

GOVERNOR AND EXECUTIVE COUNCIL MINUTES  
Derry Municipal Center, Derry, New Hampshire  
October 22, 2003 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 of October 8, 2003.

The Governor and Executive Council, on motion of Councilor Wieczorek, seconded by Councilor Spaulding confirmed the appointment of several persons nominated for Civil Commissions from the October 8, 2003 meeting.

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

The Governor and Executive Council swore in the following representative-elect.

**Hillsborough District (65)**

Stephen Michon, d, Nashua (1 Anders Lane) 03060.

**RESIGNATIONS**

The Governor and Council, with regret and thanks, accepted the following:

**Respiratory Care Practitioners Board**

Barbara L. St. George, Derry

Effective: Upon Acceptance

**CONFIRMATIONS**

The Governor and Council confirmed the following:

**Air Resources Council**

Recreation

Thomas W. Sutton, Lincoln

Reappointment

Effective: October 22, 2003

Term: October 24, 2007

**Alcohol and Drug Abuse Prevention, Intervention and Treatment Commission**

Drug Abuse Treatment Professional

Steven Arnold, Colebrook

Reappointment

Effective: October 22, 2003

Term: September 20, 2006

**Board of Licensing for Alcohol and Other Drug Abuse Professionals**

Licensed Alcohol and Drug Counselor

Bonnie Wisley, Concord

(Filling Vacancy)

Effective: October 22, 2003

Term: January 28, 2004

**Economic Development Matching Grants Program**

NH Municipal Association

Douglas R. Elliott, Jr., Somersworth

Reappointment

Effective: October 22, 2003

Term: September 8, 2006

**Economic Development Matching Grants Program**

NH Municipal Association

Keith Hickey, Bedford

(Replacing James McSweeney)

Effective: October 22, 2003

Term: September 8, 2006

Enhanced 911 Commission

Rep. Dept. of Safety  
 Fredrick H. Booth, New Durham  
 Reappointment

Effective: October 22, 2003  
 Term: August 12, 2006

Enhanced 911 Commission

NH Sheriffs Association  
 James D. Linehan, Danville  
 Reappointment

Effective: October 22, 2003  
 Term: July 22, 2006

Hazardous Waste Facility Siting Board

Public Member  
 Edward Roberge, Manchester  
 (Filling Vacancy)

Effective: October 22, 2003  
 Term: October 22, 2007

Hazardous Waste Facility Siting Board

Public Member  
 Thomas Roy, Concord  
 (Replacing Greg Grinnell)

Effective: October 22, 2003  
 Term: December 28, 2004

New Hampshire Health and Education Facilities Authority – Councilor Griffin voted **no**.

Michael K. Massey, Goffstown  
 Reappointment

Effective: October 22, 2003  
 Term: June 30, 2008

Health Services Planning and Review Board

NH Ambulatory Surgical Association  
 Nicholas Vailas, Bedford  
 (Filling Vacancy)

Effective: October 22, 2003  
 Term: December 1, 2005

Board of Hearing Care Providers

Audiologist  
 Peggy Sheets, Nashua  
 (Replacing David Cieliczka)

Effective: October 22, 2003  
 Term: April 23, 2005

Judicial Council

NH Bar Association  
 Joseph M. McDonough, Manchester  
 Reappointment

Effective: October 22, 2003  
 Term: October 18, 2006

Judicial Retirement Plan Board of Trustees

Business Experience  
 Paul Ryder, New Boston  
 (New Board – RSA 100-C.Ch.311, 2003)

Effective: October 22, 2003  
 Term: October 22, 2006

Lakes Management Advisory Committee

NH Lakes Association  
 Joseph Farrelly, Concord  
 Reappointment

Effective: October 22, 2003  
 Term: August 1, 2006

Board of Mental Health Practice

Psychologist  
 Karen Jennings, Nashua  
 (Replacing Paul Finn)

Effective: October 22, 2003  
 Term: October 31, 2006

Board of Natural Scientists

Wetlands Scientist

Rick Van de Poll, Gilsum

Reappointment

Effective: October 22, 2003

Term: October 26, 2008

Right-To-Know Study Commission

Telecommunications Specialist

Corrine Cormiea, Amherst

(New Board)

Effective: October 22, 2003

Term: end of study commission

Waste Management Council

Northeast Resource Recovery Association

Anthony Iacqua, Littleton

(Replacing John Lecraw)

Effective: October 22, 2003

Term: September 7, 2007

Water Resource Council

Andy Buteau, W. Stewartstown

(Replacing Henry Therriault)

Effective: October 22, 2003

Term: October 9, 2007

**NOMINATIONS**

The Governor placed into nomination the following:

Board of Accountancy

Public Accountant

Leon Owen, Concord

Reappointment

Effective: Upon Confirmation

Term: December 2, 2008

Athletic Trainers Governing Board

Licensed Athletic Trainer

Laura C. Decoster, Manchester

Reappointment

Effective: Upon Confirmation

Term: January 8, 2007

Office of Consumer Advocate

Consumer Advocate

F. Anne Ross, Salisbury

(Replacing Michael W Holmes)

Effective: Upon Confirmation

Term: 4 yrs from appointment

Salary: FF Min. \$53,611

Children, Youth, and Families Advisory Board

Sullivan County

Michael L. Prozzo, Jr., Claremont

(Replacing Jamie Gallagher)

Effective: Upon Confirmation

Term: December 16, 2005

Board Of Licensure of Interpreters for the Deaf and Hard of Hearing

NH Association Of the Deaf

Susan Wolf-Downes, Concord

(Replacing Joan E. Case)

Effective: Upon Confirmation

Term: October 10, 2006

Fire Standards and Training Commission

Full time career Fire Chief

Ronald O'Keefe, Lee

Reappointment

Effective: Upon Confirmation

Term: November 12, 2006

Fire Standards and Training Commission

NH Municipal Association

Peter Russell, Meredith

Reappointment

Effective: Upon Confirmation

Term: November 16, 2006

Fire Standards and Training Commission

Volunteer Fire Chief  
Norman S. Weden, Ashland  
(Replacing Les A. Cartier)

Effective: Upon Confirmation  
Term: November 12, 2006

Commission on the Status of Men

Anthony W. Raymond, Plymouth  
(Replacing Christopher Emond)

Effective: Upon Confirmation  
Term: October 23, 2006

Board of Mental Health Practice

Pastoral Psychotherapist  
Ronald P. Dieter, Contoocook  
Reappointment

Effective: Upon Confirmation  
Term: October 31, 2006

Board of Nursing

Public Member  
Gail A. Barba, Dixville Notch  
Reappointment

Effective: Upon Confirmation  
Term: December 21, 2006

Retirement System Board of Trustees

Representative of NH Edu. Asso.  
Samuel J. Giarrusso, Amherst  
(Replacing Sandra Amlaw)

Effective: Upon Confirmation  
Term: July 1, 2005

**BUSINESS FINANCE AUTHORITY**

#1 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Griffin and further on a roll call vote as follows: Councilor Burton – yes, Councilor Spaulding – yes, Councilor Griffin – yes, Councilor Wieczorek – yes, and Councilor Wheeler – yes, Authorized to hold a Public Hearing to approve an award of a State Guarantee under RSA 162-A:13 with respect to a loan from Citizens Bank to Madison Lumber Mill, Inc. in Madison, New Hampshire. Action will Authorized a Resolution under RSA 162-I:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE  
GOVERNOR AND COUNCIL HELD ON OCTOBER 22, 2003  
DERRY MUNICIPAL CENTER, DERRY, NEW HAMPSHIRE**

\* \* \* \* \*  
At approximately 11:00 a.m., the Governor announced that the next matter to be considered would be the award of a State guarantee under the Guaranteed Asset Program of the Business Finance Authority in connection with a loan to be made by Citizens Bank to Madison Lumber Mill, Inc., and declared that the public hearing on the subject had commenced. He said that he and the members of the Council had received written material from the Authority with respect to the proposed loans and State guarantee. The Governor then said that the meeting would hear anyone wishing to speak on the subject and introduced Michael B. Donahue, Senior Credit Officer of the Authority who briefly explained the project and introduced Kim Moore and Jim Smith of Madison Lumber Mill, Inc., and Vernon Studer, Vice President of Citizens Bank. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Burton introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 AWARDING A STATE GUARANTEE UNDER RSA 162-A:13 WITH RESPECT TO A LOAN FROM CITIZENS BANK TO MADISON LUMBER MILL, INC." and moved its adoption, which was seconded by Councilor Griffin. There being no discussion, the Governor called for a vote on the motion. Those voting in favor were: The Governor and Councilor Burton, Councilor Spaulding, Councilor Griffin, Councilor Wieczorek, and Councilor Wheeler; those abstaining were Councilor(s): None; and those voting against were Councilor(s): None. The Governor declared that the resolution was passed.

\* \* \* \* \*

**A RESOLUTION UNDER RSA 162-A:18  
AWARDING A STATE GUARANTEE UNDER RSA 162-A:13  
WITH RESPECT TO A LOAN FROM  
CITIZENS BANK TO MADISON LUMBER MILL, INC.**

WHEREAS, the Governor and Council (the "Governor and Council") of the State of New Hampshire (the "State") have received from the Business Finance Authority of the State of New Hampshire (the "Authority") its written recommendation that the Governor and Council make certain findings and determinations pursuant to RSA 162-A:18 with respect to the award of a guarantee of the Authority in an amount equal to seventy-five percent (75%) of the principal amount of a loans up to \$1,800,000 from Citizens Bank to Madison Lumber Mill, Inc., pursuant to RSA 162-A:13 (the Guaranteed Asset Program or the "GAP Program");

WHEREAS, the proposed guarantee would require the pledge of the full faith and credit of the Authority in an amount not to exceed seventy-five percent (75%) of the proposed financing;

WHEREAS, pursuant to the provisions of RSA Chapter 162-A, the Governor and Council is authorized to approve the recommendation of the Authority and to award the recommended guarantee upon the making of specific findings after public hearing;

WHEREAS, the Governor and Council have received all the documentation and information with respect to the proposed award of the Authority's guarantee which they have requested; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. Findings and Determinations. On the basis of the documentation and information received by the Governor and Council, and after a public hearing, the Governor and Council find:

(a) Special Findings.

(i) The award of the guarantee as proposed will contribute significantly to the success of the financing.

(ii) Reasonable and appropriate measures have been taken to minimize the risk of loss to the Authority and insure that any private benefit from the award of the guarantee will be only incidental to the public purpose served thereby.

(b) General Findings.

(i) The award of the guarantee as proposed will serve a public use and provide a public benefit.

(ii) The award of the guarantee as proposed is within the policy of, and the authority conferred by RSA Chapter 162-A.

(iii) The award of the guarantee as proposed will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens.

(iv) The award of the guarantee as proposed will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.

2. Approval. The Governor and Council approve the Authority's taking such further action under the Act with respect to the award of the guarantee as may be required and authorize the Authority to take such further action with respect to such proposed execution as is necessary and appropriate to carry out the proposed transaction.

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

Passed and Agreed to October 22, 2003.

#### **OFFICE OF STATE PLANNING and ENERGY PROGRAMS**

The Governor and Council acted as follows:

#2 Authorized to enter into a memorandum of agreement with the Department of Transportation, Concord, NH, under the provisions of the NH Coastal Program, to inventory drainage structures in the coastal watershed, in the amount of \$25,000. Effective upon G&C approval through December 31, 2004.  
**Federal Funds.**

#3 Authorized to amend an existing agreement with the Department of Resources and Economic Development, Division of Parks and Recreation, Concord, NH, (previously approved by G&C on 3-19-03, item #6), under the provisions of the NH Coastal Program, for the purpose of extending the end date from December 31, 2003 to June 30, 2004.

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

The Governor and Council acted as follows:

#4 Authorized Shawn R. Burrus, Hampton, NH, be confirmed to the rank of Major, NH Air National Guard.

#5 Authorized David R. Holtgrieve, Concord, NH, be confirmed to the rank of Colonel, NH Army National Guard.

#6 Authorized to accept material donations in the amount of \$2,050.75 for the NH State Veterans Cemetery to be used for the betterment of the cemetery as detailed in letter dated October 1, 2003.

**DEPARTMENT OF ADMINISTRATIVE SERVICES**

The Governor and Council acted as follows:

#7 Authorized to accept on behalf of the State of NH a portrait of Governor Stephen Merrill and Authorized the hanging of the portrait in the State House.

#8 Authorized Bureau of Court Facilities to enter into a lease agreement with the Rockingham County Bar Association for space in the Rockingham County Courthouse to use as a Lawyers' Conference and Resource Room, for annual rent of \$2,400. Effective upon G&C approval through two years.

#9 Authorized Working Capital Warrant in the amount of \$370,000,000 to cover expenditures for the month of November 2003. (2)Further Authorized expenditures of \$263,666,371.43 for the month of September and recommends the balance of \$96,333,628.57 be lapsed.

#10 Authorized a list of agency transfers for Fiscal Year 2003 during the month of September as detailed in letter dated October 6, 2003.

#11 Authorized the quarterly revised schedule and status report of Capital Budget Projects Authorized under Chapter 226, Laws of 1999; Chapter 32, Laws of 2000; Chapter 132, Laws of 2000; Chapter 283, Laws of 2000; Chapter 202, Laws of 2001; Chapter 81, Laws of 2002; and Chapter 240, Laws of 2003.

#12 Authorized to enter into a statewide contract with System Automation, Inc., Calverton, MD, for a statewide professional licensing system including software licensing, maintenance, support, training, and installation services. Effective upon G&C approval through June 30, 2010, with an initial active term of nine months or until June 30, 2004, whichever comes later, with options to renew at the discretion of the State in annual increments up to an additional six years.

**DEPARTMENT OF AGRICULTURE, MARKETS & FOOD**

The Governor and Council acted as follows:

#13 Authorized to accept and expend funds in the amount up to \$5,595 from the US Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Program, Seed Regulatory and Testing Branch, to assist the department with conducting seed testing and enforcement, relative to seed enforcement under the Federal Seed Act, between NHDAMF and USDA SRTB. Effective upon G&C approval through September 30, 2005. **100% Federal Funds.**

#14 Authorized to enter into a **sole source** service agreement for analytical services with the University of NH's Agricultural Experiment Station, Analytical Services Laboratory, Durham, NH, up to the amount of \$17,500. Effective **retroactive** from July 1, 2003 through December 31, 2003. **100% Other Funds.**

#15 Authorized to pay Peter J. Donahue wages and benefits in the amount of \$1,752.63, for State Fiscal Year 2001 and Fiscal Year 2002, from Fiscal Year 2004 funds, due to an oversight in paying the part-time employee for annual leave earned in those two fiscal years.

**TREASURY DEPARTMENT**

The Governor and Council acted as follows:

#16 Authorized to issue a warrant from funds not otherwise appropriated and the State Treasurer to issue checks in the amount of \$44,959.17 to the rightful owners of abandoned or unclaimed funds. **Other Funds.**

#17 Authorized to accept and place on file the annual report for the fiscal year ended June 30, 2003, as detailed in letter dated September 29, 2003.

#18 NOT USED

**ATTORNEY GENERAL**

The Governor and Council acted as follows:

#19 Authorized to amend the termination date of the federal grant award of the FY 2001 Enforcing Underage Drinking Laws Grant Program, for new increased law enforcement of NH's underage drinking laws, from the original end date of May 31, 2003 to a new end date of May 31, 2004. (2)Further Authorized to enter into a sub-grant for the Enforcing Underage Drinking Laws with the NH Liquor Commission – Bureau of Enforcement in the amount of \$79,664. Effective upon G&C approval through May 31, 2004. **Retroactive. 100% Federal Funds.**

#20 Authorized with Councilor Wheeler voting – **no**, to conduct a two-day conference at the Mount Washington Hotel and Resort scheduled for November 6-7, 2003, entitled the Eleventh Conference on Child Abuse and Neglect at a cost not to exceed \$46,330. (2)Further Authorized to enter into an agreement with the Mount Washington Hotel for necessary conference facilities and food services for the two-day advanced training conference as part of the cost as noted above. (3)Further Authorized to expend funds in support of the conference noted above as detailed in letter dated September 24, 2003, totaling \$4,110. (4)Further Authorized to expend funds in support of the conference noted above as detailed in letter dated September 24, 2003, totaling \$7,300. (5)Further Authorized to enter into a contract with Kathleen Colburn Faller, Ann Arbor, MI, for workshop preparation and presentations and travel expenses at the Eleventh Annual Conference on Child Abuse and Neglect, noted and included above, at a cost not to exceed \$4,750, for the period upon G&C approval through May 30, 2004. (6)Further Authorized to enter into a contract with Michael Johnson, Plane Texas, for workshop preparation and presentations and travel expenses for the Eleventh Annual Conference on Child Abuse and Neglect, noted and included above, at a cost not to exceed \$4,300 for the period upon G&C approval through May 30, 2004. **100% Federal Funds.**

#20A **WITHDRAWN** – The Governor withdrew the request to accept and expend a grant in the amount of \$285,000 from the US Department of Justice, Office of Justice Programs Bureau of Justice Assistance for the 2003 Project Safe Neighborhoods, for programs to implement multi-faceted strategies to deter and punish gun violence. (2)Further Authorized to enter into sub-grants totaling \$263,625 with the agencies as detailed in letter dated September 25, 2003. Effective upon G&C approval through September 30, 2005. **100% Federal Funds.**

**HIGHWAY SAFETY AGENCY**

#21 The Governor and Council on motion of Councilor Griffin, seconded by Councilor Burton voted to authorize to enter into a contractual agreement with the Courtyard Marriott & Grappone Conference Center, to serve as the host site for the 2003 Annual Drunk and Drugged Driving Awareness Month Breakfast scheduled for November 24, 2003, in the amount of \$3,255.25. Effective upon G&C approval through November 30, 2003. **100% Federal. Not Low Bid.**

**BANKING DEPARTMENT**

#22 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Spaulding voted to authorize Troy E. Neff, Bank Examiner II to travel to Arlington, VA, by private automobile in lieu of common carrier, to attend the Loan Analysis training course being held by the Federal Deposit Insurance Corporation. Effective **retroactive** to September 7, 2003 through September 19, 2003. **100% Other Funds.**

**PUBLIC UTILITIES COMMISSION**

#23 The Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek voted to authorize to accept and place on file the Biennial Report for the period ending June 30, 2003.

#24 NOT USED



### DEPARTMENT OF CORRECTIONS

#25 The Governor and Council on motion of Councilor Spaulding, seconded by Councilor Burton voted to authorize to enter into a contract with Catholic Medical Center, Manchester, NH, to provide hospital services for the inmates of the NH Prison for women in Goffstown, NH, in the amount not to exceed \$500,000. Effective November 13, 2003 through June 30, 2005, and has an option to renew for one additional year. **100% General Funds.**

### DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Council acted as follows:

#26 Authorized Division of Parks and Recreation to enter into a **retroactive** agreement for sublease with Verizon New England, Boston, MA, to operate from the summit of Mt. Washington, for \$12,641.25 annually. Effective July 1, 2002 through June 30, 2005.

#27 NOT USED

#28 Authorized Division of Forests and Lands to accept and expend Federal Wildlife Habitat Incentive Program funds for restoration and maintenance of wildlife habitat, in the amount of \$1,800. Effective upon G&C approval through September 30, 2008. **Federal.** (2)Further Authorized an amendment to a memorandum of understanding with the NH Fish and Game Department, for an additional \$600 to implement the conditions of the WHIP Program. Effective upon G&C approval through September 30, 2008. (3)Further Authorized to accept and expend funds from the NH Fish and Game Department in the amount of \$600 as State Matching funds to the WHIP grant. Effective upon G&C approval through September 30, 2008. **Other.**

#29 Authorized Design, Development, and Maintenance to enter into a contract with Northern Paving & Construction Co, Berlin, NH, for the removal and replacement construction of the parking lot at Moose Brook State Park, Gorham, NH, on the basis of a low bid of \$12,500. Effective upon G&C approval through November 15, 2003. **Park Funds**

#30 NOT USED

#31 NOT USED

### FISH AND GAME DEPARTMENT

The Governor and Council acted as follows:

#32 Authorized to accept and place on file the Biennial Report for fiscal years 2002 and 2003 entitled "Preserving Outdoor Traditions in NH". **Informational Item.**

#33 Authorized to enter into a **sole source** contract with Matson's Laboratory LLC, Miltown, MT, for the purpose of providing age data by performing laboratory cleaning, cross-sectioning, and aging of teeth collected from captured and/or harvested NH white-tailed deer, moose and black bear for a total cost not to exceed \$11,000. Effective upon G&C approval through June 30, 2005, with the option to renew for an additional two-year period subject to G&C approval. **Federal, Fish & Game, Other Funds.**

#34 Authorized to enter into a **sole source** contract with the Gundalow Company, Portsmouth, NH, for the purpose of conducting fall school programs with the vessel at the Sandy Point Discovery Center, in the amount of \$10,000. Effective upon G&C approval through December 15, 2003. **Federal.**

#35 Authorized to accept the transfer of a 16.97 – acre parcel of land in Concord, NH, from Levi K. Ladd, as ordered by the Merrimack County Superior Court and set forth in a Consent Decree in settlement of alleged wetlands violations. The parcel of land known as the Ladd property is located at the intersection of Rte 106 and the ramp to Rte 4 East in Concord.

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

The Governor and Council acted as follows:

- #36 Authorized to accept and place on file the 2003 Annual Report. **Informational Item.**
- #37 Authorized to accept and expend funds from the Environmental Protection Agency for work associated with Total Maximum Daily Load Studies, in the amount of \$54,032. Effective upon G&C approval through September 30, 2004. **100% Federal Funds.**
- #38 Authorized to **retroactively** enter into an agreement with the NH Rural Water Association, Burlington, VT, to provide technical assistance to small public water systems, in the amount of \$80,041. (2)Further Authorized to **retroactively** enter into a contract with RCAP Solutions, Inc., Winchendon, MA, to provide technical assistance to small public water systems, in the amount of \$80,041. Effective October 1, 2003 through September 30, 2004. **Federal Funds.**
- #39 Authorized to enter into a grant agreement with the Town of Farmington, NH, for storm drainage system mapping, in the amount of \$6,850. Effective upon G&C approval through December 31, 2004. **100% Federal Funds.**
- #40 Authorized to amend a Local Source Water Protection grant award to Pennichuck Water Works, Nashua, NH, (previously approved by G&C on 7-10-02, item #63, amended on 6-25-03, item #143), for mapping and stenciling storm drains, by extending the completion date to June 30, 2004 from December 31, 2003.
- #41 Authorized to enter into a grant agreement with the City of Dover, NH, for storm drainage system mapping, in the amount of \$5,700. Effective upon G&C approval through December 31, 2004. **100% Federal Funds.**
- #42 Authorized loan agreement with the City of Portsmouth, NH, to borrow up to \$759,000 from the State Water Pollution Control Revolving Fund Program for the purpose of financing the engineering and construction of their CSO elimination/reduction program.
- #43 Authorized to accept and place on file the Annual Report of the Oil Fund Disbursement Board. **Informational Item.**
- #44 Authorized Village Green Condo's request to permanently remove an existing permanent dock and an existing deck over the water, replace a second permanent structure with a new structure consisting of eight tie-off pilings and eight finger piers extending from wide walkways on frontage on property located at Lake Winnepesaukee in Laconia.
- #45 Authorized Chet Juszczak's permit amendment (previously approved by G&C on 7-24-00), request to lengthen boathouse to accommodate new slip length and storage area on property located at Cow Island on Lake Winnepesaukee in Tuftonboro.
- #46 Authorized Susan Philbrick Revoc Trust 1998's request to impact tidal wetlands for the removal of an eroding stone and railroad tie wall and replacement of the eroding wall with a uniform granite block retaining wall on property at Welsh Cove in Newington.
- #47 Authorized Magee Family Trust's request to excavate shoreland to add a addition with one additional boat slip to an existing dug-in boathouse, retain an existing perched beach with two sets of stone steps accessing the beach and then water on frontage on property located at Winter Harbor on Lake Winnepesaukee in Wolfeboro.

#48 Authorized Frank & June Rich's request to fill to construct breakwater in an "L" configuration with a gap at the shoreline, construct a cantilevered pier accessed by a walkway with a dock supported on two cribs accessed by a stairway, construct a seasonal canopy over the boat slips, on frontage on property located on Lake Winnepesaukee in Alton.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

##### Office of Finance

#49 Authorized to enter into a **retroactive** agreement with Bell & Howell Mail and Messaging Technologies Company dba Bell & Howell Mail and Messaging Technologies Company, Inc., Charlotte, NC, for preventive maintenance services, in an amount not to exceed \$111,537. Effective upon G&C approval through June 30, 2005. **45% Federal, 55% General.**

##### Office of Health Planning & Medicaid

#50 Authorized to enter into an agreement with Arthur J. Walsh, MD, F.A.C.S., Ashland, NH, to function as a Medical Disability Determination Reviewer for the Disability Determination Unit, for an amount not to exceed \$83,223. Effective upon G&C approval through June 30, 2005. **50% Federal, 50% General.**

#51 NOT USED

#52 NOT USED

##### Division of Child Support Services

#53 Authorized to renew an agreement with Tri-County Community Action Program, Incorporated, Berlin, NH, to provide mediation services to parents in Coos County to assist them in resolving their differences regarding custody, access and visitation issues in a non-adversarial, confidential setting, in the amount of \$18,127. Effective upon G&C approval through September 30, 2004. (2)Further Authorized to reallocate not more than 10% of contracted funds between this Access & Visitation contract and the Carroll County contract with Tri-County Community Action Program, Incorporated, Berlin, NH, if both are approved by G&C, upon receiving a written request and adequate documentation. **100% Federal.**

#54 Authorized to enter into an agreement with Merrimack County Visitation Center, Concord, NH, to provide fully supervised visitation, semi-supervised visitation and supervised exchange services to families in Merrimack, Grafton, Cheshire, and Rockingham counties in a safe, secure, and structured setting, in the amount of \$23,440. Effective upon G&C approval through September 30, 2004. **100% Federal.**

#55 Authorized to renew an agreement with Tri-County Community Action Program, Incorporated, Berlin, NH to provide mediation services to parents in Carroll County to assist them in resolving their differences regarding custody, access and visitation issues in a non-adversarial, confidential setting, in the amount of \$18,126. Effective upon G&C approval through September 30, 2004. (2)Further Authorized to reallocate not more than 10% of contracted funds between this Access & Visitation contract and the Coos County contract with Tri-County Community Action Program, Incorporated, Berlin, NH, if both are approved by G&C, upon receiving a written request and adequate documentation. **100% Federal.**

#56 NOT USED

#57 Authorized to enter into an agreement with Monadnock Family Services, Inc., Keene, NH, to provide mediation services to parents in Cheshire County to assist them in resolving their differences regarding custody, access and visitation issues in a non-adversarial, confidential setting, in the amount of \$22,547. Effective upon G&C approval through September 30, 2004. **100% Federal.**

**Division of Alcohol & Drug Abuse Prevention and Recovery**

#58 Authorized to enter into an agreement with SAU #41, Hollis, NH, to provide substance abuse prevention services, in an amount not to exceed \$12,000. Effective upon G&C approval through June 30, 2004. **100% Federal.**

#59 Authorized to enter into an agreement with the New Outlook Teen Center, Inc., Exeter, NH, to provide prevention services, in an amount not to exceed \$29,000. Effective upon G&C approval through June 30, 2004. **100% Federal.**

#60 Authorized to enter into an agreement with SAU #35, Littleton, NH, to provide student assistance programming, in an amount not to exceed \$47,425. Effective upon G&C approval through June 30, 2004. **100% Federal.**

#61 NOT USED

**Office of Community & Public Health**

#62 Authorized with Councilor Wheeler voting – **no**, Bureau of Maternal and Child Health, to spend up to \$14,027 to conduct a training program to support teen pregnancy prevention educational programs. Effective upon G&C approval through June 30, 2004. **100% Federal.**

#63 NOT USED

#64 Authorized Health and Human Services and Department of Safety under the authority of the memorandum of understanding signed on September 4, 2003 to amend an existing **retroactive sole source** agreement with the Manchester Health Department of Manchester, NH, (previously approved by G&C on 10-9-02, item #81), for public health emergency preparedness planning services, by extending the completion date from August 30, 2003 to August 30, 2005, and increasing the price limitation by \$1,304,326 from \$984,761 to \$2,289,087. Effective upon G&C approval. **100% Federal.**

#65 NOT USED

#66 NOT USED

**New Hampshire Hospital**

#67 Authorized to increase the annual salary of Craig M. Coldwell, MD, Physician in Charge, by \$3,000, for being board certified. **100% General.**

**Division of Family Assistance**

#68 Authorized to make a **retroactive** unencumbered payment in the amount of \$13,999.69 to the University System of NH, for performance of services to complete the State Welfare Reform Evaluation study. **100% General.**

#69 Authorized to make a **retroactive** unencumbered payment of \$40,068.06 to the Department of Education, Bureau of Adult Basic Education, for costs incurred in the performance of the State Fiscal Year 2003 memorandum of understanding between the agencies for the provision of basic competency in academic skills training for DFA Clients. **59% Federal, 41% General.**

#70 NOT USED

**Division of Elderly & Adult Services**

#71 Authorized to enter into an agreement with Life Coping, Inc., Nashua, NH, to provide fiscal intermediary services to facilitate DEAS staff training programs, in an amount not to exceed \$24,500. Effective upon G&C approval through June 30, 2005. **69% Federal, 31% General.**

#72 Authorized to enter into an agreement with High Point Communications Group, Inc., Bow, NH, to provide fiscal intermediary, coordination and management services for the annual Conferences on Aging in the amount not to exceed \$30,330. Effective upon G&C approval through June 30, 2005. **100% Federal.**

#73 Authorized to enter into a **sole source** agreement with Tri County Community Action Program, Inc., Berlin, NH, to provide Alzheimer's Adult Day Care Services to the North Country Alzheimer's Partnership in the amount of \$67,000. Effective **retroactive** to July 1, 2003 through June 30, 2004. **100% Federal.**

#74 Authorized to enter into a **sole source** agreement with Community Services Council of NH, Concord, NH, to continue the "Health Care Waste, Fraud and Abuse Senior Medicare Patrol Project" in an amount not to exceed \$166,250. Effective **retroactive** to July 1, 2003 through June 30, 2004. **100% Federal.**

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

#75 The Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek voted to accept and place on file the Annual Report for the Fiscal Year 2003. **Informational Item.**

#### **DEPARTMENT OF EDUCATION**

The Governor and Council acted as follows:

#76 Authorized to pay the Education Commission of the State \$53,000 for the annual Assessment of FY 2004. **100% General Funds.**

#77 Authorized to pay the FY 2004 participation fee for the Health Education Assessment Consortium to the Council of Chief State School Officers in the amount of \$12,000. **100% Federal Funds.**

#78 Authorized Division of Program Support to amend a contract with Bernard R. Davis, Contoocook, NH, (previously approved by G&C on 6-12-02, item #123, amended on 4-16-03, item #10), by extending the termination date from December 31, 2003 to September 30, 2004. **No Cost.**

#### **NH COMMUNITY TECHNICAL COLLEGE SYSTEM**

The Governor and Council acted as follows:

#79 Authorized to accept and expend federal funds on behalf of the Workforce Opportunity Council, Inc., in the amount of \$500,000. (2)Further Authorized to increase the account as detailed in letter dated October 8, 2003. **100% Federal Funds.**

#80 Authorized to accept and expend federal pass-through grant funds from the NH Department of Resources and Economic Development in the amount of \$98,650. (2)Further Authorized to accept and expend additional private local funds in the amount of \$150,000 to be sought from various donors for the required match for this program. Effective upon G&C approval through December 31, 2005. **100% Federal Funds.**

#### **POLICE STANDARDS & TRAINING COUNCIL**

The Governor and Council acted as follows:

#81 Authorized to enter into a service agreement with Harry O'Reilly, Monroe, NY, to provide instruction in a 5-day session of "Undercover Operations" and a 3-day session of "Hostage Negotiations" to be held at the NH Police Standards and Training facility in Concord before the end of the fiscal year, June 30, 2004, at a cost of \$9,880. **100% Other Funds.**

#82 Authorized to enter into a service agreement with Crawford Polygraph Services of Center Harbor, NH, to provide instruction in a three-week session of Detective Training, and two, five-day sessions of Interview and Interrogation. To be held at the NH Police Standards and Training facility in Concord following G&C approval and before the end of the fiscal year, June 30, 2004 at a cost of \$17,500. **100% Other Funds.**

#83 Authorized to enter into a service agreement with Shiloh Trail, Inc., Greenbelt, MD, to provide instruction in a three-day session of Executive Leadership for \$3,700, and a two-day session of Property and Evidence Room Management at a cost of \$3,700 and a one-day session of RAID Rapid and Immediate Deployment to Active Shooters for \$2,600, to be held at the NH Police Standards and Training facility in Concord following the G&C approval and before the end of the fiscal year June 30, 2004 at a cost of \$10,000. **100% Other Funds.**

#84 Authorized to enter into a service agreement with the Institute of Police Technology and Management of the University of North Florida in Jacksonville, FL, to teach three specialized in-service classes during the FY 04 to police officers at the NH Police Standards and Training Council facility in Concord: one session of "Concealment Areas in Vehicles", one session of "First Line Supervision", and two sessions of "Field Training Officer", in the amount of \$30,000. **100% Other Funds.**

#### **NEW HAMPSHIRE SWEEPSTAKES COMMISSION**

#85 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton voted to authorize to accept and place on file the Annual Report for the fiscal year ended June 30, 2003.

#### **DEPARTMENT OF SAFETY**

The Governor and Council acted as follows:

#86 Authorized Division of Fire Safety and Emergency Management, to accept and expend Disaster Assistance funds in the amount of \$2,580,333 from the Federal Emergency Management Agency. Effective upon G&C approval through September 15, 2005.

#87 Authorized Division of State Police to accept and expend a \$993,483 grant from the US Department of Justice, Bureau of Justice Assistance titled "FY 2003 BJA Congressionally Mandated Awards." Effective upon G&C approval through July 31, 2004. **100% Federal.**

#88 Authorized Division of Fire Standards and Training/EMS to contract with Capital City Paving Inc, Concord, NH, for paving the Fire House parking area, in the amount of \$33,400. Effective upon G&C approval through June 30, 2004. **100% Other.**

#89 Authorized Division of Fire Standards and Training/EMS to contract with Tasker Landscaping of Loudon, NH, for snow plowing, in the amount of \$13,375. Effective upon G&C approval through June 30, 2004.

#90 Authorized Division of Administration to enter into a two-year agreement with Casella Waste Management/Atlantic Waste Systems Division of Salem, NH, to pick-up trash at the locations as detailed in letter dated September 16, 2003, in the amount of \$8,244. Effective upon G&C approval through June 30, 2005. **100% Highway.**

#91 Authorized Division of Fire Safety and Emergency Management to amend item #143 as approved by G&C on September 3, 2003 requesting an increase in its fleet of 14 vehicles by four, 2 trucks and 2 cars. The cars should be amended to read 2 four-wheel drive vehicles.

#### **DEPARTMENT OF TRANSPORTATION**

The Governor and Council acted as follows:

#92 Authorized to accept and place on file the Bureau of Right-of-Way's Contemplated Award List for the period September 17, 2003 through September 30, 2003.

#93 Authorized Bureau of Rail and Transit to pay the Cooperative Alliance for Seacoast Transportation, to provide a portion of the funds required to match Federal Transit Administration grant funds for capital and operating expenses, in an amount not to exceed \$44,750. **Federal.**

#94 Authorized Bureau of Rail and Transit to pay the Manchester Transit Authority to provide a portion of the funds required to match Federal Transit Administration grant funds for capital and operating expenses, in an amount not to exceed \$44,750. **Federal.**

#95 Authorized Bureau of Rail and Transit to pay the City of Nashua, to provide a portion of the funds required to match Federal Transit Administration grant funds for capital and operating expenses, in an amount not to exceed \$44,750. **Federal.**

#96 Authorized Bureau of Rail & Transit to grant a permanent easement of the State-owned Concord to Lincoln railroad corridor in Concord to the City of Concord, NH.

#97 Authorized Bureau of Highway Maintenance an increase in the contract as detailed in letter dated September 5, 2003, with Larry G. Cushing & Sons, Inc., Walpole, NH, (previously approved by G&C on 11-13-02, item #178), in the amount of \$4,342.40 for completion of a replacement water supply on the property of Richard Buscemi, New Ipswich, NH. Effective upon G&C approval. **General Funds.**

#98 Authorized Bureau of Rail and Transit to expend an amount not to exceed \$80,000 from the Special Railroad Fund, to complete repairs to the Westboro Railroad Yard and bridge over the Connecticut River, as detailed in letter dated September 19, 2003. **Other Funds.**

#99 Authorized Bureau of Rail and Transit to grant an easement for a water line for twenty-five years and renewable for an additional twenty-five years to MM & DM Realty, LLC, Laconia, NH, for a total of \$15,435 in yearly payments, plus a one-time administrative fee of \$500. **Other Funds.**

#100 Authorized Construction Bureau to increase the contract amount with R.S. Audley, Inc., Bow, NH, (previously approved by G&C on 3-14-01, item #197), for hazardous elimination and capacity improvements at the US Route 1/NH Route 107 intersection and US route 1/Railroad Avenue intersection, by \$334,000. **Federal.**

#101 Authorized to enter into a **sole source** agreement with the New England Transportation Technician Certification Program, Marshfield, MA, to maximize quality and assure that the best available materials are used in highway infrastructure investments, for a total fee of \$40,000. Effective upon G&C approval through June 30, 2005. **Federal Funds.**

#102 NOT USED

#103 Authorized Bureau of Municipal Highways to enter into a joint memorandum of agreement with Northern New England Passenger Rail Authority, Portland, ME, to provide the means for reimbursement of each NH station host community's share of the Platform Liability Insurances for AMTRAK and Guilford Railroad Systems; and installation of Quik-Trak self-service ticketing machines. The AMTRAK Liability Insurance total \$44,143.71 and GRS Liability Insurance totals \$82,028.18 for two years October 15, 2001 through October 15, 2003. The cost of installation of the Quik-Trak self ticketing machines at \$44,000 per station totals \$132,000. These items are eligible project cost totaling \$258,171.89 attributed to the project referenced above that were handled and paid by the NHEPRA on behalf of all seven station host communities in ME and NH. **Federal.**

#104 Authorized Bureau of Public Works to enter into a contract with J.C. Cannistraro, LLC, Watertown, MA, for Sprinkler System, NH Technical College, Berlin, NH, for a lump sum price of \$114,000. **General Funds.**

#105 Authorized Bureau of Public Works to enter into a contract with Major L. Rodd, Inc., St. Johnsbury, VT for re-roofing Nashua District Court, Nashua, NH, for a lump sum price of \$112,000. **100% Capital.**

#106

#### TUITION REQUESTS

The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Griffin, authorized the requests:

- A. ADMINISTRATIVE SERVICES** - Request permission to pay Franklin Pierce College, Concord, NH, the sum of \$642.00 for the sole purpose of enrolling Donna Raymond, Administrator III, in the course entitled "Human Relations".
- B. COMMUNITY TECHNICAL COLLEGE** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$466.00 for the sole purpose of enrolling Susan Gattton, Administrative Assistant, in the distance learning course entitled "Cost Accounting I".
- C. COMMUNITY TECHNICAL COLLEGE** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$627.00 for the sole purpose of enrolling Andrea Stickney, Technical Support Specialist II, in the course entitled "Data Communications and Networking".
- D. EDUCATION** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$699.00 for the sole purpose of enrolling Teresa Vincent, Program Specialist II, in the course entitled "Cost Accounting I".
- E. ENVIRONMENTAL SERVICES** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$699.00 for the sole purpose of enrolling Wendy Hullinger, Executive Secretary, in the course entitled "Discrete Mathematics".
- F. ENVIRONMENTAL SERVICES** - Request permission to pay the University of New Hampshire, Manchester, NH, the sum of \$2,400.00 for the sole purpose of enrolling Patricia North, Air Pollution Control Engineer III, in the courses entitled "Biostatistics" and "Epidemiology".
- G. ENVIRONMENTAL SERVICES** - Request permission to pay the University of New Hampshire, Manchester, NH, the sum of \$2,400.00 for the sole purpose of enrolling Richard Rumba, Air Toxics Program Manager, in the courses entitled "Public Health Finance and Budgeting" and "Public Health Field Study".
- H. HEALTH & HUMAN SERVICES, Division of Alcohol & Drug Abuse** - Request permission to pay Southern New Hampshire University, Nashua, NH, the sum of \$627.00 for the sole purpose of enrolling Samantha Lucier, Accountant III, in the course entitled "Business Ethics".
- I. HEALTH & HUMAN SERVICES, Behavioral Health** - Request permission to pay Slippery Rock University, Slippery Rock, PA, the sum of \$689.67 for the sole purpose of enrolling Sarah Lester, Nurse Specialist, in the Internet course entitled "Health Assessment and Promotion".
- J. HEALTH & HUMAN SERVICES, Office of Community & Public Health** - Request permission to pay the University of New Hampshire, Manchester, NH, the sum of \$1,179.00 for the sole purpose of enrolling Rodney Bascom, Microbiologist I, in the course entitled "Public Health Finance and Budgeting".
- K. HEALTH & HUMAN SERVICES, Employee Assistance Program** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$1,326.00 for the sole purpose of enrolling Patricia Thompson, Administrative Assistant, in the courses entitled "English Grammar" and "US History Since 1945".



- L. HEALTH & HUMAN SERVICES, Office of Program Support** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$1,359.00 for the sole purpose of enrolling Suzanne Barricklow, Administrative Assistant, in the course entitled "Human Behavior in Organizations".
- M. INSURANCE** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$699.00 for the sole purpose of enrolling Mary Verville, Financial Records Auditor, in the distance learning course entitled "Finite Mathematics".
- N. LIQUOR** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$699.00 for the sole purpose of enrolling Christina Demers, Statistician I, in the course entitled "Macroeconomics".
- O. PUBLIC UTILITIES** - Request permission to pay Franklin Pierce College, Concord, NH, the sum of \$1,520.00 for the sole purpose of enrolling Karen Moran, PUC Examiner, in the course entitled "Strategic Management Seminar".
- P. SAFETY** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$627.00 for the sole purpose of enrolling Tammy Vaillancourt, Planning Officer, in the course entitled "Introduction to Business Finance".
- Q. TRANSPORTATION** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$313.50 for the sole purpose of enrolling Robin Schofield, Secretary II, in the course entitled "Business Law I".

#107

**TRAVEL REQUESTS**

The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Wieczorek, authorized the requests:

- A. BANKING** - Request permission for (1) employee, Kristina Dore, Bank Examiner Trainee, or designee, to travel to Arlington, VA on November 30 – December 19, 2003, to attend the Introduction to Examinations. ALSO A CASH ADVANCE OF \$600.00 IS REQUESTED FOR Kristina Dore. Permission is also requested for a waiver to exceed the 300-mile radius by personal vehicle. Total Cost: \$1,137.00. Source of Funds: 100% Other Exam/Assessment Funds. No Registration Fees.
- B. FISH & GAME** - Request permission for (1) employee, Steven Weber, Chief, or designee, to travel to Ithaca, NY on October 28 – 29, 2003, to attend the Northeast Wildlife Administrators Assoc. 2003 Fall Meeting. Permission is also requested for a waiver to exceed the 300-mile radius by state vehicle. Total Cost: \$189.00. Source of Funds: 53% Federal, 8% Agency and 39% Fish & Game Funds. No Registration Fees.
- C. SAFETY** - Request permission for (1) employee, David Barrett, Director, or designee, to travel to Virginia Beach, VA on October 25 – 29, 2003, to attend the 44<sup>th</sup> National Association of State Boating Law Administrators Annual Conference. Permission is also requested for a waiver to exceed the 300-mile radius by state vehicle. Total Cost: \$1,039.01. Source of Funds: 100% Federal Funds. No Registration Fees.

**LATE ITEMS**

**DEPARTMENT OF EDUCATION**

A. Authorized the Department of Education to accept and expend additional grant funds (\$724,648.00) and budget and expend prior year unexpended funds (\$1,227,616.81) in the amount of \$1,952,264.81 from the United States Department of Education to provide expanded learning opportunities outside of regular school hours to students during the year ending June 30, 2004 with the budget as follows. These are 100% Federal Funds.

**ITEMS REMOVED FROM TABLE**

The Governor and Council on motion of Councilor Wiezcorek, seconded by Councilor Burton, voted to remove item #20 - which was tabled at the September 17, 2003 meeting.

**DEPARTMENT OF ADMINISTRATIVE SERVICES**

#20 The Governor and Council on motion of Councilor Wiezcorek, seconded by Councilor Burton, voted to approve the request of the Division of Personnel to enter a **sole source** contract with Samuel McKeeman of Camden, ME, to provide training for government employees, for a cost not to exceed \$10,000. Effective upon G&C approval through June 30, 2004. **100% Other.**

Next Governor and Executive Council meeting is scheduled for Wednesday, November 5, 2003 at 10:00 a.m. at the State House in Concord, NH.

The Honorable Board then Adjourned