

GOVERNOR AND EXECUTIVE COUNCIL MINUTES  
State House, Concord, New Hampshire  
October 20, 2004 10:00 a.m.

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

The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Wieczorek, accepted the minutes of October 6, 2004.

The Governor and Executive Council, on motion of Councilor Wheeler, seconded by Councilor Griffin approved the appointment of several persons nominated for Civil Commissions from the October 6, 2004 meeting.

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

**RESIGNATIONS**

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

Board of Mental Health Practice

Public Member

Barbara A. Salvatore, Bedford

Effective: Upon Acceptance

**CONFIRMATIONS**

The Governor and Council confirmed the following:

Compensation Appeals Board

Roger E. Gagnon, Manchester

Replacing Richard J Daschbach, Newmarket

Effective: October 20, 2004

Term: February 9, 2007

Emergency Shelter and Homeless Coordination Commission

Harold R. Acres, Nashua

Reappointment

Effective: October 20, 2004

Term: August 26, 2006

Emergency Shelter and Homeless Coordination Commission

Eleanor Amidon, Hancock

Reappointment

Effective: October 20, 2004

Term: August 26, 2006

Emergency Shelter and Homeless Coordination Commission

Helen C. Cohen, Kensington

Reappointment

Effective: October 20, 2004

Term: August 26, 2006

Emergency Shelter and Homeless Coordination Commission

Sharon Drake, Concord

Reappointment

Effective: October 20, 2004

Term: August 26, 2006

Historical Resources Council

Architecture

Duffy Monahan, Peterborough

Reappointment

Effective: October 20, 2004

Term: December 10, 2009

Historical Resources Council

History

David H. Watters, Dover

Reappointment

Effective: October 20, 2004

Term: December 10, 2009

Judicial Retirement Plan Board of Trustees

Business Experience

Jack R. Hutton, Concord

Replacing Paul Ryder, New Boston

Effective: October 20, 2004

Term: October 22, 2006

Advisory Committee on Marine Fisheries

G. Ritchie White, Rye

Reappointment

Effective: October 20, 2004

Term: December 2, 2007

Oil Fund Disbursement Board

Public Member

James E. Connolly Jr., Manchester

Reappointment

Effective: October 20, 2004

Term: January 1, 2008

Personnel Appeals Board

Alternate

John Reagan, Deerfield

Replacing Anthony Urban, Berlin

Effective: October 20, 2004

Term: September 24, 2007

Portsmouth District Court

Sawako Gardner, Rye

Filling Vacancy

Effective: October 20, 2004

Term: Upon reaching the age of 70

Public Water Access Advisory Board

Roger J. Bellerose Sr., Manchester

Reappointment

Effective: October 20, 2004

Term: October 27, 2007

Department of Safety – Councilor Wieczorek voted **no**.

Director of the Division of Administration

Wesley J. Colby, Laconia

Replacing Timothy H. Mason, Bow

Effective: October 14, 2004

Term: March 31, 2006

GG Step 4 \$77,389

Telecommunications Planning and Development Advisory Commission

Long Distance Learning

Brian Sheppard, Dover

Replacing Francis A. Windsor, Durham

Effective: October 20, 2004

Term: October 18, 2005

**NOMINATIONS**

The Governor placed into nomination the following:

Board of Licensed Dietitians

Lynn Abbott, Stratham

Replacing Joanne A Ward, Stratham

Effective: Upon Confirmation

Term: December 6, 2007

Energy Planning Advisory Board

Business Community

Alan R. Karg, Warner

Filling Vacancy

Effective: Upon Confirmation

Term: October 20, 2007

Energy Planning Advisory Board

Business Community

Wendell W. Jesseman, Landaff

Filling Vacancy

Effective: Upon Confirmation

Term: October 20, 2007

New Motor Vehicle Arbitration Board  
Susan Richey, Concord  
Replacing Kenneth Batchelder, Bridgewater

Effective: Upon Confirmation  
Term: March 25, 2007

Advisory Committee on Marine Fisheries  
Geno J. Marconi Jr., Portsmouth  
Reappointment

Effective: Upon Confirmation  
Term: October 15, 2007

Advisory Committee on Marine Fisheries  
Laura E.M. Simmons, North Hampton  
Reappointment

Effective: Upon Confirmation  
Term: September 29, 2007

Advisory Committee on Marine Fisheries  
Peter Whelan, Portsmouth  
Replacing William Bland, Newmarket

Effective: Upon Confirmation  
Term: September 29, 2007

Regional Community Technical College Board of Trustees  
Community Service  
Connie M. Roy-Czyzowski, Bedford  
Replacing James Snodgrass, Concord

Effective: Upon Confirmation  
Term: February 17, 2008

**BUSINESS FINANCE AUTHORITY**

#1 The Governor and Executive Council on motion of Councilor Wheeler, seconded by Councilor Burton and further on a roll call vote as follows: Councilor Burton – yes, Councilor Spaulding – yes, Councilor Griffin – absent, Councilor Wieczorek – yes, and Councilor Wheeler – yes, Authorized to hold a Public Hearing with respect to the financing of a loan to Monadnock Economic Development Corporation located in Keene, NH. Action will Authorized a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE  
GOVERNOR AND COUNCIL HELD ON OCTOBER 20, 2004  
, CONCORD, NEW HAMPSHIRE**

\* \* \* \* \*

At approximately 10:20 a.m., the Governor announced that the next matter to be considered would be the purchase by the Business Finance Authority of a loan to be made by Monadnock Economic Development Corporation 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 loan. The Governor then said that the meeting would hear anyone wishing to speak on the subject. Michael Donahue, Senior Credit Officer of the Authority, briefly explained the project. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Wheeler introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 AWARDDING A LOAN PURCHASE UNDER RSA 162-A:7 WITH RESPECT TO A CERTAIN LOAN TO MONADNOCK ECONOMIC DEVELOPMENT CORPORATION" and moved its adoption, which was seconded by Councilor Burton. 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.

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**A RESOLUTION UNDER RSA 162-A:18 AWARDED A LOAN  
UNDER RSA 162-A:7 FROM THE BUSINESS FINANCE AUTHORITY OF  
THE STATE OF NEW HAMPSHIRE TO MONADNOCK ECONOMIC DEVELOPMENT  
CORPORATION**

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 a loan by the Authority to Monadnock Economic Development Corporation (the "Borrower") in the original principal amount of up to \$300,000 to provide financing for renovations to the former Igenics building in Black Brook Corporate Park, Keene, New Hampshire (the "Loan")

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 Authorized and approve the Loan by the Authority upon the making of specific findings after public hearing;

WHEREAS, the Governor and Council will receive all the documentation and information with respect to the proposed Loan by the Authority; 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 Determination. On the basis of the documentation and information received by the Governor and Council, after a public hearing, the Governor and Council find:

a. Special Findings.

(i) The Loan in consistent with local or regional development plans or policies.

b. General Findings.

(i) The Loan that the Authority has proposed will serve a public use and provide a public benefit.

(ii) The Loan that the Authority has proposed is within the policy of, and the authority conferred, by RSA Chapter 162-A.

(iii) The Loan that the Authority has 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 Loan that the Authority has proposed will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.

2. Approval. Governor and Council approve the Loan by the Authority as recommended by the Authority and Authorized the Authority to cause the execution and delivery of the loan documents substantially in the form submitted to Governor and Council and to take such further action as the act with respect to the transaction as may be required.

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

Passed and agreed to October 20, 2004.

#2 The Governor and Executive Council on motion of Councilor Wheeler, seconded by Councilor Wieczorek and further on a roll call vote as follows: Councilor Burton – yes, Councilor Spaulding – yes, Councilor Griffin – absent, Councilor Wieczorek – yes, and Councilor Wheeler – yes, Authorized to hold a Public Hearing with respect to the financing of a commercial facility by the Business Finance Authority for Pennichuck Water Works Company, Inc. and Pennichuck East Utility, Inc. for projects located in Merrimack, Nashua, and Litchfield, New Hampshire. Action will Authorized a Resolution under RSA 162-I:9 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE  
GOVERNOR AND COUNCIL HELD OCTOBER 20, 2004  
AT THE STATE HOUSE, CONCORD**

\* \* \* \* \*

At 10:30 a.m. the Governor announced that the next matter to be considered would be the financing and refinancing of water facility projects by the Business Finance Authority for Pennichuck Water Works, Inc. and Pennichuck East Utility, Inc. in Merrimack, Nashua and Litchfield (collectively, the “Project”) and declared that the public hearing on the subject had commenced. He said that he and the members of the Council had received documentation and information with respect to the Project. The Governor said that the meeting would then hear anyone wishing to speak on the subject. Jack Donovan, Executive Director of the Authority, stated that the Authority had approved the financing and recommended that the Governor and Council make the required findings under RSA 162-I:9. He also briefly explained the Project, emphasized that the credit of the State was not involved and introduced Charles Staab, Treasurer of Pennichuck Water Works, Inc. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Wheeler introduced a resolution entitled “A RESOLUTION UNDER RSA 162-I:9 WITH RESPECT TO THE FINANCING OF WATER FACILITIES BY THE BUSINESS FINANCE AUTHORITY FOR PENNICHUCK WATER WORKS, INC. AND PENNICHUCK EAST UTILITY, INC. IN MERRIMACK, NASHUA AND LITCHFIELD” and moved its adoption, which was seconded by Councilor Wieczorek. After discussion of the resolution, the Governor called for a vote on the motion. Those voting in favor were: The Governor and Councilor Burton, Councilor Spaulding, Councilor Griffin, Councilor 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.

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A RESOLUTION UNDER RSA 162-I:9 WITH RESPECT TO THE FINANCING  
OF WATER FACILITIES BY THE BUSINESS FINANCE AUTHORITY FOR  
PENNICHUCK WATER WORKS, INC. AND PENNICHUCK EAST UTILITY, INC.  
IN MERRIMACK, NASHUA AND LITCHFIELD

WHEREAS, the Governor and Council have received from the Business Finance Authority (the "Authority") its written recommendation that the Governor and Council make certain findings and a determination pursuant to RSA 162-I:9 with respect to the financing and refinancing of water facilities for Pennichuck Water Works, Inc. and Pennichuck East Utility, Inc. (the "Borrowers") in Merrimack, Nashua and Litchfield by the Authority's issue of up to \$7,000,000 Bonds under RSA 162-I (the "Act");

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

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

IT IS HEREBY RESOLVED THAT:

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

(a) Special findings:

(1) The Project (which when completed will constitute the "Facilities") consists of (A) the financing of upgrades to water facilities of Pennichuck Water Works, Inc. and Pennichuck East Utility, Inc. including (i) replacement of a water main in the Ledge Street area of the City of Nashua, (ii) reconstruction of the Supply Pond Dam in the City of Nashua, and (iii) construction of a 1,000,000-gallon water tank and associated site preparation work and piping on Rocky Hill in Litchfield, and (B) the refinancing of projects consisting of (i) construction of a 20,000,000 gallon per day raw water supplemental pumping facility in the Town of Merrimack on an extension of Mast Road and the acquisition and installation of equipment and furnishings therefor and the laying of approximately 8,670 linear feet of 30-inch ductile iron transmission main in the Town of Merrimack; (ii) construction of a water treatment plant located on Concord Street in the City of Nashua; (iii) replacement of the Bowers Pond Dam and related site work at Bowers Pond in the City of Nashua and the Town of Merrimack; and (iv) construction of a 1,700,000-gallon reservoir tank and related equipment located off of Shakespeare Road in the City of Nashua, all of which are used by Pennichuck Water Works, Inc. or Pennichuck East Utility, Inc. for the purpose of increasing water storage capacity for fire protection and maintaining constant water pressure in the Towns of Merrimack and Litchfield and the City of Nashua. The Project is within the definition of "Water facility" in the Act and may be financed under the Act.

(2) The establishment and operation of the Facilities expands or maintains and improves the collection, purification, storage or distribution of water for domestic, industrial, agricultural, or other uses, and the water for such uses is to be available on reasonable demand to members of the general public within the State of New Hampshire.

(b) General findings:

(1) The Project and the proposed financing of the Project are feasible;

(2) The Borrowers have the skills and financial resources necessary to operate the Facilities successfully;

(3) The LOAN AND TRUST AGREEMENTS (each of which is a combined financing document and security document, hereinafter called an "Agreement") contain provisions so that under no circumstances will the Authority be obligated directly or indirectly to pay project costs, debt service or expenses of operation, maintenance and upkeep of the Facilities except from Bond proceeds or from funds received under the Agreements, exclusive of funds received thereunder by the Authority for its own use;

(4) The Agreements do not purport to create any debt of the State with respect to the Facilities, other than a special obligation of the Authority acting on behalf of the State under the Act; and

(5) The proposed financing of the Project by the Authority and the proposed operation and use of the Facilities will serve one or more needs and implement one or more purposes set forth in RSA 162-I:1, will preserve or increase the social or economic prosperity of the State and one or more of its political subdivisions, and will promote the general welfare of the State's citizens.

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

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

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

Passed and Agreed to October 20, 2004.

#### **GOVERNOR'S COMMISSION ON DISABILITY**

#3 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Wheeler, Authorized to accept and expend additional federal funds for the Client Assistance Program in the amount of \$1,013. (2)Further Authorized to budget and expend \$28,878.60 in funds carried forward from fiscal year 2004. Effective upon G&C approval through June 30, 2005.

#### **OFFICE OF ENERGY AND PLANNING**

#4 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Spaulding, Authorized to conduct a one day conference on Saturday, October 30, 2004 at the Waterville Valley Ski Resort, Inc., to provide training to local land use board members, for a total cost not to exceed \$6,820. (2)Further Authorized to enter into an agreement with the Waterville Valley Ski Resort, Inc., Waterville Valley, NH, to provide facility rental, morning refreshments, and lunch for the conference at a total cost not to exceed \$6,000. (3)Further Authorized to advance the Waterville Valley Resort, Inc., \$500 in the form of a security deposit. (4)Further Authorized one overnight stay in the amount of \$200, and \$400 for speaker expenses. **97% Other, 1% General, 2% Federal.**

### OFFICE OF INFORMATION TECHNOLOGY

#5 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Wheeler, Authorized to reclassify position #12432, Executive Secretary, salary grade 11, to a Business Administrator III, salary grade 27. Effective upon G&C approval.

### COMMUNITY DEVELOPMENT FINANCE AUTHORITY

The Governor and Council acted as follows:

#6 Authorized to enter into an agreement with the County of Strafford, Dover, NH, in the amount of \$1,000,000, for the purpose of assisting Measured Progress, Inc., a private, non-profit company, expand their facilities in Dover, NH. Effective upon G&C approval through June 30, 2007.

#7 Authorized under the Community Development Block Grant Program, to enter into an agreement with the Town of Lancaster, NH, for the purpose of CEDC Capacity Building, in the amount of \$15,000. Effective upon G&C approval through June 30, 2005.

#8 Authorized under the Community Development Block Grant Program, to enter into an agreement with the Town of Bethlehem, NH, for the purpose of studying the feasibility of the expansion of WREN's current facility located on Main St., Bethlehem, NH, in the amount of \$12,000. Effective upon G&C approval through December 31, 2005.

### DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

#9 Authorized the quarterly revised schedule and status report of Capital budget Projects Authorized under Chapter 226, Laws of 1999; Chapter 32, Laws of 2000, 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.

#10 Authorized to enter into a **sole source** contract with AAA Pump Service, Inc., Hooksett, NH, for immediate replacement of parts and repair to the septic system at the Rockingham County Courthouse in Brentwood, NH, for an amount not to exceed \$8,818. Effective upon G&C approval and to end thirty days there after.

#11 Authorized Bureau of General Services, to pay Virgin Construction Corp., Franklin, NH, for emergency repairs to a broken sewer main pipe that was performed at Health & Human Services, Concord, NH, for \$5,243.58.

#11A Authorized a Working Capital Warrant in the amount of \$330,000,000 to cover expenditures for the Month of November 2004. (2)Further Authorized a Working Capital Warrant reporting expenditures of \$270,481,061.36 for the Month of September and recommends the balance of \$129,518,938.64 be lapsed.

#11B Authorized to enter into a contract with Major L Rodd dba Rodd Roofing, St. Johnsbury, VT, to provide roof replacement services at the State House, Concord, NH, for a total cost not to exceed \$66,900. Effective upon G&C approval through November 30, 2004.

### DEPARTMENT OF CULTURAL RESOURCES

The Governor and Council acted as follows:

#12 Authorized Division of Libraries, to enter into a **retroactive** contract with Libraries for the Future, NY, NY, for the training of librarians in the amount of \$15,800. Effective June 1, 2004 through February 28, 2005. **100% Other Funds.**

#13 Authorized to award Conservation Number Plate Grants totaling \$20,000 to the Towns of Langdon, and Raymond. **74% General, 26% Other Funds.**

#14 Authorized Division of Arts, to award a two year Operating Grant to NH Writers project, Concord, NH, totaling \$10,600. **100% General Funds.**



#15 Authorized Division of Arts, to award and Organizational Support Project Planning Grants in the amount of \$7,000 to Opera North, Lebanon. **100% Federal Funds.**

#16 Authorized Division of Arts, to award Organizational Support Cultural Facility Grants totaling \$10,000 to the Haverhill Heritage, Haverhill, NH, and Pontine Movement Theatre, Portsmouth, NH. **100% General Funds.**

#17 Authorized Division of Arts, to award Art Links Grant in the amount of \$10,000 to the Mascoma Valley Regional High School, Canaan. **100% Federal Funds.**

#### **DEPARTMENT OF REVENUE ADMINISTRATION**

The Governor and Council acted as follows:

#18 Authorized to reclassify position #14500, Records Control Clerk 10, to a Forms Design & Control Clerk, Labor Grade 15.

#19 Authorized to hire Santos Presti as Assistant Director of Audit, Unclassified position #9U145, and be placed at Step 4 for Group FF \$67,912. Effective upon G&C approval.

#### **TREASURY DEPARTMENT**

The Governor and Council acted as follows:

#20 Authorized the Comptroller to issue a warrant from funds not otherwise appropriated and the State Treasurer to issue checks in the amount of \$13,311.87 to the rightful owners of abandoned or unclaimed funds.

#21 Authorized to accept and place on file the Annual Report for the fiscal year ended June 30, 2004. **Informational Item.**

#### **NH RETIREMENT SYSTEM**

#22 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Wieczorek, Authorized to incur recruitment expenses, related to the hiring of a new Executive Director, in an amount not to exceed \$5,000. Effective upon G&C approval through December 31, 2004.

#### **NH BOARD OF ACCOUNTANCY**

#23 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Burton, Authorized to enter into a new **sole source** lease agreement with McCarthy Properties, Wareham, MA, for office space, for a five-year term commencing December 1, 2004 and ending November 30, 2009, for a total of \$54,668.07.

#### **ADJUTANT GENERAL**

#24 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Spaulding, Authorized The NH State Veterans Cemetery to accept material and equipment donations of frost remover, lawn fertilizer, personal computers and a golf cart. The total value of these donations if \$8,968.95.

#### **ATTORNEY GENERAL**

The Governor and Council acted as follows:

#25 Authorized to designate Stephen G. LaBonte as an attorney at a salary of \$41,000. Effective October 29, 2004.

#26 Authorized to designate Anthony I Blenkinsop as an attorney at a salary of \$54,000. Effective October 25, 2004.

#27 Authorized to amend the federal grant received from the National Institute of Justice, (previously approved by G&C on 11-5-03, item #27), to enhance forensic science services at both the NH State Police Crime Laboratory and the Office of the Chief Medical Examiner, by **retroactively** extending the end date from September 30, 2004 to March 31, 2005. (2) Further Authorized to amend a sub-grant to the NH Department of Safety, Division of State Police, (previously approved by G&C on 11-5-03, item #27), to assist the State Police Crime Laboratory in the American Society of Crime Laboratory Directors accreditation process, by **retroactively** extending the end date from September 30, 2004 to March 31, 2005. **100% Federal Funds.** (3) Further Authorized to amend a federal grant received from the National Institute of Justice, (previously approved by G&C on 1-7-04, item #28), to enhance forensic science services at the NH State Police Crime Laboratory, by **retroactively** extending the end date from September 30, 2004 to March 31, 2005. (4) Further Authorized to amend a sub-grant to the NH Department of Safety, Division of State Police, (previously approved by G&C on 1-7-04, item #28), to assist the State Police Crime Laboratory in the American Society of Crime Laboratory Directors accreditation process, by **retroactively** extending the end date from September 30, 2004 to March 31, 2005. **100% Federal Funds.**

#28 Authorized to **retroactively** amend the federal grant received from the Office for Domestic Preparedness, (previously approved by G&C on 9-25-02, item #41), to support homeland security efforts in NH, by extending the end date from June 30, 2004 to June 30, 2005. (2) Further Authorized to **retroactively** amend a sub-grant awarded to the NH Department of Safety, (previously approved by G&C on 2-5-03, item #28), to support homeland security efforts at the Department of Safety, by extending the end date from June 30, 2004 to June 30, 2005. (3) Further Authorized to **retroactively** amend a sub-grant awarded to the NH Department of Safety, (previously approved by G&C on 6-26-03, item #31), to support homeland security efforts at the State Police Bomb Squad, by extending the end date from June 30, 2004 to June 30, 2005. (4) Further Authorized to **retroactively** amend a sub-grant awarded to the Nashua Police Department, (previously approved by G&C on 6-26-03, item #31), to support homeland security efforts at the Nashua Police Department Bomb Squad, by extending the end date from June 30, 2004 to June 30, 2005. (5) Further Authorized to **retroactively** amend a sub-grant awarded to the NH Department of Safety, (previously approved by G&C on 11-19-03, item #21), to support homeland security efforts statewide through the procurement of radiological detection equipment at the Bureau of Emergency Management, by extending the end date from June 30, 2004 to June 30, 2005. (6) Further Authorized to **retroactively** amend a sub-grant awarded to the NH Department of Safety, (previously approved by G&C on 11-19-03, item #21), to support homeland security efforts statewide through the procurement of respiratory equipment at the State Police, by extending the end date from June 30, 2004 to June 30, 2005. (7) Further Authorized to **retroactively** amend a sub-grant awarded to the NH Department of Safety, (previously approved by G&C on 11-19-03, item #21), to support homeland security efforts through the critical infrastructure protection of the Department of Safety Headquarters Building, by extending the end date from June 30, 2004 to June 30, 2005. (8) Further Authorized to **retroactively** amend a sub-grant awarded to the Department of Administrative Services, (previously approved by G&C on 11-19-03, item #21), to support homeland security efforts statewide through the critical infrastructure protection of the State House and surrounding buildings, by extending the end date from June 30, 2004 to June 30, 2005. (9) Further Authorized to **retroactively** amend a sub-grant awarded to the Department of Environmental Services, (previously approved by G&C on 11-19-03, item #21), to support homeland security efforts statewide through the procurement of WMD related environmental monitoring equipment, by extending the end date from June 30, 2004 to June 30, 2005. (10) Further Authorized to **retroactively** amend a sub-grant awarded to the Fish and Game Department, (previously approved by G&C on 11-19-03, item #21), to support homeland security efforts statewide through the procurement of waterborne surveillance equipment for critical infrastructure, by extending the end date from June 30, 2004 to June 30, 2005. (11) Further Authorized to **retroactively** amend a sub-grant awarded to the Department of Safety, (previously approved by G&C on 11-19-03, item #21), to support homeland security efforts statewide through the procurement of thermal imaging and radiological detection equipment for the Division of Motor Vehicles, by extending the end date from June 30, 2004 to June 30, 2005. (12) Further Authorized to **retroactively** amend a sub-grant awarded to the Department of Safety, (previously approved by G&C on 11-19-03, item #22), to support homeland security efforts statewide through the procurement of radio equipment for distribution to local Fire Department and Emergency Medical Services Personnel in order to make them interoperable with State, County, and Local law enforcement, by extending the end date from June 30, 2004 to June 30, 2005. (13) Further Authorized to **retroactively** amend a sub-grant awarded to the Department of Safety, (previously approved by G&C on 11-19-03, item #21), to support homeland security efforts statewide through the procurement of radiological detection equipment at the Bureau of Emergency Management, by extending the start date from November 19, 2003 to June 1, 2003. **100% Federal Funds.**

### PARI-MUTUEL COMMISSION

The Governor and Council acted as follows:

#29 Authorized to continue the membership and participation in the Association of Racing Commissioners, for an amount of \$13,000, for the period of January 1, 2005 through December 31, 2005. **84% General, 16% Other Funds.**

#30 Authorized to amend its current lease with McCarthy Properties, West Wareham, MA, for their offices located in Concord, NH, revising the current expiration date of May 7, 2006 to terminate approx. 18 months early, on December 1, 2004.

#31 Authorized to enter into a new **sole source** lease agreement with McCarthy Properties, West Wareham, MA, for a five-year term commencing on December 1, 2004 and ending November 30, 2009, for a total cost of \$148,088.82. **84% General, 16% Other Funds.**

### HIGHWAY SAFETY AGENCY

#32 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Wieczorek, Authorized to enter into a contractual agreement with the Courtyard Marriott & Grappone Conference Center to serve as the host site for the 2004 Annual Drunk and Drugged Driving Awareness Month Breakfast scheduled for November 22, 2004, in the amount of \$3,175. Effective upon G&C approval through November 30, 2004. **100% Federal Funds.**

### INSURANCE DEPARTMENT

#33 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Burton, Authorized to enter into a **retroactive sole source** contract with Bormann Brothers, Inc., Pepperell, MA, for moving the NH Insurance Department from Suncook Rd to South Fruit St from August 12, 2004 through August 14, 2004, in the amount of \$20,870. **100% Other Funds.**

### PUBLIC UTILITIES COMMISSION

#34 The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Wheeler, Authorized to continue the membership and participation in the National Association of Regulatory Utility Commissioners, which assist the Commission in staying abreast of important federal issues that affect NH, particularly with respect to telecommunications, and also provides valuable comparative information on how other states are addressing critical utility issues, for an amount of \$19,591. Effective **retroactive** to January 1, 2004 through June 30, 2005. **100% Other Funds.**

### NH FISH AND GAME DEPARTMENT

The Governor and Council acted as follows:

#35 **TABLED** – The Governor and Council with Councilor Spaulding and Councilor Griffin voting **no**, on motion of Councilor Wieczorek, seconded by Councilor Wheeler, voted to **table** the request to enter into a **sole source** contract with Roger Stephenson, dba Stephenson Strategic Communications, for fundraising efforts for the Non-game and Endangered Wildlife Program, in an amount not to exceed \$27,280. Effective upon G&C approval through September 30, 2006. **100% Fish and Game.**

#36 Councilor Wieczorek, seconded by Councilor Wheeler made a motion to table this item. Councilor Burton, Councilor Spaulding, and Councilor Griffin voted **no**, therefore, the motion to table failed. The Governor and Council on motion of Councilor Spaulding, seconded by Councilor Griffin, with Councilor Wieczorek and Councilor Wheeler voting **no**, voted to approve the request to enter into a **sole source** contract with St. James & Company Advertising & Marketing LLC, Warner, NH, to provide writing, hosting and narration services for a statewide radio program and other voiceover services, not to exceed \$4,940. Effective upon G&C approval through June 30, 2005. **100% Fish and Game.**

**DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT**

The Governor and Council acted as follows:

#37 Authorized Division of Parks and Recreation to reclassify position #8T030 from Maintenance Mechanic II, Labor Grade 12, to Snowmaking and Construction Sub-Foreman, Labor Grade 14 at Cannon Mountain.

#38 Authorized Design, Development, and Maintenance to enter into a contract with Tasker's Well Co. Inc., on the basis of a low bid of \$9,215 for installing a well at Bear Brook State Park, Allenstown, NH. Effective upon GYC approval through June 30, 2005. **100% Other.**

#39 Authorized Division of Parks and Recreation to enter into a contract with Heath Appraisal Services, Manchester, NH, to complete specific appraisal work for the purchase of the "Dartmouth College Tract" on the summit of Mt. Washington, for an amount not to exceed \$4,000. Effective upon G&C approval through January 15, 2005. **100% Other.**

#40 Authorized Design, Development, and Maintenance to enter into a contract with Capital Well Company, Dunbarton, NH, on the basis of a low bid of \$13,500 for the drilled well installation at Coleman State Park Campground, Stewartstown, NH. Effective upon G&C approval through October 31, 2004. **100% Other.**

#41 Authorized Design, Development, and Maintenance to enter into a contract with NEVTECH LTD, Newport, VT, on the basis of a low bid of \$6,847 for the installation of a kitchen ventilation system for the Flume at the Franconia Notch State Park. Effective upon G&C approval through November 19, 2004. **100% Other.**

#42 Authorized Division of Parks and Recreation, Cannon Mountain, to purchase liability insurance at a cost not to exceed \$493,338 for the period of November 1, 2004 to November 1, 2007 from The Rowley Agency, Inc., Concord, NH. **100% Other.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

The Governor and Council acted as follows:

#43 Authorized to enter into a grant in aid agreement with the Town of Auburn, NH, for Closure of the Town of Auburn's Unlined C&D Landfill & Ash Landfill in an amount not to exceed \$225,212.63. Effective upon G&C approval. **100% General Funds.**

#44 Authorized to enter into a grant in aid agreement with the Town of Sanbornton, NH, for the Closure of the Town of Sanbornton's Unlined Municipal Landfill in an amount not to exceed \$141,514.78. Effective upon G&C approval. **100% General Funds.**

#45 Authorized to award a Used Oil grant to the Town of Bartlett, NH, for \$2,500 for the purpose of improving and operating their Used Oil Collection Center. (2)Further Authorized to award a Used Oil grant to the Town of Greenfield, NH, for \$2,500 for the purpose of improving and operating their Used Oil Collection Center. (3)Further Authorized to award a Used Oil grant to the Town of Ossipee, NH, for \$2,500 for the purpose of improving and operating their Used Oil Collection Center. Effective upon G&C approval through October 6, 2005. **100% Other Funds.**

#46 Authorized to enter into an agreement with the Rockingham Planning Commission, Exeter, NH, to provide planning technical assistance to member coastal communities, in the amount of \$32,026. Effective upon G&C approval through December 31, 2005. **100% Federal Funds.**

#47 Authorized to enter into an agreement with Cochecho River Watershed Coalition, Dover, NH, in the amount of \$3,050 to conduct water quality monitoring. Effective upon G&C approval through December 31, 2005. **100% Federal Funds.**

#48 Authorized a supplemental loan agreement with the City of Nashua, NH, to increase their loan by \$27,785.62 from \$1,516,913.48 to \$1,544,699.10 for the purpose of completing a multi-site landfill closure and park improvement project under the provisions of NH Admin. Rules Env-C 500. Effective upon G&C approval. **100% Other.**

#49 Authorized to **retroactively** enter into a Joint Funding Agreement with the US Geological Survey to sample public and private water supplies, statewide, for the presence of the contaminant methyl tertiary butyl ether, in the amount of \$311,575. Effective August 1, 2004 through June 30, 2006. **100% Other Funds.**

#50 Authorized to enter into a contract with Weston Solutions Inc., Manchester, NH, for statewide MtBE Risk Analysis & Risk Reduction Recommendations, in the amount of \$607,100. Effective upon G&C approval through December 31, 2005. **100% Other Funds.**

#51 Authorized an original loan agreement with the Town of Newport, NH, to finance the replacement of Cheney Street water main under the provision. Of NH Admin. Rules Env-C 500, in the amount of \$357,000. Effective upon G&C approval. **83% Federal, 17% General Funds.**

#52 Authorized James Forbes's request to amend a permit to add a cantilevered pier to an existing breakwater, reduce an existing dock with a dock, reduce an existing dock to a dock, and repair existing breakwater in-kind on frontage on Chestnut Cove at Lake Winnepesaukee in Alton.

#53 Authorized Pollard Shores Association's request to permanently remove an existing "W" shaped hinged seasonal dock and a concrete pad, and install four seasonal docks hinged to four concrete pads on frontage on property located at Lake Waukegan in Meredith.

#53A Authorized Water Resources Council to enter into a Water User Contract with William B Ruger, Jr., to compensate DES for water stored and delivered from the Sugar River Project. Effective upon G&C approval through December 31, 2013.

#### DEPARTMENT OF CORRECTIONS

The Governor and Council acted as follows:

#54 Authorized **retroactive** payment of supplemental military pay to employee Philip Hill in the amount of \$1,308.08 for the period of March 2, 2004 through June 24, 2004 for SFY 2005.

#55 Authorized **retroactive** payment of supplemental military pay to employee Matthew Hawkins in the amount of \$2,703.36 for the period of June 20, 2004 through September 16, 2004 for SFY 2005.

#56 Authorized to amend a contract with Brigade Fire Protection, Inc. for inspections and repairs on sprinkler systems at the Northern NH Correctional Facility in Berlin, NH, by increasing the contract price limitation from \$37,440 to \$74,880 and increase of \$37,440 and extending the completion date **retroactively** from July 10, 2004 through July 10, 2006. **100% General Funds.**

#57 Authorized to amend a contract with Path Lab Inc. for Laboratory services at the NH State Prison facilities, by increasing the price limitation from \$556,866 to \$1,113,732 and increase of \$556,866 and extending the completion date **retroactive** from April 11, 2004 to April 11, 2006. **100% General Funds.**

#58 Authorized to amend a contract with Littleton Regional Hospital for Pre-Assignment and/or Fitness for Duty Examinations, by increasing the price limitation from \$14,321.60 to \$28,643.20, an increase of \$14,321.60 and extending the completion date **retroactive** from August 10, 2004 to August 10, 2006. **100% General Funds.**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

### Office of Business Operations

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

#60 Authorized to enter into an agreement with Capital City Paving, Inc., Concord, NH, for snow plowing and ice control services, in the amount of \$72,000. Effective upon G&C approval through June 30, 2007. **45% Federal, 55% General Funds.**

### Division of Child Support Services

#61 Authorized to enter into an amended agreement with Tri-County Community Action Program, Incorporated, Berlin, NH, (previously approved by G&C on 10-22-03, item #55), by amending the scope of services to include mediation services in Grafton County for divorcing or separating families with children and by extending the Completion Date **retroactively** from September 30, 2004 to March 31, 2005.

### Bureau of Elderly and Adult Services

#62 Authorized to reclassify vacant position #40538 from Program Specialist III, salary grade 23, to Adult Protective Social Worker II, salary grade 19, temporarily upgraded to salary grade 21 until October 6, 2004.

#63 Authorized to reclassify vacant position #16161 from Program Specialist IV, salary grade 25, to Adult Protective Social Worker II, salary grade 19, temporarily upgraded to salary grade 21 until October 6, 2004.

### Division for Children, Youth & Families

#64 Authorized to **retroactively** amend and extend a **sole source** agreement with the University System of NH – Family Research Lab, (previously approved by G&C on 6-20-01, item #133, amended on 6-25-03, item #355), for the mandatory research design and evaluation component of a child welfare demonstration project, by extending the completion date to June 30, 2005 and increasing the price limitation to \$607,028. Effective July 1, 2004. **50% General, 50% Federal.**

### Division of Family Assistance

#65 Authorized to enter into a **sole source** agreement with Southern NH Services, Manchester, NH, to provide employment and training services in the amount of \$200,000. Effective upon G&C approval through June 30, 2005. **100% Federal Funds.**

### Division of Public Health Services

#66 Authorized to enter into an agreement with the City of Manchester, Office of Youth Services, Manchester, NH, to provide substance abuse treatment services, totaling \$40,000. Effective **retroactive** to July 1, 2004 through June 30, 2005. **100% Federal Funds.**

#67 Authorized to award one-time grants totaling \$20,539 to the organizations as detailed in letter dated September 27, 2004, to provide substance prevention services. Effective **retroactive** to July 1, 2004 through June 30, 2005. **100% Federal Funds.**

#68 Authorized to amend a **sole source** agreement with the US Department of Health and Human Services, Centers for Disease Control, Atlanta, GA, (previously approved by G&C on 1-19-00, item #53, amended on 9-4-02, item #96), by extending the completion date to September 30, 2004, and by increasing the price limitation by \$145,991.20 from \$544,668 to \$690,659.20. Effective **retroactive** to October 1, 2003 through September 30, 2004. **50% Federal, 50% General Funds.**

#69 Authorized to enter into an agreement totaling \$59,000 with Alpha Courier Co., Inc., Manchester, NH, to provide courier services for laboratory specimens, to be **retroactive** to July 1, 2004 through June 30, 2005. **100% Federal Funds.**

#70 Authorized to enter into an agreement totaling \$30,000 with Nashua Learning Center, Inc., Nashua, NH, to provide substance abuse prevention services. Effective **retroactive** to July 1, 2004 through June 30, 2005. **100% Federal Funds.**

#71 Authorized to enter into an agreement totaling \$14,514 with SAU #48, Plymouth Regional School District, Plymouth, NH, to provide substance abuse prevention services. Effective **retroactive** to July 1, 2004 through June 30, 2005. **100% Federal Funds.**

#72 Authorized to enter into an agreement totaling \$25,000 with Northern Strafford County Juvenile Court Diversion Program, Farmington, NH, to provide substance abuse prevention services. Effective **retroactive** to July 1, 2004 through June 30, 2005. **100% Federal Funds.**

#73 Authorized to amend an agreement with Macro International, Inc., Burlington, VT, (previously approved by G&C on 5-5-04, item #42), for conducting a statewide survey to assess the food safety and security awareness, attitudes, and procedures for food establishments, by extending the Completion Date **retroactively** from September 30, 2004 to December 31, 2004.

#74 Authorized to enter into an agreement totaling \$40,000 with M2 Limited, Montgomery Village, MD, to provide translation of documents related to communicable diseases and bio-terrorism. Effective upon G&C approval through June 30, 2005. **100% Federal Funds.**

#75 Authorized to support the delivery of curriculum-based, abstinence-only education programs in schools and community agencies throughout the state. Payment will be \$625 for a 1-2 session program, \$2,500 for a 5-8 session program, or \$5,000 for a 14-16 session program, up to a maximum total of \$71,250. Effective upon G&C approval through June 30, 2005. **100% Federal Funds.**

#76 Authorized to enter into an agreement with Anita Lawrence, PA, Sanbornville, NH, for physician assistant loan repayment, for an amount not to exceed \$15,000. Effective upon G&C approval through June 30, 2006. **100% General Funds.**

#### **Bureau of Behavioral Health**

#77 Authorized the Glencliff Home for The Elderly to accept a non-monetary donation of a specialized electric bed from Wentworth Douglass Hospital, Dover, NH, with the value of \$3,723.26.

#78 Authorized Debora EW Vallery, to enter into an Educational Tuition Agreement at Franklin Pierce College, Concord, NH, to attend the course entitled Seminar in Leadership, and pay said cost in the amount of \$1,221. Effective **retroactively** to September 30, 2004 through December 18, 2004. **75% General, 25% Federal Funds.**

#79 Authorized to enter into a contract with Northeast Deaf and Hard of Hearing Services, Inc., Concord, NH, to provide Special Populations Provider Training services, in an amount not to exceed \$10,500. Effective upon G&C approval through June 30, 2005. **100% Federal Funds.**

#80 **WITHDRAWN** – The agency withdrew the request to enter into a contract with Naticook Counseling Resources, PA – Donna M Hastings, Merrimack, NH, to provide Faith-Based Providers Training services, in an amount not to exceed \$6,500. Effective upon G&C approval through June 30, 2005. **100% Federal Funds.**

#81 Authorized to enter into a contract with Naticook Counseling Resources, PA – Donna M Hastings, Merrimack, NH, to provide Emergency Medical Provider Training services, in an amount not to exceed \$6,500. Effective upon G&C approval through June 30, 2005. **100% Federal Funds.**

#82 Authorized to enter into an agreement with Developmental Services of Strafford County, Inc., dba Community Partners, Dover, NH, to provide services to homeless individuals in an amount not to exceed \$41,095. Effective upon G&C approval through June 30, 2005. **100% Federal Funds.**

#83 Authorized to enter into an agreement with Community Services Council of NH, Concord, NH, to provide services to homeless individuals in an amount not to exceed \$113,750. Effective upon G&C approval through June 30, 2005. **100% Federal Funds.**

#84 Authorized to enter into an agreement with Southwestern Community Services, Inc., Keene, NH, to provide services to homeless individuals in an amount not to exceed \$86,390. Effective upon G&C approval through June 30, 2005. **100% Federal Funds.**

#85 Authorized to amend a **sole source** contract with Community Services Council of NH, Concord, (previously approved by G&C on 5-21-03, item #76, amended on 11-5-03, item #72, amended on 6-2-04, item #82C), to provide services to homeless individuals by increasing the price limitation by \$163,421 from \$334,367 to \$497,788. Effective **retroactive** to July 1, 2004 through July 31, 2005. **100% Federal Funds.**

#### **New Hampshire Hospital**

#86 Authorized to increase the annual salary of Robert M Lux, MD, Sr. Physician/Medical by \$3,000 for being board certified. **100% General Funds.**

#87 Authorized Tammy Beaudoin to enter into an Educational Tuition Agreement with NH Technical Institute, Concord, NH, to attend the course entitled Human Growth and Development, and to pay said cost in the amount of \$474. Effective **retroactive** to September 14, 2004 through December 7, 2004. **100% General Funds.**

#88 Authorized, pursuant to an agreement with the NH Technical Institute for Enhances Nurse Development and Training (previously approved by G&C on 5-15-02, item #202), for Lisabeth C Townsend to receive tuition assistance under this program in the amount not to exceed \$10,490. Effective **retroactive** to September 7, 2004 through the completion of all course requirements for the Institute's Registered Nurse Associate Degree Program.

#### **NH BOARD OF NURSING**

#89 The Governor and Executive Council on motion of Councilor Griffin, seconded by Councilor Spaulding, Authorized to enter into a **sole source** contract with Margaret Lee Leppanen, R.N., M.N., J.D., Concord, NH, to provide investigative and prosecutorial functions, in the amount not to exceed \$50,270.88. Effective **retroactive** to October 1, 2004 through September 30, 2005. **17% General, 83% Other Funds.**

#### **NH VETERANS HOME**

#90 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Burton, Authorized to accept and place on file the Annual Report for the Fiscal Year 2004.

#### **NH COMMUNITY TECHNICAL COLLEGE SYTEM**

The Governor and Council acted as follows:

#91 Authorized to amend a grant from the US Department of Education, (previously approved by G&C on 12-13-03, item #49D), to support a planning and development process to design and produce a Comprehensive Development Plan for Technology, by **retroactively** extending the grant period from September 30, 2004 to January 31, 2005.

#92 Authorized NHCTC Manchester/Stratham to **retroactively** accept and expend Pass-Through Federal funds from the Workforce Opportunity Council, for delivery of Workforce Investment Act assessment services to WIA Adult and Dislocated Workers, in the amount of \$168,072. Effective September 1, 2004 to June 30, 2005. **100% Federal Funds.**

#### **CHRISTA MCAULIFFE PLANETARIUM**

The Governor and Council acted as follows:

#93 Authorized to amend a contract with The Troupe, a division of Orth Tec Corporation, Windham, NH, (previously approved by G&C on 1-21-04, item #63), to complete Phase III of the Breathing Space project, and to increase the amount by \$46,000, for a total of \$75,450, and to extend the deadline for the completion of services to November 30, 2004 **retroactively** from July 31, 2004. **100% Federal Funds.**



#94 Authorized to accept and expend \$22,000 from the University System of NH to fund completion of The Troupe's graphic production work on the Planetarium's multi-media production, Breathing Space, under the NASA Space Grant program. Effective upon G&C approval through February 28, 2005. **100% Other Funds.**

#### NH LOTTERY COMMISSION

#95 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Burton, Authorized to accept and place on file the Annual Report for the Fiscal Year ended June 30, 2004.

#### DEPARTMENT OF EDUCATION

The Governor and Council acted as follows:

#96 Authorized to contract with the individuals as detailed in letter dated May 27, 2004, to conduct impartial special education complaint investigations for a total not to exceed \$100,000. Effective upon G&C approval through June 30, 2005. (2)Further Authorized payment for services rendered and approved in lieu of withholding at least 25% of the total value of the contract. **100% Federal Funds.**

#97 Authorized to enter into a **sole source** contract with The National Center for the Improvement of Educational Assessment, Inc., Dover, NH, to provide technical assistance to develop a state assessment system that meets the validity and reliability standards of the No Child Left Behind Act of 2001 in an amount not to exceed \$240,000. Effective upon G&C approval through June 30, 2005. **100% Federal Funds.**

#98 Authorized to grant funds on a **sole source** basis, to the Institute on Disability, University of NH, Office of Sponsored Research to provide opportunities for individuals with disabilities and their families to develop leadership skills, for an amount not to exceed \$7,999.56. Effective upon G&C approval through June 30, 2005. (2)Further Authorized unencumbered payment of said grant with internal accounting control within the Department. **100% Federal Funds.**

#99 Authorized to grant funds, on a **sole source** basis, to the Southeastern Regional Education Service Center, Inc., Bedford, NH, to provide technical assistance in supporting positive behavioral strategies for children and youth with disabilities, for an amount not to exceed \$635,751.72. Effective upon G&C approval through June 30, 2005. (2)Further Authorized unencumbered payment of said grant with internal accounting control within the Department. **100% Federal Funds.**

#100 Authorized to accept and expend grant funds in the amount of \$848,674.91 from the US Department of Education to improve instruction and achievement in eligible districts. Effective upon G&C approval through September 30, 2005. **100% Federal Funds.**

#### DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

#101 Authorized Division of Fire Standards and Training/EMS an Educational Tuition Agreement for Matthew R Yeaton to the NH Community Technical College, for \$648. Effective **retroactive** to September 7, 2004 through December 23, 2004.

#102 Authorized Division of State Police to accept and expend a \$71,286 grant entitled "DNA Capacity Enhancement" from the US Department of Justice for the purchase of enhancing the operation of the laboratory. Effective upon G&C approval through March 31, 2006. **100% Federal Funds.**

#103 Authorized Division of State Police to accept and expend a \$170,258 grant entitled "J-One Network" from the NH Department of Justice to continue the J-One Criminal Justice Information System. Effective upon G&C approval through September 20, 2005. **100% Federal Funds.**

#104 Authorized Division of Fire Standards and Training/EMS to enter into an agreement with Gary Tasker, dba Tasker Landscaping, to remove rubble piles on the Academy Training grounds at the Fire Academy, in the amount of \$2,740. Effective upon G&C approval through December 31, 2004.

#105 Authorized Division of Motor Vehicles to enter into a two-year lease extension agreement with First Development Corp. (previously approved by G&C on 4-23-97, item #171, amended on 11-13-02, item #185), for office space in Rochester, NH, for \$17,840 per year. Effective **retroactive** to May 1, 2004 through April 30, 2006. **100% Highway Funds.**

#106 Authorized Division of Fire Standards and Training/EMS to enter into a \$3,704 contract with B&S Septic Services of Pittsfield, NH, to correct a drainage problem at the Academy. Effective upon G&C approval through June 30, 2005. **100% Other Funds.**

#107 Authorized Division of State Police to enter into a **sole source** contract with JSI Telecom, Sterling, VA, to provide support and software maintenance for the State Police Voicebox System, in the amount of \$10,500. Effective upon G&C approval through June 30, 2005. **100% Highway Funds.**

#108 **WITHDRAWN** – The agency withdrew the request of the Division of Motor Vehicles to accept and expend a \$494,739 grant titled “FY 2003 BJA Award” from the US Department of Justice for the purpose of deploying a computerized license system. Effective upon G&C approval through September 30, 2005. **100% Federal Funds.**

#109 Authorized Division of State Police a **retroactive** exception to Admin 308.05c rule for requiring G&C approval for driving a state vehicle over the 300 mile radius on a trip that DNA lab personnel made to Philadelphia, PA, August 23 and 24, 2004. **100% Highway Funds.**

#110 Authorized Division of Fires Safety to accept and expend a \$2,000 donation from the Wal-Mart Foundation to assist in funding the “The In Line of Duty Program” manual that families of deceased members may use in times of stress.

#111 Authorized Division of Emergency Services, Communications, and Management, Bureau of Emergency Management and the communities/organizations as detailed in letter dated September 15, 2004, for activities associated with enhancing local all-hazard planning, for a total amount of \$90,283.16. Effective upon G&C approval through March 31, 2005. **100% Federal Funds.**

#112 Authorized Division of State Police to enter into a \$5,000 contract with Stericycle, Inc., Haverill, MA., to dispose of all bio hazardous materials generated by the Forensic Laboratory. Effective upon G&C approval through June 30, 2005. **30% General, 70% Highway Funds.**

#### **DEPARTMENT OF TRANSPORTATION**

The Governor and Council acted as follows:

#113 Authorized to accept and place on file the Bureau of Right-of-Way’s Contemplated Award List of the period of September 21, 2004 through October 5, 2004.

#114 Authorized Bureau of Highway Design to amend the agreement with Vanasse Hangen Brustlin, Incorporated, Bedford, NH and Watertown, MA, (previously approved by G&C on 4-15-98), for engineering and environmental consulting, by increasing the total amount payable by \$417,482 from \$5,144,417 to \$5,561,899. **80% Federal, 20% State.**

#115 Authorized to enter into an agreement with Louis Berger Group, Inc., Manchester, NH, to update the Statewide Travel Demand model and purchase software, for an amount not to exceed \$471,794.34. Effective November 1, 2004 or upon G&C approval, whichever is later, through April 30, 2006.

#116 Authorized Bureau of Public Works to enter into a contract with Turnstone Corporation, Milford, NH, for a lump sum price of \$732,705 for the Department of Safety, Laboratory Expansion, Concord, NH. (2)Further Authorized \$15,000 be approved for payment to NH DOT, Bureau of Public Works for engineering services provided.

#117 Authorized Bureau of Construction contract with Pike Industries, Inc., Belmont, NH, on the basis of a single bid of \$2,636,892.90, for pavement rehabilitation and safety work along NH Route 25 beginning at the intersection of Rout 16B in Ossipee and proceeding east for approximately 6 miles to a point 200 feet west of School Street in Effingham. Effective upon G&C approval through September 16, 2005.

#118 Authorized Bureau of Rail & Transit to amend a lease agreement for a parcel of land with private pedestrian crossing with 18 Mile Point Drive Realty Trust on the State-owned Concord to Lincoln Railroad Line in Meredith, to correct an error in the lease location and permit construction of a private at-grade pedestrian crossing.

#119 Authorized Bureau of Highway Design to modify the Department's Agreement for engineering services with TranSystems Corporation, Derry, NH, and Kansas City, MO, (previously approved by G&C on 1-24-01, item #175), by increasing the total amount payable by \$76,412 from \$418,417 to \$494,829.

#120 Authorized Bureau of Construction contract with Weaver Bros. Construction Co. Inc., Concord, NH, on the basis of a low bid of \$3,024,870.75, for pavement rehabilitation and safety work along Route 11 in Town of Andover and the City of Franklin beginning approximately 450 feet west of Hoyt Road in Andover and proceeding east approximately 2.4 miles to a point east of the intersection of Lake Shore Drive. Effective upon G&C approval through November 4, 2005.

#121 Authorized Bureau of Construction contract with E.D. Swett, Inc., Concord, NH, on the basis of a low bid of \$2,417,293.95, for replacement of the existing Main Street bridge over the Suncook River and reconstruction of approximately 860 feet of Main Street, and reconstruction of several approaches to Main Street and the construction of a temporary bridge for maintenance of pedestrian traffic during construction. Effective upon G&C approval through June 2, 2006.

#122 Authorized to transfer to the Town of Grantham a portion of the Interstate 89 Limited Access Right-of-Way to be used as a Class V Highway.

#123 Authorized Bureau of Public Works to enter into a contract with Kinsmen Corporation, Hooksett, NH, for a lump sum price of \$670,000 for Domestic and Fire Protection Water Services, Tilton, NH. (2)Further Authorized payment to NH DOT, Bureau of Public Works for engineering services provided.

#124 Authorized Bureau of Right-of-Way Layout Commission appointed for the Plaistow-Kingston, 10044-B project be modified to include Clifford Taylor of Portsmouth.

#125 Authorized Bureau of Construction contract with R.D. Edmunds & Sons, Inc., Franklin, NH, on the basis of a low bid of \$2,549,214.10, for reconstruction of approximately 1.5 miles of NH Route 11 west of Route 3A and the reconstruction of the intersection of Route 3A and Route 11. Effective upon G&C approval through November 1, 2005.

#126 Authorized to enter into an agreement with New England Testing Company, Inc., Enfield, NH, for construction/reconstruction, for a total fee for services to be performed under this agreement, not to exceed \$250,000. Effective upon G&C approval through December 31, 2006.

#127

#### **TUITION REQUESTS**

The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton, 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 "Challenges of Business In Society".
- B. COMMUNITY TECHNICAL COLLEGE** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$648.00 for the sole purpose of enrolling Christine Fletcher, Information Technology Manager, in the course entitled "Mathematical Concepts and Techniques for Business".

- C. COMMUNITY TECHNICAL COLLEGE** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$480.00 for the sole purpose of enrolling Susan Gatton, Administrative Assistant, in the online course entitled "Personal Financial Planning".
- D. COMMUNITY TECHNICAL COLLEGE** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$648.00 for the sole purpose of enrolling Andrea Stickney, Systems Development Specialist, in the course entitled "English Composition".
- E. EDUCATION** - Request permission to pay Argosy University, Sarasota, FL, the sum of \$1,830.00 for the sole purpose of enrolling Cathy Higgins, Educational Technology Consultant II, in the distance learning course entitled "Program Evaluation Methods".
- F. EDUCATION** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$1,296.00 for the sole purpose of enrolling Kathryn G.M. Hodges, Accountant III, in the courses entitled "College Composition II" and "Statistics".
- G. EDUCATION** - Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$720.00 for the sole purpose of enrolling Teresa Vincent, Program Specialist II, in the distance learning course entitled "Contemporary Health".
- H. HEALTH & HUMAN SERVICES, Division for Children, Youth & Families** - Request permission to pay Rivier College, Nashua, NH, the sum of \$1,636.00 for the sole purpose of enrolling Melissa Brien, Child Protective Service Worker Coordinator, in the course entitled "Group Counseling".
- I. HEALTH & HUMAN SERVICES, Division for Children, Youth & Families** - Request permission to pay Springfield College, Manchester, NH, the sum of \$2,400.00 for the sole purpose of enrolling Anna Phinney, Child Protective Services Worker, in the courses entitled "Fiscal Management", "Staffing and Supervision" and "Program Evaluation".
- J. HEALTH & HUMAN SERVICES, Division for Children, Youth & Families** - Request permission to pay Franklin Pierce College, Concord, NH, the sum of \$672.00 for the sole purpose of enrolling Simone Roy, Program Specialist IV, in the course entitled "Accounting II".
- K. HEALTH & HUMAN SERVICES, Division of Family Assistance** - Request permission to pay Hesser College, Concord, NH, the sum of \$675.00 for the sole purpose of enrolling Denise Sherburne, Program Specialist I, in the course entitled "English Composition II".
- L. NH HOSPITAL** - Request permission to pay the University of New Hampshire, Durham, NH, the sum of \$1,271.00 for the sole purpose of enrolling Diane Viger, Infection Control Practitioner, in the course entitled "Public Health Policy".
- M. TRANSPORTATION** - Request permission to pay Franklin Pierce College, Concord, NH, the sum of \$336.00 for the sole purpose of enrolling William Dusavitch, Right-of-Way Agent, in the course entitled "Ancient and Medieval Worlds".

#### LATE ITEMS

##### ATTORNEY GENERAL

- A.** Authorized to designate Kirsten B. Willson (position #9U054) as an attorney at a salary of \$55,000 retroactive to October 18, 2004.

##### HEALTH AND HUMAN SERVICES

- B.** Authorized to accept and expend additional Nursing Facility Quality Assessment Funds in the amount of \$28,970,621.18, effective the date of Governor and Council approval. **Fiscal Committee approved.**

**COMMUNITY DEVELOPMENT FINANCE AUTHORITY**

- C. Authorized to enter into an agreement with the Towns of Conway, Madison, and Albany, in the amount of \$430,000 under the Community Development Block Grant Program for the purpose of establishing an incubator and training center, beginning from the date of the Governor and Council meeting until December 31, 2006.

Next Governor and Executive Council meeting is scheduled for Wednesday, November 10, 2004 at 10:00 a.m. at The State House, Concord, NH.

The Honorable Board then Adjourned