Minutes
October 9, 2002

GOVERNOR AND EXECUTIVE COUNCIL MINUTES
Old Fire Station, Bedford, New Hampshire
October 9, 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 Burton seconded by Councilor Wheeler, accepted the minutes September 25, 2002.

RESIGNATIONS

The Governor and Executive Council accepted the following resignations:

BARBERING, COSMETOLOGY AND ESTHETICS
With regret:
Sally Wells, Newbury
Cosmetology
Effective: Upon acceptance of resignation

BUSINESS FINANCE AUTHORITY
With regret and thanks:
Jeanette Nichols, Milan
Effective: Upon acceptance of resignation

NON-MEDICAL DIRECTOR, DIVISION OF MEDICAL AND PSYCHIATRIC SERVICES OF THE DEPARTMENT OF CORRECTIONS
With regret:
Linda C. Flynn, Hopkinton
Nominated by the Commissioner of the Department of Corrections
Effective: January 10, 2002

BOARD OF MENTAL HEALTH PRACTICE
With regret:
Isabel Fleisher, New London
Public Member
Effective: September 17, 2002

CONFIRMATIONS

The Governor and Executive Council confirmed the following:

COMMISSION ON THE STATUS OF MEN - FAILED
On Motion of Councilor Spaulding, seconded by Councilor Burton, with Councilor Griffin, Councilor Wieczorek and Councilor Wheeler voting NO the following appointment **FAILED**
Neil Boutin, Concord
Chair
Vacancy
Effective: Upon Confirmation
Term: Three Years from date of confirmation

ADULT PAROLE BOARD
Amy Vorenberg, Concord

Reappointment
Effective: October 9, 2002
Term: September 29, 2007

DEPARTMENT OF CULTURAL RESOURCES:
DIVISION OF HISTORICAL RESOURCES DIRECTOR
James McConaha, Concord
Reappointment
Effective: October 14, 2002
Term: October 14, 2006
Salary: Group DD/max - $61,740

EMERGENCY SHELTER AND HOMELESS COORDINATION COMMISSION
Harold Acres, Nashua
Reappointment
Effective: October 9, 2002
Term: August 26, 2004

EMERGENCY SHELTER AND HOMELESS COORDINATION COMMISSION
Eleanor H. Amidon, Hancock
Reappointment
Effective: October 9, 2002
Term: August 26, 2004

EMERGENCY SHELTER AND HOMELESS COORDINATION COMMISSION
Helen C. Cohen, Kensington
Reappointment
Effective: October 9, 2002
Term: August 26, 2004

EMERGENCY SHELTER AND HOMELESS COORDINATION COMMISSION
Sharon Drake, Loudon
Reappointment
Effective: October 9, 2002
Term: August 26, 2004

ENHANCED 911 COMMISSION
David E. Lang, Hampton
Firefighter
Reappointment
Effective: October 9, 2002
Term: September 16, 2005

BOARD OF PROFESSIONAL GEOLOGISTS
John E. Cotton, East Andover
Reappointment
Effective: October 9, 2002
Term: October 4, 2007

STATE LIBRARY ADVISORY COUNCIL
Frances M. Wiggin (d), Bedford
Succeeding: Shirley Gray Adamovich, Durham (r) (reached term limit)
Effective: October 9, 2002
Term: July 26, 2005

DEPARTMENT OF TRANSPORTATION: DIRECTOR OF AERONAUTICS
Jack W. Ferns, Pembroke
Nominated by the Commissioner of the Department of Transportation
Reappointment
Effective: October 9, 2002
Term: August 20, 2006

NOMINATIONS

The Governor nominated 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: Upon confirmation
Term: September 20, 2005

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

JOINT BOARD OF NATURAL SCIENTISTS
Edward S. Kelly, Bedford
Public Member
Succeeding: John C. Edgar, Laconia
Effective: November 19, 2002
Term: November 19, 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: Upon confirmation
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: Upon confirmation
Term: September 2, 2007

BOARD OF FIRE CONTROL
Richard M. Heath, Bow
Electrical Engineer
Reappointment
Effective: Upon confirmation
Term: July 8, 2007

BOARD OF FIRE CONTROL
Donna W. Knighton, Lisbon
Insurance
Reappointment
Effective: Upon confirmation
Term: July 8, 2007

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

STATE COMMISSION ON THE STATUS OF MEN
Alexander de Nesnera, MD, Concord
Vacancy
Effective: Upon confirmation
Term: Two years from date of confirmation

STATE COMMISSION ON THE STATUS OF MEN
Christopher Emond, Epsom
Vacancy
Effective: Upon confirmation
Term: One year from date of confirmation

POLICE COMMISSION - NASHUA
Kris E. Durmer (d), Nashua
Succeeding: Michael A. Pignatelli (d), Nashua
Effective: Upon confirmation
Term: September 1, 2005

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

TRANSPORTATION APPEALS BOARD
H. Edmund Bergeron, North Conway
Professional Engineer
Succeeding: Barry Lussier, Dunbarton (resigned)

Effective: Upon confirmation
Term: April 23, 2004

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

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

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

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

OFFICE OF STATE PLANNING

The Governor and Council acted as follows:

#1 Authorized to budget and expend $45,181.26 in prior year federal funds as specified in letter dated September 25, 2002 and effective upon G&C approval to June 30, 2003.

#2 Authorized to accept and expend funds from the Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Gloucester, MA in the amount of $975,000 for carrying out restoration projects in coastal habitats, effective upon G&C approval through September 30, 2004.

#3 Authorized to accept and expend additional funds in the amount of $921,839.97 from the US Department of Commerce for implementation of the NH Coastal Program, effective upon G&C approval through December 31, 2003.

#4 Authorized Memorandum of Agreement with the Department of Environmental Services in the amount of $253,399 to continue its permit, inspection enforcement activities under the provisions of the New Hampshire Coastal Program for the period retroactive to July 1, 2002 through June 30, 2003.

#5 Authorized Memorandum of Agreement with the Department of Environmental Services-NH Geological Survey in the amount of $110,000 from the US Environmental Protection Agency and the Department of Commerce to carry out data collection and analysis for the seacoast water availability study, effective upon G&C approval through December 31, 2003.

#6 Authorized agreement with the City of Keene, NH in the amount of $270,000 under the provisions of the Community Development Block Grant program for providing an economic development loan to a company, effective upon G&C approval through June 30, 2004.

#7 Authorized agreement with Gundalow Company, Portsmouth, NH in the amount of $10,000 for establishing a marine educational program under the provisions of the New Hampshire Coastal Program effective upon G&C approval through June 30, 2003.

#8 Authorized agreement with the Town of Londonderry, NH in the amount of $383,000 under the provisions of the Community Block Development Program to tie a 35 unit mobile home park into the town's sewer system effective upon G&C approval through March 31, 2004.

#9 Authorized agreement with the County of Merrimack, Concord, NH in the amount of $360,000 under the provisions of the Community Block Grant for construction of an addition to the Belknap-Merrimack County CAP Head Start Program, effective upon G&C approval through June 30, 2004.

#10 Authorized to amend existing agreement with the Town of Littleton, NH (originally approved at G&C meeting of 1-23-02 item #1B), increasing the amount by $40,000 to a new total of $540,000 to increase the amount subgranted to the Grafton County Economic Development Council so that they can increase the amount of the loan they make to Riverglen House, as specified in letter dated September 26, 2002.

GOVERNOR'S OFFICE OF ENERGY AND COMMUNITY SERVICES

The Governor and Council acted as follows:

#11 Authorized contract with Downeast Maintenance Services Inc., Concord, NH in an amount not to exceed $7,950 for janitorial services to clean office space twice a week, effective retroactive October 1, 2002 through June 30, 2004.

#12 Authorized to amend contract with Strafford County Community Action Committee, Dover, NH (originally approved at G&C meeting of 4-17-02 item #12), increasing the amount by $76,099 to a total amount not to exceed $152,199 and extend the end date from October 17, 2002 to March 31, 2003 for services provided through The Weatherization Program.

OFFICE OF THE ADJUTANT GENERAL

The Governor and Council acted as follows:

#13 Resolved to nominate for promotion to the rank of Lieutenant Colonel, New Hampshire Air National Guard: Major James E. Ramsey, York, ME.

#14 Authorized to confirm to the rank of Lieutenant Colonel, New Hampshire Air National Guard: Major Paul D. Sorli, Portsmouth, NH.

#15 Resolved to confirm to the rank of Major, New Hampshire Army National Guard: Captain John J. Coughlin, Manchester, NH.

NEW HAMPSHIRE STATE VETERANS CEMETERY

#16 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Wheeler, authorized the Adjutant General's Department to accept material donations with thanks, in the amount of $578.93 for the New Hampshire State Veterans Cemetery to be used for the betterment of the cemetery as listed on the attachment to letter dated September 24, 2002.

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

#17 Authorized Bureau of General Services to accept one memorial tree to be planted on the grounds at Londergan Hall in Concord, as specified in letter dated September 13, 2002.

#18 Authorized Bureau of Risk Management contract with Slawsby Insurance Agency, Nashua, NH in the amount of $34,235 to provide boiler insurance and inspection services from November 1, 2002 through November 1, 2003.

#19 **TABLED**-The Governor and Executive Council, on motion of Councilor Wieczorek, seconded by Councilor Wheeler, voted to TABLE 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. A roll call vote was requested on the tabling motion, the results are as follows: Councilor Burton - No: Councilor Spaulding - No: Councilor Griffin - Yes: Councilor Wieczorek- Yes: Councilor Wheeler - Yes.

#20 **TABLED**-The Governor and Executive Council, on motion of Councilor Griffin, seconded by Councilor Wieczorek, voted to TABLE the request to authorize the State and the University System to utilize a modified, streamlined contract and grant award process and approved the attached Master Agreement and Cooperative Project Agreement form for use in such contracts and grants. This process will be effective with the date of G&C approval.

#21 Authorized Bureau of General Services to pay ALPHA Asbestos Abatement, Inc., Bedford, NH the amount of $5,450 for emergency repairs to a broken water main pipe that was performed at Londergan Hall, Concord, NH on September 20, 2002.

#22 Authorized Bureau of Court Facilities to transfer $135,000 for increases in leases and unanticipated changes when formulating the FY02 and FY03 budget as specified in letter dated September 18, 2002. Fiscal Committee approved.

#23 Authorized Bureau of Court Facilities one year lease agreement with the City of Laconia, NH in the amount of $21,999.96 for office and courtroom space for the Laconia District Court retroactive to July 1, 2002 and ending June 30, 2003.

TREASURY DEPARTMENT

#24 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Griffin, authorized the Comptroller to issue a warrant from funds not otherwise appropriated and the State Treasurer to issue checks totaling $7,846.92.

DEPARTMENT OF CULTURAL RESOURCES

The Governor and Council acted as follows:

#25 Authorized Department of Cultural Resources, New Hampshire State Library to enter into Memorandum of Agreement with the New Hampshire Department of Education to accept and expend $40,000 to provide Information Services for the Best Schools Initiative for the period ending June 30, 2003.
(2) Further authorized the Department of Cultural Resources, New Hampshire State Library to budget and expend prior year unexpended grant award funds in the amount of $1,624.08 from Governor and Council approval through June 20, 2003.

#26 Authorized the Division of the Arts to award a Community Arts Project Grant to Friends of the Music Hall, Portsmouth in the amount of $2,450 effective upon G&C approval.

#27 Authorized the Division of the Arts to award Operating Grants totaling $13,400 for the period ending June 30, 2004 to strengthen their capacity of offering affordable, diverse arts programs to: Friends of the Music Hall in Portsmouth and North Country Center for the Arts, in Lincoln.

#28 Authorized the Division of the Arts to award a Cultural Facility Grant in the amount of $8,000 to Friends of the Music Hall, Portsmouth to assist with construction, renovation, maintenance, and a purchase of major equipment needs, effective upon G&C approval.

#29 Authorized the Division of the Arts to award an Annual Advancement Grant in the amount of $5,750 to the Arts Alliance of Northern NH, Littleton, NH to assist with arts programming and management projects, as specified in letter dated September 25, 2002 and effective upon G&C approval.

DEPARTMENT OF JUSTICE

The Governor and Council acted as follows:

#30 Authorized to accept and expend a grant in the amount of $745,031 from the US Department of Justice, Violence Against Women Office to implement the Safe Havens: Supervised Visitation, and Safe Exchange Grant Program, as specified in letter dated September 25, 2002. Further authorized to enter into subgrants totaling $727,054 effective upon G&C approval through September 30, 2004 to create safe facilities in cases of domestic violence, child abuse, sexual assault or stalking to the following agencies: Merrimack County Visitation Center, Brian's House, Emerge Family Advocates, Salem Family Visitation Center, Greater Nashua Supervised Visitation Center and All 'R' Kids Supervised Visitation Center.

#31 ITEM NOT USED.

#32 Authorized to accept and expend a grant in the amount of $499,039 from the US Department of Justice, Violence Against Women Office to be utilized for Domestic Violence Rural Enhancement for the period from Governor and Council approval through December 31, 2004.
(2) Further authorized to enter into a subgrant with the NH Coalition Against Domestic Violence in the amount of $494,049 to fund Domestic Violence Prevention Specialists to work in five crisis center in Coos, Grafton, Carroll and Sullivan Counties, effective upon G&C approval through December 31, 2004.

#33 Authorized to accept and expend a supplemental grant in the amount of $476,996 from the Federal Bureau of Justice Statistics to improve law enforcement criminal justice information systems in the State, effective upon G&C approval through December 31, 2004. Retroactive.
(2) Further authorized to amend G&C item #28, approved 11-7-01 by extending the end date from December 31, 2002 to December 31, 2003 of the federal grant received from the Federal Bureau of Justice Statistics. Retroactive.

NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS

#34 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Spaulding, authorized to retroactively budget and expend prior year unexpended federal revenues, received from the US Equal Employment Opportunity Commission in the amount of $2,000 to be utilized for out of state travel for investigator training needs, effective September 24, 2002 through September 26, 2002.

BANKING DEPARTMENT

#35 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Spaulding, authorized retroactive request for Troy E. Neff, Bank Examiner Trainee to travel to Arlington, VA by private automobile in lieu of common carrier, to attend the Introductions to Examinations training course being held by the Federal Deposit Insurance Corporation September 22 through October 11, 2002.

DEPARTMENT OF LABOR

#36 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Griffin, authorized to pay travel expenses as listed for FY 02 out of FY 03 funds, as the travel voucher was not processed in FY 02, to Sarah Duwell in the amount of $407.34.

HIGHWAY SAFETY AGENCY

#37 The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton, authorized sole source contract agreement with Concord Hospital, Inc., in the amount of $23,635.24 to coordinate and administer the Concord Safe Community Coalition dedicated to reducing traffic-related injuries and fatalities in the City of Concord, effective upon G&C approval through September 30, 2003.

EMPLOYMENT SECURITY

The Governor and Council acted as follows:

#38 Authorized retroactive agreement with the Workforce Opportunity Council Inc., in the amount of $24,015.29 for the period from July 1, 2002 through June 30, 2003 for the costs of vendor services related to assisting the State of New Hampshire in the expansion of the One-Stop System.

#39 Authorized to enter into a retroactive agreement with the Workforce Opportunity Council Inc., in the amount of $56,100 for training and facilitation services related to assisting in the implementation of the Workforce Investment Act, effective July 1, 2002 through June 30, 2003.

PUBLIC UTILITIES COMMISSION

The Governor and Council acted as follows:

#40 The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton, with Councilor Griffin and Councilor Wheeler voting NO, authorized to accept a gift on behalf of the State in the amount of $375 for travel expenses, as specified in letter dated September 24, 2002.

#40A Authorized a salary increment be granted in the amount of $4,120 to Executive Director and Secretary, Debra A. Howland, Position #9U505, effective November 14, 2002.

DEPARTMENT OF CORRECTIONS

The Governor and Council acted as follows:

#41 Authorized to pay salary and benefits in the amount of $3,046.86 to Michael Shaw out of FY 01, FY 02 and FY 03 funds due to a missed increment date.

#42 Authorized to pay salary and benefits in the amount of $1,419.30 to Patricia Fortin out of FY 02 and FY 03 funds due to a missed increment date.

#43 Authorized to pay salary and benefits in the amount of $2,805.40 to Marc Marchand out of FY 01, FY 02 and FY 03 funds due to a missed shift differential pay.

#44 Authorized to pay salary and benefits in the amount of $2,154.16 to Robert Thyng out of FY 02 and FY 03 funds due to a missed increment date.

#45 Authorized to enter into lease agreement with Richard Edmunds, Salem, NH in a total amount of $312,192 for Probation/Parole District Office space in Exeter, effective upon G&C approval (as specified in letter dated September 16, 2002), through December 26, 2007.

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Council acted as follows:

#46 Authorized the Division of Parks and Recreation to amend lease with Mount Sunapee Resort LLC., to amend lease to include as part of the "Leased Premises" twelve vehicles that we assigned to Mt. Sunapee prior to the lease. As specified in letter dated August 14, 2002.

#47 Authorized Division of Parks and Recreation to accept, with thanks, and expend a donation from M/M Donald Beaton, Groveland, MA in the amount of $25 in memory of Paul Condon towards the restoration of the Odiorne Homestead.

#48 Authorized the Division of Parks and Recreation sole source service agreement with Coastline Waste Services, Portsmouth, NH in the amount of $2,585 for construction dumpster, effective upon G&C approval through June 30, 2003.

#49 Authorized to award grant under the Joint Promotional Program in the amount of $3,369.44 to Greater Laconia/Weirs Beach Chamber of Commerce for production and distribution of brochure, effective upon G&C approval through June 30, 2003.

#50 Authorized to award grants under the Joint Promotional Program in the combined total of $194,921.24 to assist the eight tourist promotion groups, effective upon G&C approval and as specified in letter dated September 16, 2002.

#51 Authorized agreement with Nichols Gilstrap, Inc., Phoenix, AZ in the amount of $80,000 for implementation of two tourism development-related studies , effective upon G&C approval through June 30, 2003.

#52 Authorized agreement with Architect, Lindsey Shives and Associates, Still River, MA in the amount of $88,200 for design and supervision of the renovation and expansion of the Tramway Mt. Station and Old Peabody Lodge, Cannon Mountain, Franconia Notch, NH.

#53 Authorized the Division of Forests and Lands to accept (from Federal FY ending 9-30-04 under the US Cooperative Forestry Assistance Act of 1978, Program Administration, Forest Legacy), and expend the amount of $39,000.
(2) Further authorized contract with Deirdre Brickner-Wood (d/b/a Blue Sky Associates), Durham, NH in a total amount not to exceed $30,000 as a land protection consultant through September 30, 2004.

#54 Authorized Division of Forests and Lands to budget prior year carry forward funds in the amount of $5,000 from the Shieling Forest in Peterborough, as specified in letter dated September 3, 2002.

#55 Authorized Division of Forests and Lands to budget prior year carry forward funds in the amount of $12,000 from the Stone Property Trust for replacing an oil / wood burning furnace located at the Urban Forestry Center in Portsmouth and to cover anticipates increases in the Transfer To Other Agencies Account.

#56 Authorized grant agreement with (and payment to), Women's Rural Entrepreneurial Network, Bethlehem, NH in the amount of $31,000 for creation of small business information centers in New Hampshire, effective upon G&C approval through December 31, 2003.

FISH AND GAME DEPARTMENT

#57 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Burton, authorized sole source contract with The Nature Conservancy of New Hampshire, Concord, NH in the amount of $17,500 for services necessary in the acquisition of Awcomin Marsh, effective upon G&C approval through December 31, 2002.

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council acted as follows:

#58 Authorized Waste Management Division to retroactively pay FY 02 expenses in the amount of $202.16 from FY 03 funds to Duncan Watson, Waste Management Council Member for travel to five Waste Management Council meetings, as specified in letter dated September 12, 2002.

#59 The Governor and Executive Council on motion of Councilor Wheeler, seconded by Councilor Burton, with Councilor Wieczorek NO, authorized reclassification of Position #12042 Stock Clerk II, LG 8 to a Program Assistant I, LG 12; as specified in letter dated September 4, 2002.

#60 Authorized to accept and expend $18, 333 in federal funds from the US Environmental Protection Agency, effective upon G&C approval through June 30, 2003.

#61 Authorized to budget and expend $17,550 in prior year carry forward funds from the CWSRF Loan Management Fund from the date of G&C approval through June 30, 2003.

#61A Authorized to expend an amount not to exceed $81,000 from the Dam Maintenance Fund for the installation of automated gate controls in Milton, as specified in letter dated September 25, 2002 and effective upon G&C approval through June 30, 2003.

#62 Authorized to expend an amount not to exceed $85,000 from the Dam Maintenance Fund for the installation of automated gate controls in Lebanon, as specified in letter dated September 25, 2002 and effective upon G&C approval through June 30, 2003.

#62A Authorized to accept and expend $105,688 from the US Environmental Protection Agency, as specified in letter dated September 24, 2002 and effective upon G&C approval through June 30, 2003.

#63 Authorized a Memorandum of Agreement (MOA), with the Department of Agriculture, Markets, & Food (DAMF), in the total amount of $50,000 ($25,000 contingent upon funding availability and continue appropriation of funds), to implement the Agricultural Nutrient Management Grant Program, effective upon G&C approval through June 30, 2004.
(2) Further authorized to make advance payments of $25,000 annually to DAMF under said MOA.

#64 Authorized contract with Sanborn, Head & Associates, Inc., Concord, NH in the amount of $677,660 in federal funds to conduct the Remedial Investigation for the Mohawk Tannery Site., effective upon G&C approval through August 31, 2003.

#65 Authorized to award a Local Source Water Protection grant to the Merrimack Village District, Merrimack, NH in the amount of $14,765 to complete a project to protect drinking water from contamination, effective upon G&C approval through June 30, 2003.

#66 Authorized to award a Household Hazardous Waste grant to the City of Manchester in an amount not to exceed $11,500 for waste collection project, effective upon G&C approval through January 15, 2003.

#67 Authorized to award retroactively a Household Hazardous Waste grant to the City of Keene in an amount not to exceed $11,769.20 for waste collection project, effective from July 13, 2002 through January 15, 2003.

BOARD OF DENTAL EXAMINERS

#68 The Governor and Executive Council on motion of Councilor Griffin, seconded by Councilor Wieczorek, authorized to expend examination fees collected in the amount of $1,313.90 as specified in letter dated September 24, 2002.

HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

Developmental Disabilities Council

#69 Authorized to provide travel reimbursement to Bob Elliott, Council Member in the amount of $119.72 for the period from May 9, 2002 to July 11, 2002.

#70 Authorized to accept and expend Federal FY 00, 01 and 02 grant awards in the amount of $318,806.43 upon G&C approval through June 30, 2003. Fiscal Committee approved.

Office of Finance

#71 Authorized as administrator of the Social Security Program to amend agreement between the Secretary of the US Department of Health and Human Services and the State of New Hampshire on behalf of the Town of Danbury for adopting the optional exclusion from Social Security and Medicare coverage for services performed by election officials or workers for each calendar year in which remuneration paid for such services is less than $1,200.

Office of Health Planning & Medicaid

#72 Authorized to amend grant award from the Health Care Fund Community (originally approved at G&C meeting of July 7-25-01 item #102), to the City of Manchester Health Department effective retroactive from June 30, 2002 through new end date (from June 30, 2002); December 31, 2002. Fiscal Committee approved.

Division of Behavioral Health

#73 Authorized Glencliff Home for the Elderly request that the Division of Behavioral Health be Authorized to enter into an Educational Tuition Agreement and to retroactively pay costs in the amount of $858 to College For Lifelong Learning for, Christine Beardsley, registered nurse to attend Critical Thinking course from September 13 through December 6, 2002.

#74 ITEM NOT USED.

#75 Authorized agreement with the University of New Hampshire, Institute on Disability, Durham, NH in the amount of $83,589 to provide community living options for people with mental illness currently residing in nursing homes, effective upon G&C approval through June 30, 2003.

New Hampshire Hospital

#76 Authorized contract with NCS Healthcare of New Hampshire, Inc., Londonderry, NH in the amount of $10,000 to provide pharmacy services, effective upon G&C approval through June 30, 2004.

Division of Developmental Services

#77 Authorized to accept and expend $23,000 from the NH Department of Education, effective upon G&C approval through June 30, 2003 and as specified in letter dated September 18, 2002. Fiscal Committee approved.

#78 Authorized to accept and expend $1,223,038.89 in federal funds from the US Department of Education, effective upon G&C approval through June 30, 2003. Fiscal Committee approved.

Office of Community and Public Health

#79 Authorized to accept and expend $118,640 in federal funds from the US Department of Health and Human Services, effective upon G&C approval through June 30, 2003. Fiscal Committee approved.

#79A Authorized to enter into an Educational Tuition Agreement and to pay said costs in the amount of $2,214 to the University of New Hampshire for, Sarah A. Duffley, Program Specialist II to attend Human Behavior and Social Environment III and Research II - Statistics courses.

#80 Authorized Public Health Laboratories to accept and expend $65,399 from the NH Highway Safety Agency, effective upon G&C approval through June 30, 2003. Fiscal Committee approved.

#81 Authorized Bureau of Emergency Preparedness and Response sole source contract with the Manchester Health Department in the amount of $984,761 for public health emergency preparedness planning services, effective upon G&C approval through August 30, 2003.

#82 Authorized Division of Chronic Disease Prevention contract with the American Red Cross-Strafford County Chapter totaling $85,000 to develop community and school-based tobacco prevention interventions, effective upon G&C approval through June 30, 2003.

#83 Authorized Bureau of Nutrition and Health Promotion to (formerly Bureau of WIC Nutrition Services), to amend agreement with Mead Johnson Nutritionals, Evansville, IN (originally approved at G&C meeting of 3-6-02 item #67), to add Lactofree infant formula to the list of products eligible for manufacturers rebates, effective upon G&C approval through September 30, 2004.

#84 Authorized Division of Chronic Disease Prevention contract with New Hampshire Minority Health Coalition, Manchester, NH in the amount of $100,000 to develop community and school-based tobacco prevention interventions, effective upon G&C approval through June 30, 2003.

Division of Alcohol and Drug Abuse Prevention and Recovery

#85 Authorized agreement with SAU #48, Plymouth Regional School District, Plymouth, NH in an amount not to exceed $12,000 to provide a Student Assistance Program, effective upon G&C approval through June 30, 2003.

Division of Elderly and Adult Services

#86 Authorized to amend sole source agreement with Sprint Communications Company L.P., Dallas, TX (originally approved at G&C meeting of 9-20-00 item #87, amended 7-20-01 item #153),

increasing the amount by $17,162.88 to $238,080.88 and extending the end date retroactive to July 1, 2002 through June 30, 2003 to provide a toll free telecommunications system that links the NH ServiceLink network.

#87 Authorized agreement with Somersworth Housing Authority, Somersworth, NH in an amount not to exceed $65,032 to provide Congregate Housing Services, retroactive to October 1, 2002 through September 30, 2003.

Division for Children, Youth and Families

#88 Authorized agreement with Davis and Towle Insurance and Financial Services, Penacook, NH in the amount of $60,037 to purchase general liability insurance for foster parents for the period from October 11, 2002 through October 11, 2003.

#89 Authorized to accept and expend $439,710 in federal funds from the US Department of Health and Human Services Administration for Children and Families, effective retroactive from July 1, 2002 through June 30, 2003. Fiscal Committee approved.

#90 The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton, with Councilor Wheeler voting NO, authorized to accept and expend $121,700 in federal funds from the US Department of Health and Human Services, and establish three Child Protection Service Worker II positions LG 20, as specified in letter dated September 18, 2002 and effective upon G&C approval through June 30, 2003. Fiscal Committee approved.

#91 Authorized contract with Val Morgan Cinema Advertising Inc., Rochester, NY in the amount of $75,066 for a statewide theater media advertising campaign to recruit foster care and adoptive parents, effective upon G&C approval through June 30, 2003.

Division for Juvenile Justice Services

#92 Authorized to accept and expend carry over balances from previous fiscal year from the US Department of Justice, Office of Juvenile Justice and Delinquency Prevention, (as well as interest earned and anticipated), in the amount of $235,170 as specified in letter dated September 18, 2002. Fiscal Committee approved.

#93 Authorized to award to eight local units of government a Juvenile Accountability Incentive Block Grant in the total amount of $86,239 for funding various grant activities and programs as allowed by the grants twelve program purpose areas, effective upon G&C approval through September 30, 2003 and as specified in letter dated August 2, 2002.

DEPARTMENT OF EDUCATION

The Governor and Council acted as follows:

#94 WITHDRAWN BY AGENCY.

#95 Authorized to budget and expend prior year grant funds in the amount of $14,484.98 from Hannaford Brothers Company in order to support the activities for the NH Teacher of the Year Program, effective upon G&C approval through June 30, 2003.

#96 Authorized to grant funds to the Southeastern Regional Education Service Center, Inc., Bedford, NH in an amount not to exceed $75,000 to develop and implement a regionally-based Statewide Early Childhood Professional Development Technical Assistance Network, in effect retroactive to September 1, 2002 through June 30, 2003.

#97 Authorized to grant funds to the International Institute of Boston-NH, Manchester, NH in the amount of $23,205 to provide English as a Second Language classes, effective upon G&C approval through June 30, 2003.

#98 Authorized to renew contract with Private Secretary, Inc., Cranston, RI (originally approved at G&C meeting of 7-25-01 item #181) in an amount not to exceed $121,500 to provide medical transcription services, effective retroactive to June 30, 2002 through June 30, 2003.

#99 Authorized to enter into sole proprietor contracts with 5 individuals as identified in Attachment A to letter dated July 24, 2002 in an amount not to exceed $53,775 to provide facilitation services, effective upon G&C approval through June 30, 2003.
(2) Further authorized payment for services rendered and approved in lieu of withholding 25% of the total value of the contract.

#100 Authorized contract with Mandy Leigh, Concord, NH, sole proprietor in an amount not to exceed $10,000 to provide complaint investigative services, effective upon G&C approval through December 31, 2002.

#101 Authorized contract with Neil B. Vroman, sole proprietor, Dover, NH in an amount not to exceed $45,194 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.

#102 Authorized contract with Kristen Harris, Portsmouth, NH, sole proprietor in an amount not to exceed $15,000 to provide complaint investigative services, effective upon G&C approval through June 30, 2003.
(2) Further authorized payment for services rendered and approved in lieu of withholding at least 25% of the total value of the contract.

#103 Authorized to amend contract with NH School Administrators Association, Concord, NH (originally approved at G&C meeting of 5-15-02 item #166), increasing the amount by $20,736 to $275,388.12 as specified in letter dated September 3, 2002.

DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

#104 Authorized the Division of Fire Standards and Training/EMS sole source agreement with Transformer Service, Inc., Concord, NH in an amount not to exceed $16,145 for annual maintenance fee, effective upon G&C approval through June 30, 2003 and further authorized to pay Transformer Service, Inc., $2,580 for an emergency repair.

#105 Authorized the following temporary full-time positions be extended retroactively as specified in letter dated September 26, 2002: Position #8T020 Counter Clerk from August 23, 2002 through August 22, 2003, and Position #8T028 Licensing Officer from June 29, 2002 through June 30, 2003.

#105A Authorized to extend Position #8T013 Mail Clerk I from November 2, 2002 to June 31, 2003 as specified in letter dated September 20, 2002.

#106 Authorized the Division of Fire Safety/Office of Emergency Management to accept and expend additional Disaster Assistance funds in the amount of $183,374 from the Federal Emergency Management Agency, effective upon G&C approval through March 31, 2003.

#107 Authorized the Division of Fire Safety & Emergency Management, Office of Emergency Management Memorandum of Understanding with the NH Department of Environmental Services in the amount of $257,488 for installing eight high elevation meteorological gages and for automating discharge at Milton 3-Ponds Dam., effective upon G&C approval through March 31, 2003.

#108 Authorized the Division of Fire Safety & Emergency Management, Office of Emergency Management to accept and expend Hazard Mitigation Grant Program funds from the Federal Emergency Management Agency in the amount of $61,875 effective upon G&C approval through March 15, 2003.
(2) Further authorized Office of Emergency Management Memorandum of Understanding with the Department of Environmental Services in the amount of $60,661 for stream gage installations, effective upon G&C approval through December 31, 2002.

DEPARTMENT OF TRANSPORTATION

The Governor and Council acted as follows:

#109 Authorized to accept and place on file the Contemplated Award List for the period August 31, 2002 through September 20, 2002.

#110 Resolved to Authorized Blanket Approval To Pay Small Claims by the Commissioner of the Department of Transportation, or her designee, as specified in letter dated September 17, 2002.

#111 Authorized reclassification and transfer of vacant Position #20287 Storekeeper, SG 10 to Technical Support Specialist II, SG 21, as specified in letter dated September 3, 2002 and approved by the Director of Personnel.

#112 Appoint a Special Committee 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.

#113 Authorized to sell 0.75 of an acre parcel of State owned land located in Concord to the City of Concord for $105,000 and sale to be credited to Concord, as specified in letter dated September 17, 2002.

#114 Authorized to accept additional federal funds in the amount of $11,762.
(2) Further authorized to grant state assistance to the City of Laconia NH in the amount of $653.44 to be matched with above referenced federal funds and local funds of $653.44 totaling $13,068.88 for amendment to AIP 09 at the Laconia Airport (originally approved at G&C meeting of 9-6-00 item #96) increasing the original federal project share from $86,524 to $98,286.

#115 Authorized to accept Federal Funds in the amount of $1,113,565 for a Concord Airport development project, as specified in letter dated September 17, 2002.
(2) Further authorized to grant state assistance to the City of Concord in the amount of $61,865 to be matched with $1,113,565 and $61,865 in local funds totaling $1,237,295 for AIP 15 Airport Development Project at the Concord Airport.

#116 Authorized new Operating Agreement with the New Hampshire Central Railroad, Inc., Colebrook, NH, as specified in letter dated September 12, 2002 and effective through December 31, 2012.

#117 Authorized agreement with and pay Michael Baker Jr., Inc., Princeton, NJ an amount not to exceed $1,183,500 for physical feature survey of the State Highway system, as specified in letter dated September 18, 2002.

#118 Authorized agreement with the Strafford Regional Planning Commission, Dover, NH to undertake the Route 4 Access Management Study in the Towns of Lee, Barrington, Nottingham, and Northwood for a fee not to exceed $22,000, effective upon G&C approval through June 30, 2003.

#119 Authorized agreement with the Upper Valley-Lake Sunapee Regional Planning Commission, Lebanon, NH to undertake the Corridor Case Studies for Village Highway Design Guidelines in the Town of Charlestown, NH in an amount not to exceed $35,000, effective upon G&C approval through June 30, 2003.

#120 Authorized agreement with Lakes Region Planning Commission, Meredith, NH to undertake the US 3 Corridor Study in the Towns of Boscawen and Franklin for a fee not to exceed $50,000 effective upon G&C approval through September 30, 2003.

#121 Authorized agreement with ConServ Group Inc., Plymouth, MA to operate the RGF ESP100 Advance Emulsion Splitting and Encapsulating Treatment System paint waste processing equipment, conduct preventative maintenance on the equipment and provide professional training services for an amount not to exceed $10,620 effective upon G&C approval through July 1, 2003.

#122 Authorized to increase contingency for Contract #616255 with Pike Industries, Inc., Belmont, NH (originally approved at G&C meeting of 4-3-02 item #104), by $17,000 to $199,261.18 as specified in letter dated September 12, 2002.
(2) Further authorized to increase contingency amount to $199,261.18 for pavement rehabilitation and safety work along NH Route 9 in the Towns of Hillsborough and Antrim and along NH Routes 123/124 in New Ipswich.

#123 Authorized to increase the contingency for Contract #616262 with Evorks Corporation, Winnisquam, NH by $75,349.42 to $157,150 (originally approved at G&C meeting of 4-3-02 item #102), as specified in letter dated September 12, 2002.
(2) Further authorized to increase referenced contingency amount to $157,150 and revise contract encumbrance to $975,155.80 for the rehabilitation and safety improvements on the bridge over 1-89, as specified in letter dated September 12, 2002.

#124 Authorized contract with B.I.I. Fence & Guardrail, Inc., Belmont, NH on the basis of low bid of $475,186.10 for project on 28 bridges, on and over I-95 to the Maine border in the Cities and Towns of Seabrook, Hampton Falls, Hampton, North Hampton, Greenland and Portsmouth as specified in letter dated August 6, 2002 and to provide additional safety measures adjacent to a gas metering facility; effective upon G&C approval through June 20, 2003.
(2) Further authorized a contingency of 10% for payment of latent conditions that may appear during execution of the project.

#125 Authorized to increase contingency for Contract #616156 with Continental Paving, Inc., Londonderry, NH by $1,184,393.81 to $1,361,500 (originally approved at G&C meeting of 11-21-01 item #123), and Further authorized to revise contract encumbrance to $3,132,561.90 for the reconstruction of 4,250 feet of Lowell Road (NH Route 3-A), as specified in letter dated September 24, 2002.

ENVIRONMENTAL SERVICES

#126 The Governor and Executive Council on motion of Councilor Wheeler, seconded by Councilor Burton, with Councilor Spaulding voting NO, approved the request of Jeffrey and Tracey Bennett's to dredge 33 cu yd from 1,345.5 sq. ft of lakebed and excavate 2,950 sq ft of material along shoreline to construct a dug-in boathouse on shoreline on property located at Lake Winnipesaukee in Moultonborough. File #2002-313.

#127 TUITION REQUESTS

The Governor and Council approved the following tuition requests:

A. COMMUNITY TECHNICAL COLLEGE - Request permission to pay the University of New Hampshire, Durham, NH, the sum of $1,350.00 for the sole purpose of enrolling Lynn Darnell, Professor, Electronics, in the course entitled "The Belize-New Hampshire Education Teacher Program".

B. ENVIRONMENTAL SERVICES - Request permission to pay the University of New Hampshire, Manchester, NH the sum of $1,110.00 for the sole purpose of enrolling Richard Rumba, Air Toxics Program Manager, in the course entitled "Social and Behavioral Health".

C. HEALTH & HUMAN SERVICES, Office of Community & Public Health - Request permission to pay the University of New Hampshire, Durham, NH, the sum of $2,214.00 for the sole purpose of enrolling MaryAnn Cooney, Administrator IV, in the courses entitled "Social and Behavioral Health" and "Public Health Policy".

D. HEALTH & HUMAN SERVICES, Office of Community & Public Health - Request permission to pay the University of New Hampshire, Manchester, NH, the sum of $2,214.00 for the sole purpose of enrolling Margaret Heatley, Administrator, in the courses entitled "Social and Behavioral Health" and "Public Health Policy".

E. NH HOSPITAL - Request permission to pay Franklin Pierce College, Concord, NH, the sum of $615.00 for the sole purpose of enrolling Irene Varney, Mental Health Worker II, in the course entitled "Identification & Management of Child Abuse & Neglect".

F. SAFETY - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of $606.00 for the sole purpose of enrolling Tammy Vaillancourt, Planning Officer, in the course entitled "Introduction to Operations Management".

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.

The Governor set the next Governor and Executive Council Meeting for Wednesday, October 23, 2002 at 10:30 a.m., at the State House, Concord, New Hampshire.

The Honorable Board then Adjourned