GOVERNOR AND EXECUTIVE COUNCIL MINUTES
State House, Concord, New Hampshire
February 9, 2005 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 Spaulding, seconded by Councilor Wieczorek, accepted the minutes of January 26, 2005.

The Governor and Executive Council, on motion of Councilor Spaulding, seconded by Councilor Wieczorek approved the appointment of several persons nominated for Civil Commissions from the January 26, 2005 meeting.

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

Councilor Griffin spoke of the way families are valued here in New Hampshire and then read the following statement on New Hampshire's Bode Miller.

Everyone knows that the "best skier in the world" is Bode Miller from Franconia, New Hampshire!

Cannon Mountain has always been his backyard. These two locations have provided the physical, psychological and social perspectives that have helped to shape the career of this special skier. One of the best in the world overall, and the greatest ever from the United States of America.

Forest "Mikey" Libby from Berlin, New Hampshire, the former ski patrol Director with over 40 years of service at Cannon and married to the late "Marge Herbert Libby" of Franconia gives credit to John Ritzo for a timely and significant event that influenced and improved the skiing of Bode Miller at a crucial point and time.

John's wife, Patty Lawrence, a Franconia native and Joanne Kenny, mother of Bode are friends. John was the Head Master at White Mountain School and was later associated with the Carabassett Academy in Kingfield, Maine.

It was John who arranged the scholarship at Carabassett Academy where Bode's ski career really began to flourish. As the old saying goes "the rest is history".

In consideration of this native son's accomplishment in the sport of skiing, it is absolutely incredulous that the State and skiing industry in New Hampshire associated with tourism and promotion are not taking a leading role in presenting this amazing story. One way to begin is by having the state government recognize Bode and his accomplishments and bring whatever influence is necessary to tell this incredible story.

RESIGNATIONS

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

Board of Chiropractic Examiners
Christopher McRae, Goffstown — Effective: February 9, 2005

Healthy Kids Subcommittee
Harvey Schwartz, Harrisville — Effective: February 9, 2005

Medical Review Subcommittee
Richard E. Amidon, Hancock — Effective: February 9, 2005

Rochester District Court: Justice
Franklin C. Jones, Rochester — Effective: January 26, 2005

CONFIRMATIONS

The Governor and Council confirmed the following:

Board of Barbering Cosmetology and Esthetics
Owner of Registered Tanning Facility
Kay Hoyt, Northwood — Effective: February 9, 2005
Vacancy — Term: February 9, 2010

Juvenile Justice Advisory Board
Parent
Barbara Desclos, Merrimack — Effective: February 9, 2005
Reappointment — Term: September 20, 2008

Medical Review Sub-Committee
Nominated by Board of Medicine
Robert Cervenka, M.D., Manchester — Effective: February 9, 2005
Reappointment — Term: January 1, 2008

Medical Review Sub-Committee
Nominated by Board of Medicine
Nick P. Perencevich, M.D., Concord — Effective: February 9, 2005
Reappointment — Term: January 1, 2008

Public Water Access Advisory Board
Power Boating
Paul Blizzard, Laconia — Effective: February 9, 2005
Reappointment — Term: October 27, 2007

Public Water Access Advisory Board
Rep. River Association
Brian Giles, Durham — Effective: February 9, 2005
Reappointment — Term: December 16, 2007

State Commission on the Status of Women
Marie Metoyer, M.D., Manchester — Effective: February 9, 2005
Reappointment — Term: October 20, 2007

NOMINATIONS

The Governor placed into nomination the following:

Advisory Committee on Marine Fisheries
David Goethel, Hampton — Effective: Upon Confirmation
Reappointment — Term: September 29, 2007

Board of Acupuncture Licensing
Sheryl L. Wookey, Hampton — Effective: Upon Confirmation
Succeeding: Max E. Warren, Lempster — Term: October 14, 2007

Board of Land Surveyors
Gregory Brown, Manchester — Effective: Upon Confirmation
Succeeding: Douglas Burnell, Conway, (reached term limit) — Term: February 3, 2010

Compensation Appeals Board
Labor
Anne C. Eaton, Concord — Effective: Upon Confirmation
Reappointment — Term: February 13, 2008

Compensation Appeals Board
Employer-Insurer
David Foster, Northfield — Effective: Upon Confirmation
Reappointment — Term: February 9, 2008

Compensation Appeals Board
Labor
Robert J. Kirby, Manchester — Effective: Upon Confirmation
Reappointment — Term: February 13, 2008

Compensation Appeals Board
Labor
Mark MacKenzie, Manchester — Effective: Upon Confirmation
Reappointment — Term: February 9, 2008

Compensation Appeals Board
Labor
Denis Parker, Bedford — Effective: Upon Confirmation
Reappointment — Term: February 9, 2008

Compensation Appeals Board
Employer-Insurer
Dennis Teravainen, Hooksett — Effective: Upon Confirmation
Reappointment — Term: February 13, 2008

Compensation Appeals Board
Employers-Insurers
George T. Wells, Derry — Effective: Upon Confirmation
Reappointment — Term: February 9, 2008

State Board of Education
District 4
Mary Elizabeth McNeil, Bedford — Effective: Upon Confirmation
Reappointment — Term: January 31, 2009

State Board of Education
District 2
David B. Ruedig, Concord — Effective: Upon Confirmation
Reappointment — Term: January 31, 2009

Speech-Language Pathology Governing Board
Carol Ann Moran, Nashua — Effective: Upon Confirmation
Succeeding: Rita Kirk, Nashua (reached term limit) — Term: March 4, 2008

State Library Advisory Council
Stephen Kennedy, Dunbarton (r) — Effective: Upon Confirmation
Succeeding: Mary Ann Knowles, Hudson (d) (reached term limit) — Term: July 26, 2007

Fire Standards and Training Commission
Fire Prevention Society
George E. Sykes, Lebanon — Effective: Upon Confirmation
Succeeding: Corey Landry, Greenland — Term: February 14, 2008

OFFICE OF ENERGY AND PLANNING

The Governor and Council acted as follows:

#1 Authorized to amend a Fuel Assistance Program contract with Tri-County Community Action Program, Inc., Berlin, NH, (previously approved by G&C on 7-14-04, item #11A), by increasing the amount from $2,263,901 by $1,351,544 to an amount not to exceed $3,615,445.

#2 Authorized to amend a Fuel Assistance Program contract with Southern NH Services Inc., Manchester, NH, (previously approved by G&C on 7-14-04, item #11F), by increasing the amount from $2,885,152 by $1,853,626 to an amount not to exceed $4,738,778.

COMMUNITY DEVELOPMENT FINANCE AUTHORITY

#3 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Griffin and with Councilor Pignatelli voting **no,** authorized the request to **retroactively** amend an existing agreement with the Town of Milton, NH, and the County of Strafford, Dover, NH, (previously approved by G&C on 2-19-02), for Head Start/Day Care Facility, by increasing the funding by $400,000 for a new total of $800,000 and change the end date from June 30, 2004 to June 30, 2005.

OFFICE OF THE ADJUTANT GENERAL

The Governor and Council acted as follows:

#4 Authorized Francis C Leith Jr., Concord, NH, be nominated for promotion to the rank of Colonel, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

#5 Authorized Dennis W Cass, Concord, NH, be nominated to the rank of Lieutenant Colonel, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

#6 Authorized Gregory D Heilshorn, Manchester, NH, be nominated for promotion to the rank of Major, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

#7 Authorized David B Mercieri, Manchester, NH, be nominated for promotion to the rank of Colonel, NH Army National Guard. This officer meets all prerequisites for this grade, having been found to be physically, mentally, and professionally qualified.

#8 Authorized Robert T Monahan, Farmington, NH, be confirmed to the rank of Colonel, NH Air National Guard.

#9 Authorized with Councilor Pignatelli voting **no,** to enter into a **sole source** agreement with P&L Landscaping, Nashua, NH, for snowplowing and winter surface treatment services at the Milford and Nashua State Armories at a price not to exceed $5,500. Effective upon G&C approval through April 30, 2005. **99% General, 1% Federal Funds.**

#10 Authorized with Councilor Pignatelli voting **no,** to enter into a **retroactive sole source** contract with Hall Brothers Contracting, Inc., Berwick, ME, for the purpose of performing emergency repairs to the roof at the Somersworth Armory, in the amount of $14,575. **100% Federal Funds.**

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

#11 Authorized to contract with DJB Noel, Concord, NH, for snow and ice removal services at the new Dept of Safety Motor Vehicle Testing & Licensing Facility, Concord, NH, for an amount not to exceed $46,250. Effective February 10, 2005 through November 30, 2007.

#12 Authorized the quarterly revised schedule and status report of Capital Budget Projects Authorized under Chapter 226, Laws of 199; Chapter 32, Laws of 2000; Chapter 132, Laws of 200; Chapter 283, Laws of 200; Chapter 202, Laws of 2001; Chapter 81, Laws of 2002; and Chapter 240, Laws of 2003.

#13 Authorized to accept and place on file a report containing a list of vendors that agencies have contracted with for the period of October 1, 2004 through December 31, 2004.

#14 Authorized with Councilor Pignatelli voting **no** Bureau of Court Facilities to enter into a **retroactive** lease agreement with the Town of Goffstown, NH for office and courtroom space in the amount of $18,375.72. Effective July 1, 2004 through June 30, 2005. (2)Further Authorized to waive compliance with RSA 10:B. The non-budgeted financial burden imposed on the State to test and comply with RSA 10: B in obtaining a clean air certificates is beyond the resources of this agency.

TREASURY DEPARTMENT

The Governor and Council acted as follows:

#15 Authorized to issue a warrant from funds not otherwise appropriated and the State Treasurer to issue a check pursuant to RSA 6:10-c totaling $247.52 to Vincent J Flynn.

#16 Authorized to issue a warrant from funds not otherwise appropriated and the State Treasurer to issue checks in the amount of $29,369.16 to the rightful owners of abandoned or unclaimed funds.

#17 Authorized to accept and expend $350,000 in Fiscal Year 2005 additional program revenues. Effective upon G&C approval through June 30, 2005.

NH DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

The Governor and Council acted as follows:

#18 Authorized to accept and expend funds in the amount of $35,000 from the University of NH, for improvements and expansion of its Internet presence, including the acquisition of appropriate equipment and software and to manage a website pertaining to farm risk management and crop insurance. Effective upon G&C approval through September 30, 2005. **100% Other Funds.**

#19 Authorized to accept and expend funds in the amount of $2000 from the Northeast Farm Credit AgEnhancement program, for the development of the NH Farm Restaurant Connection project, a program administered by the Division of Agricultural Development. Effective upon G&C approval through December 31, 2005. **100% Other Funds.**

#20 Authorized with Councilor Pignatelli and Councilor Wieczorek voting **no,** to accept and expend funds in the amount of $42,500 from the US Department f Agriculture Federal-State Marketing Improvement Program, to conduct a "Regional Marketing Analysis for Fresh-Cut Apple Slices". Effective upon G&C approval through September 1, 2005. **100% Federal Funds.**

#21 Authorized with Councilor Pignatelli and Councilor Wieczorek voting **no,** to enter into an agreement with Cooperative Development Institute, Inc., Greenfield, MA, to conduct a study to determine the feasibility of procuring, processing, distributing and marketing apple slices in New England, in the amount of $24,300. Effective upon G&C approval through April 1, 2005. **100% Federal Funds.**

#22 Authorized to accept the donation of 141 acre conservation easement in the Town of Stratford, NH, from W. Timothy Brooks. The parcel of land is located on either side of NH Route 3 in the Town of Stratford and encompasses lands associated with the historic Baldwin Homestead. The appraised value of the conservation easement is $135,000.

ATTORNEY GENERAL

The Governor and Council acted as follows:

#23 Authorized to enter into a sub-grant in the amount of $8,400, with the Town of Tamworth, NH, to purchase a computerized records management system capable of reporting National Incident Based Reporting System data to the State Police. Effective upon G&C approval through October 21, 2005. **100% Federal Funds.**

#23A Authorized with Councilor Spaulding voting **no,** to expend up to $425,000 from the general fund for the purpose of covering projected shortfalls in the general litigation expenses incurred in the defense of the State and the prosecution of criminal law, as specified in letter dated January 26, 2005. **Fiscal Committee approved.**

DEPARTMENT OF CULTURAL RESOURCES

#24 The Governor and Council on motion of Councilor Spaulding, seconded by Councilor Wieczorek authorized the request of the Division of Libraries to accept and expend a grant from Easter Seals NH for the Family Resource Connection, in the amount of $57,215. Effective upon G&C approval through February 26, 2008. **100% Other Funds.**

NH RETIREMENT SYSTEM

The Governor and Council acted as follows:

#24A Authorized with Councilor Spaulding voting **no,** the permanent assignment of a NH Retirement System Vehicle to the Executive Director.

#24B Authorized to accept and expend $69,100 in additional funds from the NH Retirement System Trust fund to support overtime pay for full-time employees. Effective upon G&C approval through June 30, 2005.

HIGHWAY SAFETY AGENCY

#25 The Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek authorized the request to amend a contractual agreement with Edgel E Crabtree, Bow, NH, (previously approved by G&C on 12-4-02, item #32), by extending the termination date from March 31, 2005 to March 31, 2006 and increasing the contract amount by $44,500 from $98,150 to $142,650. Effective upon G&C approval. **100% Federal Funds.**

EMPLOYMENT SECURITY

The Governor and Council acted as follows:

#26 NOT USED

#27 Authorized to accept the anonymous donation of two lithographs with an estimated value of $50 each for a total of $100.

#28 Authorized with Councilor Wieczorek voting **no,** to enter into a **retroactive sole source** service agreement with Altura Communications Solutions LLC for telephone system maintenance services for the NHES Manchester Administrative offices and the NHES Centralized Telephone Claims Center, for a total agreement of $66,776. Effective December 1, 2004 through November 30, 2007. **100% Federal Funds.**

LIQUOR COMMISSION

The Governor and Council acted as follows:

#29 Authorized to accept and expend a grant totaling $3,000 from the National Alcohol Beverage and Control Association for the project entitled "Fatal Choices". Effective upon G&C approval through June 30, 2005. **Other Funds.**

#30 Authorized to enter into a three year contract with Thermal Stor Inc., Hooksett, NH, to provide services and maintenance for heating and air conditioning systems at various liquor store locations throughout NH, for $178,126.50. Effective upon G&C approval through January 31, 2008. **100% General Funds.**

DEPARTMENT OF CORRECTIONS

The Governor and Council acted as follows:

#31 Councilor Wieczorek, seconded by Councilor Pignatelli 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 Pignatelli voting **no,** voted to approve the request to exercise its option to extend its lease agreement with the Hillsborough County Commissioners, Manchester, NH, for rental of land and building located at the NH State Prison for Women, Goffstown, NH, for one additional five year term, extending the term **retroactively** from November 12, 2004 to November 12, 2009, for a total agreement amount of $502,500. **100% General Funds.**

#32 Authorized to establish a Probation Parole Officer I position through June 30, 2005, as specified in letter dated January 19, 2005. **Fiscal Committee approved.**

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Council acted as follows:

#33 Authorized Bureau of Ski Operations report of season passes issued for Cannon Mountain for the quarter ending December 31, 2004. **Informational Item.**

#34 Authorized Division of Forest and Lands to renew a membership for the 2005 calendar year with the National Association of State Foresters, Washington, DC, in the amount of $6,500.

#35 Authorized Division of Economic Development to accept a donation for a tradeshow from the NH Economic Development Association valued at $3,260 total. The tradeshow is the Biotechnology 2005 Conference in Philadelphia, PA, June 18-22, 2005.

#36 Authorized with Councilor Spaulding voting **no,** Division of Economic Development to accept a donation for seven tradeshows from PSNH valued at $44,959 total, as detailed in letter dated February 9, 2005.

#37 Authorized Division of Economic Development to accept a donation of 10 airline vouchers for out-of-state recruitment from Independence Air valued at $3,000 total.

#38 Authorized Division of Economic Development to award a grant in the amount of $57,200 under the Economic Development State Jobs grant program to Steel Elements, Inc., Berlin, NH. Effective upon G&C approval with a jobs guarantee of at least five years.

#39 Authorized Division of Parks and Recreation to enter into a contract amendment on a **sole source** basis with North East Recycling Corp., Atkinson, NH, (previously approved by G&C on 6-25-04, item #101), for rubbish removal at Hampton Beach and Bear Brook State Park, increasing the total cost from $11,377.20 to $16,147.20, a $4,770 increase.

#40 Authorized with Councilor Pignatelli voting **no,** Division of Parks and Recreation, Cannon Mountain to enter into a **sole source** lease agreement for an aged fleet lease rotation program for snow groomers with Bombardier Capital, Inc., Colchester, VT, in the amount of $262,413.

#41 Authorized with Councilor Pignatelli voting **no,** Design, Development, and Maintenance to amend an existing contract as a **sole source** and **retroactive,** with Dufresne-Henry, Inc., Manchester, NH, (previously approved by G&C on 7-28-04, item #39), to provide additional design and construction management services for the electrical grid power to the summit of Mt. Washington by increasing the amount by $53,700 from $309,900 to $363,600, along with extending the date from December 31, 2005 to June 30, 2006.

NH FISH AND GAME DEPARTMENT

The Governor and Council acted as follows:

#42 Authorized to host the summer meeting of the North American Wetland Conservation Act Council on July 5-7, 2005 at the Grappone Conference Center in Concord, NH, for a cost not to exceed $6,000. Effective upon G&C approval through July 31, 2005. (2)Further Authorized to accept donations of cash and services in an amount not to exceed $5,000 to help defray the cost of breaks, an evening reception for participants, transportation, and meals.

#43 Authorized to enter into a memorandum of agreement with the Department of Environmental Services to communicate information about coastal issues through print articles and videos, in the amount of $18,030. Effective upon G&C approval through December 31, 2005. (2)Further Authorized to accept and expend $18,030 in Coastal Program funds for coastal fish and wildlife outreach to be conducted by the Department. Effective upon G&C approval through December 31, 2005.

#44 Authorized to accept and expend $209,500 from the State of NH, Department of Safety for the purchase of Interoperable Communication Equipment. Effective upon G&C approval through June 30, 2005.

#45 Authorized the assistance towards partial payment of moving expenses in an amount not to exceed $2,000 for Kyle D Stockwell and his family from Readfield, ME to NH.

#46 Authorized to transfer and expend $297,000 in excess OHRV fees, as specified in letter dated January 19, 2005. **Fiscal Committee approved.**

#47 Authorized to enter into a contract with Lisa Mausolf of Reading, MA, to provide a completed Project Area Form for the Weeks' Cabins on Brackett Point, Great Bay in Greenland, NH, in an amount not to exceed $3,800. Effective upon G&C approval through July 1, 2005.

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council acted as follows:

#47A Authorized Richard Duperey's request to permanently remove an existing one slip boathouse with living space over public water, permanently remove an existing 328 sq ft concrete wharf and permanent dock over public water and restore the natural shoreline, construct a two slip boathouse in the existing foot-print, construct a concrete pad with a seasonal dock on property located at Lake Sunapee in Sunapee.

#48 Authorized to accept and expend $8,491 in federal funds from the US Environmental Protection Agency to implement a program to train drinking water system operators. (2)Further Authorized to enter into a contract with NH Water Works Association, Concord, NH, for providing certified drinking water operator training at the 2005 NH Drinking Water Exposition, in the amount of $9,000. (3)Further Authorized to enter into a contract with NH Water Works Association, Concord, NH, for providing an introductory training class for new and potential certified drinking water operators, in the amount of $18,000. (4)Further Authorized to enter into a contract with NH Water Works Association, Concord, NH, for providing educational seminars for NH certified drinking water operators, in the amount of $18,000. (5)Further Authorized to enter into a contract with NH Rural Water Association, Burlington, VT, for providing introductory training for new operators and continuing education seminars for existing operators of very small public water systems, in the amount of $39,000. (6)Further Authorized to enter into a contract with New England Water Works Association, Holliston, MA, for providing training classes for NH certified drinking water operators, in the amount of $52,500. (7)Further Authorized to enter into a memorandum of understanding with NH Community Technical College – Berlin, NH, for providing a drinking water treatment course for NH certified drinking water operators, in the amount of $10,448.75. (8)Further Authorized to enter into a

contract with RCAP Solutions, Inc., Winchendon, MA, for providing financial/managerial training seminars and on-site assistance for operators and managers of small NH public water systems, in the amount of $51,600. (9)Further Authorized to enter into a contract with Camp Dresser & McKee Inc., Boston, MA, for providing maintenance training classes for NH certified drinking water operators, in the amount of $69,900. Effective upon G&C approval through December 31, 2005. **100% Federal Funds.**

#49 Authorized to accept and expend federal funds in the amount of $1,914 from the Brownfields Cleanup Revolving Loan Fund to cover audit set-aside from G&C approval through June 30, 2005.

#50 Authorized with Councilor Pignatelli voting **no,** to **retroactively** amend a contract with Sanborn Head Associates, Concord, NH, (previously approved by G&C on 10-9-02, item #64, amended on 8-13-03, item #89), by extending the expiration from December 31, 2004 to June 30, 2005, and increasing the contract value by $40,000 from $677,660 to $717,660.

#51 Authorized with Councilor Pignatelli voting **no,** to **retroactively** amend a contract with Veolia Water North America Operating Services, LLC, Houston, TX, (previously approved by G&C on 2-23-94, item #47, amended on 12-17-03, item #67), for maintenance an response activities at Gilson Road Superfund Hazardous Waste site in Nashua, NH, by extending the completion date from December 31, 2004 to December 31, 2005.

#52 Authorized to **retroactively** amend an agreement with the NH Department of Transportation, Concord, NH, (previously approved by G&C on 10-22-03, item #2), to conduct an inventory of stormwater drainage infrastructure in the coastal watershed, for $25,000, by extending the completion date to September 30, 2005 from December 31, 2004. **100% Federal Funds.**

#53 Authorized to **retroactively** amend a Water Supply Land Grant to the Town of Brentwood, NH, (previously approved by G&C on 6-25-03, item #148, amended on 12-3-03, item #36, amended on 6-2-04, item #39), to purchase four conservation easements in source water protection areas to protect water supply land, for $224,200, by extending the completion date to June 30, 2005 from December 31, 2004. (2)Further Authorized to amend a Local Source Water Protection grant award to the Lakes Region Planning Commission, Meredith, NH, (previously approved by G&C on 3-24-04, item #68), to complete a project to protect drinking water from contamination, for $17,712, by extending the completion date to June 30, 2006 from June 30, 2005.

#54 Authorized to enter into a $50,000 memorandum of agreement with the NH Department of Agriculture, Markets, & Food, to implement the Agricultural Nutrient Management Grant Program. Effective upon G&C approval through June 30, 2006. **100% Federal Funds.** (2)Further Authorized to made advance payments of $25,000 annually to DAMF under said memorandum of agreement.

#55 Authorized to award Wastewater State Aid Grants in an aggregate amount of $1,405,723 for water pollution control projects, as detailed in letter dated January 12, 2005. Effective upon G&C approval. **100% General Funds.**

#56 Authorized to enter into an agreement with City of Portsmouth, NH, for development of a water reuse feasibility study for the Pease wastewater treatment plant, in the amount of $10,000. Effective upon G&C approval through December 31, 2005. **100% Federal Funds.**

#57 Authorized to accept and place on file the Water Council 2004 Annual Report. **Informational Item.**

#58 Authorized a loan agreement with Meriden Village Water District, to finance the replacement of the aeration system at the Meriden Wastewater Treatment Facility under the provisions of RSA 486:14 and NH Admin. Rules Env-C 500 in the amount of $219,700. Effective upon G&C approval. **80% Federal, 20% Capital Funds.**

NH BOARD OF ACCOUNTANCY

#59 The Governor and Council on motion of Councilor Spaulding, seconded by Councilor Burton authorized the request to remit to the National Association of State Boards of Accountancy $4,240 for annual dues for the period of August 1, 2004 through July 31, 2005.

NH BOARD OF PHARMACY

#60 The Governor and Council on motion of Councilor Spaulding, seconded by Councilor Burton authorized the request to transfer $1,800 as specified in letter dated January 19, 2005. **Fiscal Committee approved.**

NH BOARD OF MEDICINE

#61 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton authorized the request to accept and place on file the annual report.

NH BOARD OF DENTAL EXAMINERS

#62 The Governor and Council on motion of Councilor Spaulding, seconded by Councilor Wieczorek authorized the request to expend examination fees not otherwise appropriated in the amount of $2,889.33. Effective upon G&C approval through June 30, 2005.

BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS

#63 The Governor and Council on motion of Councilor Spaulding, seconded by Councilor Burton authorized the request to budget and expend $3,200 in general funds from examination fees not otherwise appropriated. Effective upon G&C approval through June 30, 2005.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

#64 Authorized to make payment in the amount of $1,018.22 for **retroactive** wages to Ellen C. Wheatley, Head Start Coordinator, position #9U419. **100% Federal Funds.**

Developmental Disabilities Council

#65 Authorized to accept and expend #265,130 in federal funds, as specified in letter dated January 19, 2005. **Fiscal Committee approved.**

Office of Business Operations

#66 Authorized Leslie Deprey to enter into an Educational Tuition Agreement with Southern NH University, Manchester, NH, to participate in the course Human Relations in Administration from January 10, 2005 through March 9, 2005, and to pay said costs in the amount of $750. **25% Federal, 75% General Funds.**

Division for Children, Youth & Families

#67 Authorized to accept and expend $243,722 in federal funds, as specified in letter dated January 19, 2005. **Fiscal Committee approved.**

#68 Authorized to amend and extend an existing agreement with Easter Seals of NH Inc., Manchester, NH, (previously approved by G&C on 12-18-02, item #107), to provide administrative case reviews for children in foster care, by extending the completion date to December 31, 2006 and by increasing the price limitation $707,787 to a new price limitation of $1,407,775. **100% Federal Funds.**

Bureau of Behavioral Health

#69 Authorized to accept and expend $100,000 in federal funds, as specified in letter dated January 19, 2005. **Fiscal Committee approved.**

Division of Public Health Services

#70 Authorized to accept and expend $7,000 in federal funds, as specified in letter dated January 19, 2005. **Fiscal Committee approved.**

#71 Authorized to accept and expend $266,000 in federal funds, as specified in letter dated January 19, 2005. **Fiscal Committee approved.**

Bureau of Elderly & Adult Services

#72 Authorized to amend an existing agreement with Child and Family Services of NH, Manchester, NH, (previously approved by G&C on 6-25-03, item #385, amended on 6-2-04, item #71), to provide Adult In Home Care services, by increasing the contract by $100,720 from $992,151.30 to $1,092,871.30. Effective upon G&C approval through June 30, 2005. **45% Federal, 55% General Funds.**

#73 Authorized to amend an existing agreement with Androscoggin Valley home Care Services, Berlin, NH, (previously approved by G&C on 6-25-03, item #415, amended on 6-2-04, item #74), to provide Adult In Home Care services, by increasing the contract by $44,065 from $1,069,402.81 to $1,113,467.81. Effective upon G&C approval through June 20, 2005. **45% Federal, 55% General Funds.**

NH VETERANS HOME

The Governor and Council acted as follows:

#74 Authorized to **retroactively** pay Welch Architectural Signage the amount of $6,520 as a **sole source** for the purchase and installation of exterior signage that identifies each wing of the facility.

#75 Authorized to reclassify position #41760, Secretary I, labor grade 7, to a Laundry Worker III, labor grade 7.

#76 Authorized to accept the monies totaling $30,668.72 received during the period of October 1, 2004 to December 31, 2004, as a result of fundraising drives from various organizations and from personal contributions. These monies are placed in the Veterans Home Benefit Fund.

DEPARTMENT OF EDUCATION

The Governor and Council acted as follows:

#77 Authorized Division of Adult Learning and Rehabilitation, Services for Blind and Visually Impaired, to accept two donations totaling $150 in memory of Marion Rehler. **100% Other Funds.**

#78 Authorized to pay the Education Information Management Advisory Committee of the Council of Chief State School Officers a FY 05 assessment fee in the amount of $4,900. **100% Federal Funds.**

#79 Authorized to budget and expend carry forward grant funds in the amount of $1,089,052 from the US Department of Education. Effective upon G&C approval through June 30, 2005. **100% Federal Funds.**

#80 Authorized to establish a Program Assistant I position through June 30, 2005, not May 31, 2006, as specified in letter dated January 19, 2005. **100% Federal Funds. Fiscal Committee approved.**

#80A Authorized with Councilor Wieczorek voting **no,** to enter into a contract with Public Consulting Group, Inc., Boston, MA, to provide a new Special Education Student Information System for the Special Education group, in the amount of $1,374,000 for the 2005 Fiscal Year with possible extensions of $200,000 for each of the next five Fiscal Years for Phase I of this project. (2)Further Authorized to withhold 10% of the contract total instead of the 25% withholding provision of the contract price in accordance with the NH Code of Administrative Rules 311.07(a)(5). **100% Federal Funds.**

NH COMMUNITY TECHNICAL COLLEGE SYSTEM

The Governor and Council acted as follows:

#81 Authorized to reclassify position #40922, Program Assistant I, labor grade 12, to a Library Technician II, labor grade 13, at the NH Technical Institute at Concord. **38% General, 62% Other Funds.**

#82 Authorized Concord Technical Institute to **retroactively** amend G&C item #91, approved on 10-20-04, by extending the Title III Planning Grant end date from January 31, 2005 to June 30, 2005.

NEW HAMPSHIRE LOTTERY COMMISSION

#83 The Governor and Council on motion of Councilor Burton, seconded by Councilor Griffin authorized the request to amend a contract with Scientific Games International, Inc., (previously approved by G&C on 2-9-00, Late item A), by extending the completion date to June 30, 2010, as detailed in letter dated January 26, 2005. **100% Other Funds.**

DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

#84 Authorized Division of Motor Vehicles to **retroactively** accept and expend additional funds from a federal grant known as "Fatal Accident Reporting System", from the US Department of Transportation/NHTSA, (previously approved by G&C on 2-11-04, item #110), to compile and provide statistics on fatal accidents in NH, in the amount for $7,600. (2)Further Authorized to reallocate funds for the grant above as detailed in letter dated January 20, 2005.

#85 Authorized Division of Emergency Services, Communications and Management, Bureau of Emergency Management to hold a workshop for "Incident Command System/Emergency Operations Center Interface" on February 16-17, 2005 at The Best Western Sovereign Hotel, Keene, NH, for a total cost not to exceed $4,875.22. (2)Further Authorized a contract with The Best Western Sovereign Hotel, Keene, NH, for a function room, meals, and rooms in the amount of $4,875.22. Effective upon G&C approval through February 17, 2005.

#86 Authorized Division of Motor Vehicle to reallocate a grant entitled "DMV Commercial Vehicle Enforcement" received from the NH Highway Safety Agency in the amount of $17,982.09 (previously approved b7 G&C on 6-2-04, item #97). Effective upon G&C approval.

#87 Authorized with Councilor Pignatelli voting **no,** Division of State Police to enter into a **retroactive** contract with Cintas Corporation, Chelmsford, MA, for rental and laundering of lab coats in the amount of $7,000. Effective July 1, 2004 through June 30, 2005.

#88 Authorized Division of Emergency Services, Communications and Management to enter into an agreement with Green Mountain Communications, Inc., Wolfeboro Falls, NH, to provide and install the materials for a new antenna cable on Saddleback Mountain, in the amount of $3,461.68. Effective upon G&C approval through May 31, 2005.

#89 Authorized with Councilor Pignatelli voting **no,** Division of State Police to enter into a **retroactive** agreement with Maillet Construction, New Ipswich, NH, for snow plowing/shoveling for State Police Troop B located in Milford, in the amount of $8,000. Effective December 1, 2004 through June 30, 2005.

DEPARTMENT OF TRANSPORTATION

The Governor and Council acted as follows:

#90 Authorized to accept and place on file the Bureau of Right of Way's Contemplated Award List for the period of December 28, 2004 through January 18, 2005.

#91 Authorized to enter into an agreement with the City of Dover delineating duties and responsibilities of both the State and the municipality for designing and making improvements to the intersection of a Class II Highway in Somersworth, NH, and a Class IV Highway in Dover, NH for a project identified in the State's Ten Year Transportation Improvement Plan as Dover-Somersworth STP-X-0005(25), 12608.

#92 Authorized Bureau of Bridge Design to increase the State of NH's share of this project with the State of VT, (previously approved by G&C on 8-22-01, item #320), by $153,259.10 from $800,000 to $953,259.10, for the rehabilitation/construction of the Maidstone Bridge over the Connecticut River between Stratford, NH and Maidstone, VT.

#93 Authorized Bureau of Bridge Design to enter into an agreement with the State of VT for rehabilitation of the bridge carrying McIndoes Street over the Connecticut River between Monroe, NH and Barnet, VT.

#94 Authorized Bureau of Rail & Transit to amend an agreement with the Nashua Regional Planning Commission, Nashua, NH, (previously approved by G&C on 9-17-03, item #148C), for an additional fee of $750,000, increasing the total from $138,778 to $888,778, and extending the completion date to June 30, 2006.

#95 Authorized Bureau of Highway Design to amend an agreement with McFarland-Johnson, Incorporated of The Concord Center, Concord, NH, and Binghamton, NY, (previously approved by G&C on 6-9-99, item #162), for the preparation of contract plans, specifications and estimates for the construction of highway improvements to segments of NH Route 111, NH Route 28 and a number of local roadways in the Towns of Windham and Salem, by increasing the agreement by $46,463 from $2,591,241 to $2,637,704.

#96 Authorized Construction Bureau to amend a contract with Renaud Bros., Vernon, VT, (previously approved by G&C on 6-23-04, item #358), for replacing a deteriorated box culvert and roadway widening located on NH Route 137 south of NH Route 101, by increasing the amount by $383.60 from $229,485 to $229,868.60.

#97 Authorized Bureau of Construction contract with R.S. Audley, Inc., Bow, NH, on the basis of a low bid of $8,760,392.41 for reconstruction and widening of a section of Candia Road in the City of Manchester, extending from the I-93/Exit 6 eastern ramp termini and running easterly to the Massabesic Traffic Circle. Effective upon G&C approval through June 22, 2007.

#98 Authorized Bureau of Public Works to enter into an agreement with Volmer Associates, LLP, Concord, NH, for professional services for design and construction documents, on-site observation, and inspection services for various Public Works' Projects as necessary and required by the Department, in an amount not to exceed $500,000. Effective upon G&C approval through December 31, 2007.

#99 Authorized Bureau of Public Works to enter into an agreement with F. Duene Cowan DBA DC Designs, Concord, NH, for professional architectural services required for planning, design and construction of various Public Works' Projects as necessary and required by the Department, for an amount not to exceed $500,000. Effective upon G&C approval through December 31, 2007.

#100 Authorized Bureau of Public Works to enter into an agreement with Baker/Wohl Architects, Inc., Boston, MA, for professional architectural services required for planning, design construction of various Public Works' Projects as necessary and required by the Department, for an amount not to exceed $500,000. Effective upon G&C approval through December 31, 2007.

#101 Authorized Bureau of Public Works to enter into an agreement with Nobis Engineering, Inc, Concord, NH, for professional services for design and construction documents, on-site observation, and inspection services for various Public Works' Projects as necessary and required by the Department, in an amount not to exceed $500,000. Effective upon G&C approval through December 31, 2007.

BUSINESS FINANCE AUTHORITY

#102 The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Wieczorek and further on a roll call vote as follows: Councilor Burton – yes, Councilor Spaulding – yes, Councilor Griffin – yes, Councilor Wieczorek – yes, and Councilor Pignatelli – 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 Banknorth, N.A. and Spaulding Composites, Inc. in Rochester, 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 FEBRUARY 9, 2005 COUNCIL CHAMBER, CONCORD, NEW HAMPSHIRE

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At approximately 11:50 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 Banknorth, NA, to Spaulding Composites, 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 Jack Donovan, Executive Director of the Authority who briefly explained the project and introduced Doug Keslin, Chief Financial Officer of Spaulding Composites, 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 Spaulding 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 BANKNORTH, NA, TO SPAULDING COMPOSITES, INC." and moved its adoption, which was seconded by Councilor Wieczorek. 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 Pignatelli; 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 AWARDING A STATE GUARANTEE UNDER RSA 162-A:13 WITH RESPECT TO A LOAN FROM BANKNORTH, NA, TO SPAULDING COMPOSITES, 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 eighty percent (80%) of the principal amount of a loans up to $1,650,000 from Banknorth, NA, to Spaulding Composites, 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 eighty percent (80%) 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 February 9, 2005.

#103 **TUITION REQUESTS**

The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Wieczorek, Authorized the requests

A. **COMMUNITY TECHNICAL COLLEGE -** Request permission to pay Southern New Hampshire University, Laconia, NH, the sum of $388.00 for the sole purpose of enrolling Susan Gatton, Administrative Assistant, in the course entitled "Strategic Management and Policy".

B. **EDUCATION -** Request permission to pay the University of New Hampshire, Manchester, NH, the sum of $1,668.00 for the sole purpose of enrolling Craig Dailey, Disability Adjudicator/Examiner, in the course entitled "Reading and Research".

C. **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 education course entitled "Managing Change".

D. **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 "Mark Twain and the Realistic Tradition" and "Business Communication".

E. **INSURANCE -** Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of $1,440.00 for the sole purpose of enrolling Mary Verville, Financial Records Auditor, in the distance education courses entitled "Strategic Management & Policy" and "Finite Math".

#104 **TRAVEL REQUESTS**

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

A. **EDUCATION** - Request permission for (1) employee, Kathleen Schoeneman, Statistical Assistant or designee, to travel to New Orleans, LA, on February 22 – 25, 2005, to attend the 18th Annual MIS Conference 2005. ALSO A CASH ADVANCE OF $750.67 IS REQUESTED FOR Kathleen Schoeneman. Total Cost: $1,024.97. Source of Funds: 100% Federal Funds. No Registration Fees.

B. **SAFETY** - Request permission for (1) employee, Roger Lebel, Corporal, or designee, to travel to Malvern, OH, on February 10 – 19, 2005, to attend Investigation of a fatal motor vehicle accident involving a commercial vehicle at the request of the County Attorney. Permission is also requested for a waiver to exceed the 300-mile radius by state vehicle. County Attorney's Office will reimburse Safety $125.00. Total Cost: $900.00. Source of Funds: 100% Highway Funds. No Registration Fees.

LATE ITEMS

TREASURY DEPARTMENT

A. The Governor and Executive Council on a roll call vote as follows: Councilor Burton – yes, Councilor Spaulding – yes, Councilor Griffin – yes, Councilor Wieczorek – yes, and Councilor Pignatelli – abstain, Authorized the adoption of resolution permitting the State Treasurer to negotiate the sale and issue of general obligation bonds to refund outstanding bonds to produce net present value debt service savings of at least three percent of the par value of the refunded bonds.

NEW HAMPSHIRE HOSPITAL

B. Authorized to enter into an agreement with BK Systems, Inc., Goffstown, NH, in an amount not to exceed $38,980 to provide fire detection, nurse call and alarm system, test and maintenance services effective January 1, 2005, or date of Governor and Council approval, through June 30, 2006.

ITEMS REMOVED FROM TABLE

The Governor and Council on motion of Councilor Griffin, seconded by Councilor Burton, voted to remove item #22- which was tabled at the January 26, 2005 Meeting.

DEPARTMENT OF CORRECTIONS

#22 The Governor and Council on motion of Councilor Burton, seconded by Councilor Spaulding, voted to approve the request to accept and expend two supplemental grants from the US Department of Justice in the amount of $173,411, to be used to provide mental health and substance abuse services to offenders reentering the community of Manchester upon their release from prison and to provide direct support for the travel costs associated with attending national conferences pertaining to and sponsored by the US Department of Justice Bureau of Justice Statistics. Effective upon G&C approval. **100% Federal Funds.**

The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Spaulding, voted to remove item #54- which was tabled at the January 26, 2005 Meeting.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
New Hampshire Hospital

#54 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton, voted to approve the request to enter into an agreement with Norris Inc., So. Portland, ME, to provide fire alarm, nurse call station and security system test and inspection services in an amount up to $20,000. Effective **retroactive** to July 1, 2004 through December 31, 2004. **96% General, 4% Other Funds.**

Next Governor and Executive Council meeting is scheduled for Friday, February 25, 2005 at 10:00 a.m. at The State House, Concord, NH.

The Honorable Board then Adjourned