorized contract with John R. LaCourse, Ph.D., Sole Proprietor, Lee, NH in an amount not to exceed $21,372 (pending legislative approval of the next biennial budget), to provide rehabilitation engineering services, effective upon G&C approval through June 30, 2004.
(2) Further authorized payment for services rendered and approved in lieu of withholding at least 25% of the total value of the contract.

#69 Authorized contract with Mary Ellen D'Intino, Sole Proprietor, Derry, NH in an amount not to exceed $10,000 to provide complaint investigative services for the period from November 1, 2002 through June 30, 2003.

#70 Authorized to amend sole source contract with Pro Temps Employment Services, Inc., Concord, NH (initially approved at G&C meeting of 4-17-02 item #112), increasing the amount by $10,000 to $17,500 to provide scanning services. Retroactive.

COMMUNITY TECHNICAL COLLEGE SYSTEM

#71 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Spaulding, authorized Berlin Campus to enter into sole source, retroactive lease agreement with Berlin

High School, Berlin, NH in the amount of $3,600 for space to provide educational training programs to the citizens of Coos County, effective upon G&C approval through May 30, 2003.

SWEEPSTAKES COMMISSION

#72 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Burton, authorized to accept and place on file its Annual Report for the fiscal year ended June 30, 2002.

DEPARTMENT OF SAFETY

The Governor and Executive Council acted as follows:

#73 Authorized Division of State Police to accept from Lisa Patch, owner of Bloolabs Kennel in Newbury, NH the donation of one female bloodhound, worth $800.

#74 Authorized Division of Motor Vehicles to pay, unencumbered, bills to Northeast Scale Company of Auburn, NH the amount of $9,670.63 for emergency repairs to the I-93 North and Southbound weighing scales.

#75 Authorized Division of Motor Vehicles a retroactive time-only extension of a Federal Grant entitled "Motor Carrier Assistance Program" (initially approved at G&C meeting of 10-10-01 item #140), from August 21, 2002 to September 30, 2003.

#76 Authorized Division of Motor Vehicles a retroactive time-only extension of a Federal Grant entitled "Risk Based Enhancement" (initially approved at G&C meeting of 5-15-02 item #182), from August 21, 2002 through September 30, 2003.

#77 Authorized Division of Motor Vehicles to accept and expend an annual grant from the Highway Safety Agency in the amount of $18,591.50 entitled "Fatal Accident Reporting System", effective upon G&C approval through September 30, 2003.

#78 Authorized the Office of the Commissioner to accept a $475,255 grant from the Federal Motor Carrier Safety Administration to implement the Performance and Registration Information Systems Management Program, effective upon G&C approval through June 30, 2004.

#79 Authorized a grant agreement between the Division of Fire Safety and Emergency Management, Office of Emergency Management and the City of Laconia, NH in the amount of $20,600 to develop an operational/contingency plan for large-scale events and emergencies, effective upon G&C approval through June 30, 2003.

#80 Authorized a grant agreement between the Division of Fire Safety and Emergency Management, Office of Emergency Management and the Town of Stratford, NH in the amount of $6,500 to develop a Multi-Hazard Mitigation Plan, effective upon G&C approval through September 30, 2002. Retroactive.

#81 Authorized Division of Motor Vehicles sole source preventative maintenance agreement with Eastman Kodak Co., Rochester, NY in the amount of $29,484.83 for Kodak Business Imaging Systems equipment, effective retroactive to July 1, 2002 through June 30, 2003.

DEPARTMENT OF TRANSPORTATION

The Governor and Executive Council acted as follows:

#82 Authorized to accept and place on file the Contemplated Award List for the period September 20, 2002 through October 1, 2002.

#82A A phone poll was conducted on October 10, 2002 in regards to item #112 of the October 9, 2002 G&C meeting that requested a Special Committee be appointed in regards to the Petition for a public hearing on alterations to be made to NH Route 125 in the Town of Kingston, as specified in letter dated September 10, 2002. The results of the phone poll requesting to appoint Councilor Griffin as Chair, with Councilor Spaulding and Councilor Wieczorek as members to the Special Committee are as follows: Councilor Burton - No contact: Councilor Spaulding - Yes: Councilor Griffin - Yes: Councilor Wieczorek- Yes: Councilor Wheeler - No contact.

#83 Authorized to accept and expend $2,943,286 in federal funds and $570,284 in local funds from public transit providers, as specified in letter dated October 1, 2002 to provide assistance for non-profit public transit providers for vehicles, transit amenities and support equipment; for five projects to upgrade state-owned park & ride/bus facilities; and for transit related improvement projects with the University of New Hampshire.

#84 Authorized to accept and expend the amount of $6,200,000 in federal funds for AIP-50, Manchester Airport Development Project, for airport security improvements Phase I; as specified in letter dated October 4, 2002.

#85 Authorized to accept and amend contract (initially approved at G&C meeting of 9-19-01 item #230), to expend the amount of $137,650 in federal funds, and grant additional state assistance in the amount of $7,647.22 to the City of Manchester for AIP-44, Manchester Airport Residential Sound Insulation Program, as specified in letter dated September 27, 2002.

#86 Authorized to accept and expend $1,112,400 in federal funds, and grant state assistance to the City of Manchester, NH in the amount of $61,800 for AIP-53, Manchester Airport Development Project for airport security improvements, as specified in letter dated September 30, 2002.

#87 Authorized to accept and expend $2,500,000 in federal funds, and grant state assistance to the City of Manchester, NH in the amount of $138,889 for AIP-51, Manchester Airport Residential Sound Insulation Program, as specified in letter dated September 27, 2002.

#88 Authorized Memorandum of Agreement with New Hampshire Public Television, Durham, NH in the amount of $10,000 (funding beyond FY 2003 contingent upon availability and continued appropriation of funds), for radio towers/buildings on Moose Mountain in Hanover and Saddleback Mountain in Deerfield, effective upon G&C approval through June 30, 2007 and as specified in letter dated September 18, 2002.

#89 Authorized to amend Statewide Hazardous Materials Service Agreement with Jacques Whitford Company, Inc., Portsmouth, NH (initially Authorized by G&C on 7-14-00), increasing the amount by $100,000 to $400,000 and expanding scope of the consultant services, as specified in letter dated August 20, 2002.

#90 Authorized to enter into contracts with Cityside Management Corporation, Merrimack, NH in the amount of $80,000 (that funds itself from rental income, with all income from management of properties to be credited towards appropriate transportation improvement project account), for management of properties purchased by the Department for transportation improvement projects in all 4 designated regions of the state, as specified in letter dated October 1, 2002.

#91 Authorized agreement with North Winds Weather, Center Sandwich, NH for a total of $7,968 for FY 03, effective November 1, 2002 for Weather Forecasting Services for Statewide Coverage, as specified in letter dated October 2, 2002.

#92 Authorized to amend contract with Waste Management of NH, Inc., Rochester, NH (initially approved at G&C meeting of 6-20-01 item #311), increasing the amount by $7,000 to $15,892 to allow for unplanned rubbish removal for the period from July 1, 2001 through June 30, 2003; as specified in letter dated September 16, 2002.

#93 Authorized to enter into contracts with seventeen appraisal firms for a total cost of $3,000,000 or the expiration of three years (whichever comes first), to prepare appraisals associated with the Statewide acquisition program of property needed for transportation projects and as specified in letter dated October 1, 2002.

#94 Authorized to amend agreement with Clough, Harbour & Associates LLP, Keene, NH (initially approved at G&C meeting of 12-6-00 item #216), increasing the total lump-sum fee payable by $9,846.57 to $188,546.57 for consultant engineering services for final design of replacement of bridge in the Town of Plaistow and increasing the encumbrance by an amount not to exceed 10% for payment of additional services that may be required, as specified in letter dated September 12, 2002.

#95 Authorized planning services agreement with Southwest Region Planning Commission, Keene, NH for a fee not to exceed $35,875 ($28,700 to be reimbursed from Federal Highway Aid and $7,175 from the Southwest Region Planning Commission), to undertake the Rt. 9 Corridor Study in the Towns of Hillsborough, Antrim, and Stoddard, NH; effective upon G&C approval through June 30, 2003 and as specified in letter dated September 5, 2002.

#96 Authorized planning services agreement with Strafford Regional Planning Commission, Dover, NH for a fee not to exceed $20,000 ($16,000 to be reimbursed from Federal Highway Aid and $4,000 from the City of Somersworth), to undertake the Somersworth Traffic Study , effective upon G&C approval through June 20, 2003 and as specified in letter dated September 9, 2002.

#97 Authorized agreement with Nashua Regional Planning Commission, Nashua, NH for a fee not to exceed $247,826 ($198,261 to be reimbursed from Federal Highway Aid; $49,565 from Nashua Regional Planning Commission and local match for planning funds in the amount of $9,913), to expand current NH 101 Corridor Study by looking at transportation issues in Amherst, Milford and Wilton, effective upon G&C approval through September 30, 2004 and as specified in letter dated September 12, 2002.

#98 Authorized agreement with the Town of Littleton, NH for a fee not to exceed $743,480 (the entire amount to be reimbursed from Federal Highway Aid), to develop a growth management plan, effective upon G&C approval through March 31, 2004 and as specified in letter dated September 19, 2002.

#99 Authorized agreement with Nashua Regional Planning Commission, Nashua, NH for a fee not to exceed $188,000 ($150,400 to be reimbursed from Federal Highway Aid; $37,600 from Nashua Regional Planning Commission and the City of Nashua, as specified in letter dated September 12, 2002), effective upon G&C approval through September 30, 2003.

#100 FAILED-The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Spaulding, with Councilor Spaulding, Councilor Griffin, and Councilor Wieczorek voting NO, authorized to amend agreement with Parsons Brinckerhoff Quade & Douglas Inc., Boston, MA (initially approved at G&C meeting of Feb 14, 2002 Late item #A), increasing the original fee from $1,118,456 by an additional $76,400 to perform preliminary engineering services for the extension of commuter rail service from Lowell, MA to Nashua, NH; effective upon G&C approval through November 30, 2002 and as specified in letter dated September 19, 2002.

#101 Authorized contract with Weaver Bros. Construction Co., Inc., Concord, NH on the basis of a low bid of $1,252,577.95 for widening and overlay of US 3 in the Town of Hooksett, as specified in letter dated September 23, 2002 and effective upon G&C approval through September 1, 2003.
(2) Further authorized contingency in the amount of $125,257.80.

#102 Authorized contract with Alvin J. Coleman & Son, Inc., Conway, NH on the basis of low bid of $2,754,197.62 for a three part contract in Harts Location, as specified in letter dated September 23, 2002 and effective upon G&C approval through September 26, 2003.
(2) Further authorized a contingency in the amount of $192,793.

#103 Authorized to increase the contingency for contract with Continental Paving, Inc., Londonderry, NH (initially approved at G&C meeting of 4-26-00 item #144), by $1,895,000 to $2,786,955.40 (revising contract encumbrance to $20,626,063.42), for unexpected conditions as specified in letter dated September 12, 2002.

#104 Authorized consultant service agreement with SEA Consultants, Concord, NH for a lump sum price of $1,460,000 for the Design of the Mechanical Services and Materials and Research Facilities in Concord, as specified in letter dated September 26, 2002.
(2) Further authorized a contingency in the amount of $66,500.

#105 Authorized contract with Pat Foley Painting Company, Inc., Hingham, MA for a lump sum price of $41,000 for exterior building painting of State Office Park South in Concord, as specified in letter dated July 10, 2002.
(2) Further authorized a contingency in the amount of $8,200.

#106 Authorized contract with Tyree Organization, Ltd., Pembroke, NH for a lump sum price of $153,234 for renovations to the New Hampshire Building, Eastern States Exposition, Springfield, MA, as specified in letter dated August 1, 2002.
(2) Further authorized a contingency in the amount of $1,966.

#107 Authorized contract with M&D Electric, Inc., Farmington, NH for a lump sum price of $205,000 for replacement of the Nurse Call System, APS Building, 36 Clinton St., in Concord, as specified in letter dated August 22, 2002.
(2) Further authorized a contingency in the amount of $20,500.

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Executive Council acted as follows:

#108 Approved the request of Camelot Acres Resident Association to relocate an existing failed retaining wall landward, rotate existing stairway, fill to restore jetty in an "I" configuration and add sand to existing beach area on property located at Newfound Lake in Bristol. File #2002-431.

#109 Approved the request of Peter Lamb and Susan Thorne to construct a permanent pier and associated structures on frontage of property located at Little Bay in Durham. File #2002-00867.

#110 **TUITION REQUESTS**

The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton, with Councilor Wheeler voting NO on Items #J, K, and N approved the following Tuition Requests:

A. ADMINISTRATIVE SERVICES - Request permission to pay Franklin Pierce College, Concord, NH, the sum of $615.00 for the sole purpose of enrolling Donna L. Raymond, Administrator I, in the course entitled "Labor and Management".

B. COMMUNITY TECHNICAL COLLEGE - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of $452.00 for the sole purpose of enrolling Sheri Gonthier, Financial Aid Officer, in the course entitled "Public Speaking".

C. COMMUNITY TECHNICAL COLLEGE - Request permission to pay Park University, Parkville, MO, the sum of $610.53 for the sole purpose of enrolling Bret Peterman, Technical Support Specialist, in the on-line course entitled "Computers and Society".

D. ENVIRONMENTAL SERVICES - Request permission to pay Southern New Hampshire University, Manchester, NH the sum of $1,284.00 for the sole purpose of enrolling Wendy Hullinger, Executive Secretary, in the courses entitled "English Composition II" and "Systems Practicum I".

E. FISH & GAME - Request permission to pay Hesser College, Concord, NH the sum of $597.00 for the sole purpose of enrolling Jamie Belrose, Payroll Officer I, in the course entitled "Interpretive Statistics".

F. HEALTH & HUMAN SERVICES, Employee Assistance Program - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of $606.00 for the sole purpose of enrolling Patricia Thompson, Administrative Assistant, in the course entitled "Introduction to Communication".

G. HEALTH & HUMAN SERVICES, Office of Information Systems - Request permission to pay the Bureau of Education and Training, Concord, NH, the sum of $2,500.00 for the sole purpose of enrolling Michelle Rudolph, Buyer, in the course entitled "Technical Support Specialist Program".

H. HEALTH & HUMAN SERVICES, Office of Community & Public Health - Request permission to pay the University of New Hampshire, Manchester, NH, the sum of $1,122.00 for the sole purpose of enrolling Marjorie Yin, Industrial Hygiene Engineer I, in the course entitled "Social and Behavioral Health".

I. HEALTH & HUMAN SERVICES, Behavioral Health - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of $1,116.00 for the sole purpose of enrolling Jami Aversa, Accounting Technician, in the courses entitled "College Composition II" and "Finite Mathematics".

J. HEALTH & HUMAN SERVICES, Division for Children, Youth & Families - Request permission to pay Springfield College, Springfield, MA, the sum of $5,600.00 for the sole purpose of enrolling Elaine Surrell, Child Protective Service Worker II, in the courses entitled "Social Work Practice II", "Field Practice II" and "Research II".

K. LIQUOR - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of $678.00 for the sole purpose of enrolling Christina Demers, Statistician I, in the course entitled "United States History Since 1945".

L. LIQUOR - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of $678.00 for the sole purpose of enrolling Margaret LaBrecque, Accountant III, in the course entitled "Statistics".

M. SAFETY - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of $606.00 for the sole purpose of enrolling Rebecca Wood, Technical Support Specialist II, in the course entitled "Macroeconomics".

N. TRANSPORTATION - Request permission to pay Franklin Pierce College, Portsmouth, NH, the sum of $307.50 for the sole purpose of enrolling Robert Spinney, Bridge Construction Supervisor, in the course entitled "Global Economy".

O. TRANSPORTATION - Request permission to pay Franklin Pierce College, Portsmouth, NH, the sum of $307.50 for the sole purpose of enrolling Robert Spinney, Bridge Construction Supervisor, in the course entitled "Introduction to Computers".

#111 **TRAVEL REQUESTS**

The Governor and Executive Council approved the following travel requests:

A. HEALTH & HUMAN SERVICES, Office of Community & Public Health - Request permission for (1) employee, Rhonda Siegel, Health Promotion Advisor, or designee, to travel to Philadelphia, PA on November 9 - 13, 2002, to attend the American Public Health Association Meeting and Exposition. Permission is also requested for a waiver to exceed the 300-mile radius by private vehicle. Total Cost: $280.00. Source of Funds: 61.54% Federal and 38.46% General Funds. Registration Fee: $280.00.

B. HEALTH & HUMAN SERVICES, Office of Community & Public Health - Request permission for (3) employees, Candice Walsh, Toxicologist I, Emily Rice, Toxicologist I, and Vaughan Caines, Toxicologist I, or designee, to travel to Atlantic City, NJ on November 4 - 7, 2002, to attend the Northeastern Association of Forensic Scientists 28th Annual Meeting. Permission is also requested for a waiver to exceed the 300-mile radius by state vehicle. Total Cost: $1,243.00. Source of Funds: 100% Highway Funds. Registration Fee: $345.00.

C. SAFETY - Request permission for (1) employee, Karen Lamb, Supervisor, or designee, to travel to Salt Lake City, UT on November 2 - 7, 2002, to attend the Annual Association of State Uniform Conference. ALSO A CASH ADVANCE OF $635.00 IS REQUESTED FOR Karen Lamb. Total Cost: $1,260.00. Source of Funds: 100% Transfer Funds. Registration Fee: $175.00.

LATE ITEMS:

The Governor and Executive Council acted as follows:

A. OFFICE OF STATE PLANNING Authorized agreement with the Town of Pittsfield in the amount of $475,000 under the Community Development Block Grant Program to assist Pittsfield Weaving Co., purchase equipment and retain jobs.

B. DEPARTMENT OF ADMINISTRATIVE SERVICES Authorized to enter into a contract with Siemens Building Technologies, Inc., Falmouth, ME for HVAC control commissioning services at the Rockingham County Court Building in Brentwood. The contract amount, including contingency, will not exceed $27,818.

C. DEPARTMENT OF TRANSPORTATION Authorized to enter into a contract with Al Melanson Company, Inc., Keene, NH for reproofing the Bridges House in Concord. The contract amount, including contingency, will not exceed $30,291.

D. DEPARTMENT OF EDUCATION Authorized to enter into a contract with Vistronix, Inc., McLean, VA to implement a new Vocational Education Student Information and Perkins Workflow Application system. The base contract will run through June 30, 2003 and the base contract amount will not exceed $189,721. The contract gives the State five one-year renewal options to have Vistronix provide system maintenance and support at a price of $50,000 per year. Exercise of any such option would require further approval by the Governor and Council.

E. DEPARTMENT OF ENVIRONMENTAL SERVICES Authorized to establish two federally funded, full-time temporary positions, Secretary II and Environmentalist III (Coastal Specialist), through June 30, 2003 as specified in letter dated October 16, 2002. Fiscal Committee approved.

F. DEPARTMENT OF ENVIRONMENTAL SERVICES Authorized three request relating to the New Hampshire Plating Superfund Site as specified in letter dated October 16, 2002.
(1) Authorized the Department to transfer $25,399. Fiscal Committee approved.
(2) Authorized to accept and expend federal funds in the amount of $193,411.

(3) Authorized to enter into contract with the Town of Merrimack in the amount of $254,000 to fund the purchase of wetlands mitigation property.

G. DEPARTMENT OF ENVIRONMENTAL SERVICES Authorized travel to Charlotte, NC by John F. Liptak, Supervisor VII, Hazardous Waste Remediation Bureau, to attend a conference entitled "Brownfields 2002: Investing in the Future". The total amount requested is $1,074.

H. DEPARTMENT OF SAFETY Authorized to establish five Highway Patrol and Enforcement Officer positions through June 30, 2003 as specified in letter dated October 16, 2002. Fiscal Committee approved.
(2) Further authorized to accept and expend a federal grant in the amount of 405,400 from the Motor Carrier Safety Administration program, effective upon G&C approval through September 30, 2003.

Item removed from Table

DEPARTMENT OF ADMINISTRATIVE SERVICES

#19 The Governor and Executive Council, on motion of Councilor Wieczorek, seconded by Councilor Spaulding, voted to remove from Table item #19 which was tabled at the October 9, 2002 Governor and Council Meeting. Councilor Wieczorek, seconded by Councilor Griffin, voted to approve the request to enter into contract with contract with Celco Partnership d/b/a Verizon Wireless of Woburn, MA with a maximum price limitation in the amount of $1,000,000 for Wireless Cellular Services, effective upon G&C approval through August 18, 2005.

NON-PUBLIC SESSION

Pursuant to RSA 91-A:3, II, (a) and (c), the Governor and Executive Council, on motion of Councilor Burton seconded by Councilor Griffin, voted to go into non-public session. A roll call vote was requested on the motion, the results are as follows: Councilor Burton - Yes: Councilor Spaulding - Yes: Councilor Griffin - Yes: Councilor Wieczorek - Yes: Councilor Wheeler - Yes.

The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Griffin, moved to come out of non-public session. A roll call vote was requested on the motion, the results are as follows: Councilor Burton - Yes: Councilor Spaulding - Yes: Councilor Griffin - Yes: Councilor Wieczorek - Yes: Councilor Wheeler - Yes.

Pursuant to RSA 91-A:3, II, (a) and (c), the Governor announced the Minutes of the non-public session are sealed.

The Governor set the next Governor and Executive Council Meeting for Wednesday, November 13, 2002 at 10:30 a.m., at the State House, Concord, New Hampshire.

The Honorable Board then Adjourned