

GOVERNOR AND EXECUTIVE COUNCIL MINUTES
State House, Concord, New Hampshire
November 6, 2019 10:00 a.m.

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

Today's pre-meeting ceremonial items included:

- Councilor Volinsky offered a reading and led the Pledge of Allegiance:
- Performance by Members from the Keene Senior Center's "Senior Swingers".
- Proclamation/Commendation(s):
 - Proclaiming American History and Founders Month joined by Emma S. Bray, Director of the American Independence Museum and Charles Tarbell.
 - Commending 2020 Teacher of the Year Kim Piper.

The Governor and Executive Council on motion of Councilor Cryans, seconded by Councilor Prescott voted to approve the minutes of the October 23, 2019 meeting.

The Governor and Executive Council, on motion of Councilor Prescott, seconded by Councilor Volinsky, approved the appointment of several persons nominated for Civil Commissions from the October 23, 2019 meeting.

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

RESIGNATIONS

The Governor and Council accepted the following resignation:

Adult Parole Board - RSA 651-A:3

Mark E. Furlone, Spofford

Effective: November 6, 2019

Commissioner, Department of Health and Human Services - RSA 126-A:5, I

Jeffrey A. Meyers, Concord

Effective: December 6, 2019

Family Mediator Certification Board - RSA 126-A:5, I

Mark J. Ciocca, Penacook

Effective: November 6, 2019

Water Council - RSA 21-O:7

Robert Beurivage, Auburn

Effective: November 6, 2019

CONFIRMATIONS

The Governor and Council confirmed the following:

Advisory Council on Worker's Compensation - RSA 281-A

(Rep. of Insurance Interests of Commercial Workers' Compensation Carriers)

Margaret M. Crouch, Merrimack

Reappointment

Effective: November 6, 2019

Term: June 13, 2022

Board of Dental Examiners - RSA 317-A:2

(Dentist)

Roger A. Achong, Concord

Succeeding: Nilfs E. Collins, Hudson

Effective: November 6, 2019

Term: July 26, 2024

Board of Acupuncture Licensing - RSA 328-G:3

(Acupuncturist)

L. Cindy Theroux-Jette, Nashua

Reappointment

Effective: November 6, 2019

Term: October 14, 2022

<u>Commissioner, Department of Transportation - RSA 21-L</u> Victoria Sheehan, Nashua Reappointment	Effective: November 6, 2019 Term: December 3, 2023
<u>Community College System of New Hampshire - RSA 188-F</u> (General Public) Robert A. Baines, Manchester Succeeding Constance M. Roy-Czyzowski, Manchester	Effective: November 6, 2019 Term: June 30, 2023
<u>Community College System of New Hampshire - RSA 188-F</u> (General Public) Jeffrey B. Cozzens, Lyman Vacancy	Effective: November 6, 2019 Term: June 30, 2022
<u>Occupational Therapy Governing Board - RSA 328-F:4</u> (Licensed Occupational Therapist) Olivia R. Freeman, Hudson Reappointment	Effective: November 6, 2019 Term: January 8, 2023
<u>Midwifery Council - RSA 326-D</u> (Midwife) Kathryn Hartwell, Concord Reappointment	Effective: November 6, 2019 Term: September 28, 2023
<u>New Hampshire Water Well Board - RSA 482-B:3</u> (Public Member) Steven R. Lamb, Andover Reappointment	Effective: November 6, 2019 Term: September 15, 2022
<u>Speech-Language Pathology Governing Board - RSA 328-F:4</u> (Licensed SLP) Ian McGarty, Goffstown Vacancy	Effective: November 6, 2019 Term: March 4, 2021
<u>Speech-Language Pathology Governing Board - RSA 326-D</u> (Licensed SLP, Educational Setting) Jocelyn G. Lister, Newmarket Succeeding: Deborah Snow-Major, Hooksett (resigned)	Effective: November 6, 2019 Term: March 4, 2022
<u>State Radiation Advisory Committee - RSA 125-F</u> (Medical) Edward J. Farmlett, Laconia Reappointment	Effective: November 6, 2019 Term: October 14, 2023
<u>State Radiation Advisory Committee - RSA 125-F</u> (Physical Science) James J. Cherniack, Derry Reappointment	Effective: November 6, 2019 Term: October 14, 2023
<u>State Veterans Council - RSA 110-B:89</u> (Family member of a veteran or family member of a currently serving member of the armed forces) Madeline Dreusicke, Pelham Vacancy	Effective: November 6, 2019 Term: November 6, 2022

Wetlands Council - RSA 21-O:5-a
(Construction Industry)
Jeffrey P. Cloutier, Laconia
Succeeding: James P. Grove, Laconia

Effective: November 6, 2019
Term: July 11, 2022

NOMINATED & CONFIRMED

The Governor and Council on motion of Councilor Cryans, seconded by Councilor Prescott confirmed the following:

Interim Commissioner, Department of Health and Human Services - RSA 4:5
Kerrin A. Rounds, Bristol
Succeeding: Jeffrey A. Meyers, Concord
Salary: LG, MM, \$143,704.34

Effective: December 6, 2019
Term: January 31, 2020

CONFIRMATION TABLED

The Governor and Council on motion of Councilor Pignatelli, seconded by Councilor Volinsky voted to **table** the following confirmation:

Division Director, Department of Education - RSA 21-N:3
(Division of Educator Support and Higher Education)
Stephen M. Appleby, Bedford
Succeeding: Michael D. Seidel, Nashua (resigned)
Salary: LG EE \$93,654.60

Effective: Upon Confirmation
Term: August 8, 2020

NOMINATIONS

The following nominations were submitted:

Adult Parole Board - RSA 651-A:3
Jennifer B. Sargent, Hanover
Succeeding: Brian A. Cashman, Litchfield

Effective: Upon Confirmation
Term: September 29, 2024

Adult Parole Board - RSA 651-A:3
Henry F. Spaloss, Nashua
Succeeding: Leslie Mendenhall, Nashua

Effective: Upon Confirmation
Term: July 1, 2023

Board of Court Reporters - RSA 310-A:163
Theresa M. McGuire Harkins, New Boston
Succeeding: Susan J. Robidas, Manchester

Effective: Upon Confirmation
Term: October 3, 2024

Director, Division of Marketing, Merchandising, and Warehousing, State Liquor Commission - RSA 176:8
Lorrie L. Piper, Weare
Succeeding: Nicole Brassard Jordan, Manchester
Salary: LG, GG, \$ 97,969.56

Effective: Upon Confirmation
Term: October 15, 2023

Division of Ports and Harbors Advisory Council - RSA 12-G:44
Christopher D. Snow, Rye
Reappointment

Effective: Upon Confirmation
Term: December 16, 2021

Family Mediator Certification Board - RSA 328-C:4
(Mental Health Professional)
Christine Wallace, Penacook
Succeeding: Mark J. Ciocca, Penacook (resignation)

Effective: Upon Confirmation
Term: April 10, 2020

Higher Education Commission - RSA 21-N:8-a
(Rep. Southern NH University)
(Nominated by College and University Council)
Patricia A. Lynott, Manchester
Succeeding: Paul J. LeBlanc, Manchester (resignation)

Effective: Upon Confirmation
Term: June 30, 2021

New Hampshire State Council on the Arts - RSA 19-A
Cecilia Ulibarri, Nashua
Succeeding: Sandhya Sridhar, Nashua (resignation)

Effective: Upon Confirmation
Term: November 23, 2022

New Hampshire Veterans Home Board of Managers - RSA 119:2
(Member of a recognized and chartered Veterans Service Organization)
William T. Conway, Concord
Succeeding: Richard L. Murphy

Effective: Upon Confirmation
Term: June 10, 2022

Volunteer New Hampshire Board of Directors - RSA 19-H
(Postsecondary Education)
Stephanie S. Lesperance, Henniker
Reappointment

Effective: Upon Confirmation
Term: October 10, 2022

Volunteer New Hampshire Board of Directors - RSA 19-H
(Postsecondary Education)
Guy Eaton, Dover
Reappointment

Effective: Upon Confirmation
Term: May 16, 2022

Wetlands Council - RSA 21-O:5-a
(Farm or Forest Landowner)
George W. Kimball, Center Sandwich
Reappointment

Effective: Upon Confirmation
Term: October 31, 2022

CONSENT CALENDAR AGENDA

The Governor and Council on motion of Councilor Volinsky, seconded by Councilor Cryans acted as follows:

#1 **MOP 150, I, B (1): Expenditure Approvals**

DEPARTMENT OF SAFETY

#A. Authorized the request of the Division of State Police for two Trooper to travel over 300 miles one way in a State Police issued unmarked state vehicle in the amount of \$696.56 to attend the Soldier for Life-Transition Assistance Program Career Fair in Evans Mills, NY and Fort Drum, NY from November 6-7, 2019. Effective upon G&C approval. **48.64% General, 28.31% Turnpike, 23.05% Highway Funds.**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Commissioner

#B. Authorized to enter Elizabeth Perry into an educational tuition agreement with Franklin Pierce University, Rindge, NH, to participate in Health Policy and Population Health Issues, and Inferential Statistics, during the period of November 18, 2019 through May 23, 2020, and to pay said costs in an amount of \$3,000. **25% Federal, 75% General Funds.**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Commissioner

#C. Authorized to enter Kevin Luebker into an educational tuition agreement with Portage Learning, Beaver Falls, PA, to participate in Introduction to Microbiology, during the period of November 8, 2019 through February 21, 2020, and to pay said costs in an amount of \$792. **25% Federal, 75% General Funds.**

DEPARTMENT OF SAFETY

#D. Authorized the Division of State Police to pay annual membership dues of \$10,300 to the Commercial Vehicle Safety Alliance, Greenbelt, MD, for the period of January 1, 2020 through December 31, 2020. Effective upon G&C approval. **86.29% Federal, 13.71% Highway Funds.**

#2 **MOP 150, I, B (2): Approval of Acceptances**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

New Hampshire Hospital

#A. Authorized to accept non-monetary donations with a value of \$260 received July 1, 2019 through September 30, 2019.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

New Hampshire Hospital

#B. Authorized to accept donations from July 1, 2019 through September 30, 2019 from contributors in the amount of \$1,600.71 and deposit into the NH Hospital Trust Fund.

NEW HAMPSHIRE VETERANS HOME

#C. Authorized to accept monies totaling \$311,680.58 received during the period of July 1, 2019 to September 30, 2019 as a result of fundraising drives from various organizations and from personal contributions, to be placed in the Veterans Home Benefit Fund.

NEW HAMPSHIRE VETERANS HOME

#D. Authorized to accept non-monetary donations totaling \$2,900 received during the period of July 1, 2019 to September 30, 2019 as a result of contributions.

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

#E. Authorized to accept a donation of 40 Moultrie Outdoor Game Cameras form the NH Operation Game Thief valued at approximately \$,4000 to be donated to the Law Enforcement Division for Fish and Game Investigations and Law Enforcement Patrol purposes.

#3 **MOP 150, I, B (3): Reports and Findings**

HEALTH AND EDUCATION FACILITIES AUTHORITY

#A. Authorized to accept and place on file the Biennial Report and Financial Statements for the fiscal years 2018 and 2019.

INSURANCE DEPARTMENT

#B. Authorized to accept and place on file the 168th Annual Report for fiscal year 2019.

#4 **MOP 150, I, B (4): Nominations, Confirmations and Appointments**

DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

#A. Authorized the nomination of Major Troy H. Townsend, Concord, MA, currently a Major in the Alaska Army National Guard, for appointment 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.

DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

#B. Authorized the confirmation of Captain Michelle B. Mastrobattista, Dover, NH, for promotion to the rank of Major, NH Air National Guard.

#5 **MOP 150, I, B (5): Other Items**

DEPARTMENT OF REVENUE ADMINISTRATION

#A. Councilor Volinsky requested that this item be removed from the consent calendar for discussion. Following discussion, the Governor and Council on motion of Councilor Volinsky, seconded by Councilor Prescott, authorized to amend the 2017-001 Revenue Information Management System contract with FAST Enterprises LLC, Centennial, CO (originally approved by G&C on 10-31-18, item #52), by altering the Proposed Project Rollout Schedule, the Implementation Milestone Payment Schedule, and by updating the project work plan with no changes to the price limitation of \$29,550,000 and completion date of December 31, 2025.

DEPARTMENT OF TRANSPORTATION

#B. Authorized the Bureau of Bridge Design to amend a contract with HDR Engineering Inc., Manchester, NH (originally approved by G&C 12-21-16, item #33), for the final design for the replacement of the Red List bridge carrying NH Route 1B over Little Harbor between the Towns of New Castle and Rye, by extending the completion date from December 30, 2020 to June 30, 2021. No New Funding.

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

#C. Authorized the NH State Conservation Committee to amend the grant agreement with the Monadnock Conservancy (originally approved by G&C on 6-7-17, item #65), for the *Bearce Conservation Easement*, modifying the grant completion date from December 1, 2019 to December 1, 2020. **100% Other Funds – State Conservation Committee.**

REGULAR AGENDA

BUSINESS FINANCE AUTHORITY

#6 The Governor and Council on motion of Councilor Volinsky, seconded by Councilor Cryans, authorized to hold a Public Hearing with respect to the contract (“Capital Access Program: Lender Participation Agreement”) with Millyard Bank. Action will Authorized Resolutions under RSA 162-A:18 to determine the contract will serve a public use, provide public benefit, the proposed participating bank is qualified to participate, appropriate measures have been taken to ensure CAP loans will be made under the requirements of the Act, the contract complies with RSA 162-A:12, and reasonable precautions have been made to minimize loss, all within the policy and authority of the Act.

EXTRACT FROM THE MINUTES OF THE MEETING OF THE GOVERNOR AND COUNCIL HELD ON NOVEMBER 6, 2019 AT THE NEW HAMPSHIRE STATE HOUSE IN CONCORD, NEW HAMPSHIRE

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At approximately 11:15 am, the Governor announced that the next matter to be considered would be the proposed contract entitled, “Capital Access Program: Lender Participation Agreement” with the following bank: Millyard Bank 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. James Key-Wallace, Executive Director and Jeremy Stanizzi, Senior Credit Officer of the Authority, briefly explained the project and introduced Frank Teas, President & CEO of Millyard Bank. The Governor then repeated that the proceedings were a public

hearing and asked whether any other person wished to speak; Joseph Haas stood and spoke. Councilor Cryans introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 APPROVING THE EXECUTION OF THE STANDARD CONTRACT ENTITLED "CAPITAL ACCESS PROGRAM: LENDER PARTICIPATION AGREEMENT" OF THE BUSINESS FINANCE AUTHORITY OF THE STATE OF NEW HAMPSHIRE BY MILLYARD BANK" and moved its adoption, which was seconded by Councilor Volinsky. The Governor called for a vote on the motion. Those voting in favor were: Councilor Cryans, Councilor Volinsky, Councilor Prescott, Councilor Gatsas 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 APPROVING THE EXECUTION OF THE STANDARD CONTRACT ENTITLED "CAPITAL ACCESS PROGRAM: LENDER PARTICIPATION AGREEMENT" OF THE BUSINESS FINANCE AUTHORITY OF THE STATE OF NEW HAMPSHIRE BY MILLYARD BANK

WHEREAS, the Governor and Council (the "Governor and Council") of the State of New Hampshire (the "State") have previously, upon recommendation of the Business Finance Authority of the State of New Hampshire (the "Authority"), approved the Authority's standard contract entitled "CAPITAL ACCESS PROGRAM: LENDER PARTICIPATION AGREEMENT" (the "Standard Contract") by resolution dated September 2, 1992 (the "Approving Resolution"); and

WHEREAS, at the time of such approval of the Standard Contract, the Governor and Council made, upon recommendation of the Authority, certain findings and determinations pursuant to RSA 162-A:18 with respect to the approval of the Standard Contract, which findings and determinations are stated in the Approving Resolution;

WHEREAS, in the Approving Resolution, the Governor and Council authorized the Authority to take necessary and appropriate steps to cause the execution of the Standard Contract with qualifying State banking institutions; and

WHEREAS, acting pursuant to the direction of the Authority, the Executive Director of the Authority has received interest from Millyard Bank (the "Specific Bank") to execute the Standard Contract and participate in the Authority's Capital Access Program through such execution; and

WHEREAS, the Executive Director of the Authority has examined such information as he has deemed necessary and appropriate and has determined that the Specific Bank is a duly organized bank or trust company authorized to make loans and accept deposits in the State of New Hampshire and accordingly is qualified to execute the Standard Contract and participate in the Capital Access Program;

WHEREAS, the Governor and Council have received all the documentation and information with respect to the proposed execution of the Standard Contract which they have requested;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

Findings and Determinations. On the basis of the documentation and information received by the Governor and Council, and assuming (1) the execution of the Standard Contract as approved by the Governor and Council on September 2, 1992, by the Authority and an authorized officer of the Specific Bank, and (2) review and acceptance of the executed Standard Contract by an appropriate official of the Office of Attorney General upon receipt of a certificate of registration of the Specific Bank and a resolution of the board of directors of the Specific Bank authorizing execution of the Standard Contract, the Governor and Council hereby find:

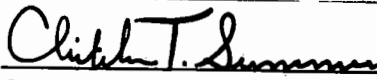
- a. The proposed execution of the Standard Contract and the actions of the Authority and parties executing such Standard Contract taken pursuant to the terms of such Contract will serve a public use and provide a public benefit.
- b. The proposed execution of the Standard Contract and the actions of the Authority and parties executing such Standard Contract taken pursuant to the terms of such Contract is within the policy of, and the authority conferred by RSA Chapter 162-A.

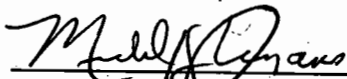
- c. The proposed execution of the Standard Contract and the actions of the Authority and parties executing such Standard Contract taken pursuant to the terms of such Contract will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens.
- d. The proposed execution of the Standard Contract and the actions of the Authority and parties executing such Standard Contract taken pursuant to the terms of such Contract will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.
- e. Appropriate measures have been taken to ensure that the Specific Bank participating under the terms of such Standard Contract makes only loans which meet the requirements of RSA 162-A:12, IV.
- f. The Standard Contract complies with RSA 162-A:12, III.
- g. Reasonable precautions have been taken to minimize the risk of loss to any reserve fund which is established under the terms of the proposed Standard Contract.
- h. The Specific Bank is qualified to execute the Standard Contract and to participate under the terms of such Standard Contract and the applicable provisions of RSA Chapter 162-A.

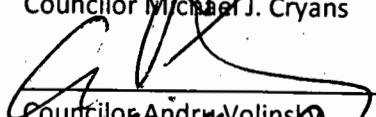
Approval. Subject to (1) the execution of the Standard Contract as approved by the Governor and Council on September 2, 1992, by the Authority and an authorized officer of the Specific Bank, and (2) review and acceptance of the executed Standard Contract by an appropriate official of the Office of Attorney General upon receipt of a certificate of registration of the Specific Bank and a resolution of the board of directors of the Specific Bank authorizing execution of the Standard Contract, the Governor and Council approve the proposed execution of the Standard Contract by the Authority 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.

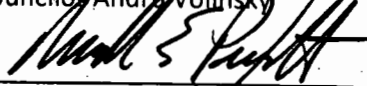
Effective Date. This resolution shall take effect upon its passage.

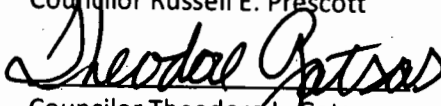
Passed and Agreed to November 6, 2019.

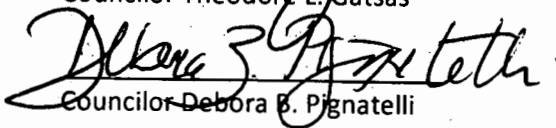

 Governor Christopher T. Sununu


 Councilor Michael J. Cryans


 Councilor Andru Volinsky


 Councilor Russell E. Prescott


 Councilor Theodore L. Gatsas


 Councilor Debora B. Pignatelli

#7 The Governor and Council on motion of Councilor Cryans, seconded by Councilor Volinsky, authorized to hold a Public Hearing with respect to the financing of a loan to Capital Regional Development Council located in Concord, 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 NOVEMBER 6, 2019 AT THE NEW HAMPSHIRE STATE HOUSES IN CONCORD, NEW HAMPSHIRE

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At approximately 11:30 am, the Governor announced that the next matter to be considered would be loan made by the Business Finance Authority to Capital Regional Development Council to increase a line of credit for expansion and retention of businesses 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. James Key-Wallace, Executive Director and Jeremy Stanizzi, Senior Credit Officer of the Authority, briefly explained the project and introduced Stephen Heavener, Executive Director of the Capital Regional Development Council. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; Joseph Haas stood and spoke. Councilor Cryans introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 AWARDING A LOAN UNDER RSA 162-A:7 FROM THE BUSINESS FINANCE AUTHORITY OF THE STATE OF NEW HAMPSHIRE TO CAPITAL REGIONAL DEVELOPMENT COUNCIL" and moved its adoption, which was seconded by Councilor Volinsky. After a discussion, the Governor called for a vote on the motion. Those voting in favor were: Councilor Cryans, Councilor Volinsky, Councilor Prescott, Councilor Gatsas 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 LOAN UNDER RSA 162-A:7 FROM THE BUSINESS FINANCE AUTHORITY OF THE STATE OF NEW HAMPSHIRE TO CAPITAL REGIONAL DEVELOPMENT COUNCIL

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 Capital Regional Development Council (the "Borrower") in the original principal amount of \$500,000 which will be increased by \$500,000 to a total of \$1,000,000 to provide loan capital to the expansion and retention of businesses. (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 authorize 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.

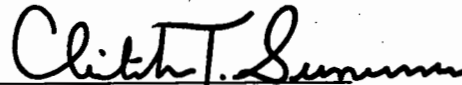
NOW, THEREFORE, it is hereby resolved that:

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

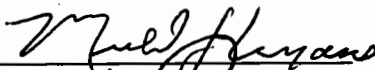
b. General Findings:

- 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 authorize 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

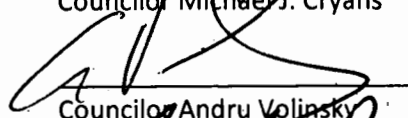
Passed and agreed to November 6, 2019.



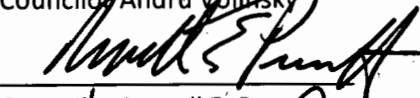
Governor Christopher T. Sununu



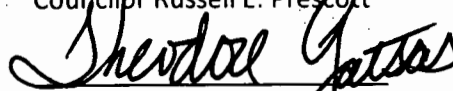
Councilor Michael J. Cryans



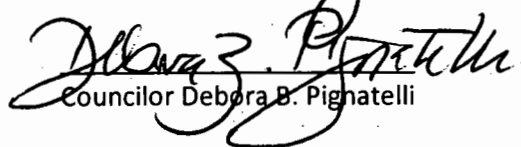
Councilor Andru Volinsky



Councilor Russell E. Prescott



Councilor Theodore L. Gatsas



Councilor Debora B. Pignatelli

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of the Commissioner

#8 The Governor and Council on motion of Councilor Volinsky, seconded by Councilor Prescott, authorized to enter into a **retroactive sole source** amendment to an existing agreement with Rebecca Jackson, Arcadia, FL, to participate as a member of the multidisciplinary team to assess and evaluate whether or not a person convicted of a sexually violent offense, who is eligible for release from total confinement, meets the definition of sexual violent predator as defined in the NH RSA 135-E, entitled "Involuntary Civil Commitment of Sexually Violent Predators", by increasing the price by \$5,750 from \$9,900 to \$15,650 and with no change in completion date of June 30, 2020, **retroactive** to July 1, 2019. Effective upon G&C approval. **100% General Funds.**

Division of Public Health Services

#9 The Governor and Council on motion of Councilor Gatsas, seconded by Councilor Prescott, authorized to make a **retroactive** payment to the Association of Maternal and Child Health Programs, Washington, DC, in the amount of \$7,200 for annual membership dues. Effective upon G&C approval through September 30, 2020. **62.5% Federal, 37.5% General Funds.**

Division for Behavioral Health

The Governor and Council on motion of Councilor Volinsky, seconded by Councilor Prescott acted as follows:

#10 Authorized to enter into a **sole source** agreement with Bi-State Primary Care Association Inc., Bow, NH, to provide facilitation for integrated medication assisted treatment for pregnant, postpartum and parenting women organizations in an amount not to exceed \$1,500,000. Effective upon G&C approval through September 30, 2020. **100% Federal Funds.**

#11 Authorized to enter into **sole source** agreements with Granite Recovery Respite LLC, Salem, NH; and NH Respite LLC, Nashua, NH, to provide crisis respite beds in an amount not to exceed \$2,111,500. (2)Further authorized advance payment in an amount not to exceed \$65,304 to NH Respite LLC for startup costs, hiring staff and readiness activities. Effective upon G&C approval through September 29, 2020. **100% Federal Funds.**

DEPARTMENT OF TRANSPORTATION

The Governor and Council on motion of Councilor Cryans, seconded by Councilor Prescott acted as follows:

#12 Authorized the Bureau of Construction to enter into a contract with F.L. Merrill Construction Inc., Loudon, NH, for intersection reconstruction and safety improvements on NH Route 28 in Barnstead, on the basis of a low bid of \$4,126,853. (2)Further authorized a contingency in the amount of \$206,342.65 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through June 25, 2021. **100% Federal Funds.**

#13 Authorized the Bureau of Right of Way's request to pay property owners \$56,410 as documented in the Contemplated Awards-List for amounts greater than \$5,000 for the period extending from September 12-29, 2019. Effective upon G&C approval.

#14 Authorized the Bureau of Construction to enter into a contract with R.M. Piper Inc., Plymouth, NH, for rehabilitation of the bridge carrying NH Route 16 over Ellis River in Jackson, on the basis of a low bid of \$1,462,477.75. (2)Further authorized a contingency in the amount of \$73,123.89 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through October 30, 2020. **100% General Funds.**

#15 Authorized the Bureau of Highway Design to enter into an agreement with BETA Group Inc., Manchester, NH, for preliminary design of improvements to approximately 3 miles of NH Route 125 in the Town of Epping, for an amount not to exceed \$1,404,791.23. Effective upon G&C approval through November 30, 2022. **100% Federal Funds.**

#16 Authorized the Bureau of Construction to enter into a contract with E.D. Swett Inc., Concord, NH, for bridge rehabilitation efforts on I-89 NB, SB bridges over US Route 4 at Exit 19 and associated ramp work and bridge preservation work on the I-89 NB, SB bridges over the Mascoma River, on the basis of a low bid of \$9,764,986. (2)Further authorized a contingency in the amount of \$488,249.30 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through October 14, 2022. **51.2% General, 48.8% Federal Funds.**

#17 Authorized the Bureau of Construction to enter into a contract with Vermont Recreational Surfacing & Fencing Inc., Barnet, VT, for replacement of cable and beam guardrail and "F" terminal units on Tier 2 and 3 roads, on the basis of a low bid of \$714,644.25. (2)Further authorized a contingency in the amount of \$35,732.21 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through October 30, 2020. **100% Federal Funds.**

#18 Authorized the Bureau or Right of Way to pay property owners \$38,007 as documented in the Contemplated Awards List, for amounts greater than \$5,000 for the period extending from September 30, 2019 through October 10, 2019.

#19 Authorized the Executive Office to enter into an agreement with the Town of Exeter for the Town to reconstruct a portion of state owned and maintained NH Route 85/Newfields Road from 90 feet south of the center of the railroad overpass (NH Bridge #100/095) just north of the Exeter Public Works Driveway south to the existing Urban Compact approximately 0.6 miles. The Department will contribute up to \$550,000 of Betterment funds for drainage and pavement improvements to this section of road. Upon completion of the project the Department will reclassify this section of state owned and maintained class II road to town owned and maintained class IV road. Effective upon G&C approval through July 1, 2020. **100% Betterment Funds.**

#20 Authorized the Bureau of Turnpikes to enter into a contract with ENE Systems of NH Inc., Bow, NH, for HVAC Control System Inspection and Service, in the amount of \$115,625. Effective upon G&C approval through June 30, 2021. **100% Turnpike Funds.**

#21 Authorized the Bureau of Right of Way to transfer to the Department of Environmental Services, sole management responsibility for a 6.56+/- acre portion of the Interstate Limited Access Right-of-Way located on the Southerly side of Interstate 89 along Silk Farm Road in the City of Concord. (2)Further authorized to adjust the limits of the Interstate 89 Limited Access Right-of-Way to accommodate the proposed transfer of management responsibility for the above-mentioned parcel to DES. Effective upon G&C approval. Because it has been determined by the DOT Division of Finance that this parcel was originally purchased with 90% Federal and 10% Highway Funds, and because DES proposes to develop the parcel for a government use not directly related to highways or their safety, DES intends to reimburse proportionately the corresponding funds in the aggregate amount of \$130,000 by analogy to the reimbursement required by RSA 4:39-c upon the disposal of surplus real property acquired with highway funds, and further to transfer to DOT an administrative fee in the amount of \$1,100.

#22 Authorized the Bureau of Highway Maintenance, Well Section, to enter into a contract with Wragg Bros. of Vermont Inc., Ascutney, VT, for a 6-inch drilled well and pump on the property of Pattie MacIssac, Auburn, NH, in the amount of \$22,492. Effective upon G&C approval through May 29, 2020. **100% Highway Funds.**

GOVERNORS COMMISSION ON DISABILITY

#23 The Governor and Council on motion of Councilor Volinsky, seconded by Councilor Prescott, authorized to accept and place on file the Annual Telecommunications Assistance Report for the period ending June 30, 2019.

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

#24 The Governor and Council on motion of Councilor Volinsky, seconded by Councilor Gatsas, authorized to enter into an agreement with James T. Noble M.D., Wolfeboro, NH, to serve as Physician Investigator of the Medical Review Subcommittee, in an amount not to exceed \$108,530. (1)Further authorized to accept and expend additional agency funds in the amount of \$22,945. The current Physician Investigator, through the RFP process, bid, and is paid, \$75/hour. Due to his pending retirement, a new RFP was issued and the sole bidder bid \$100.49/hour. This request is for the difference between the two amounts. Effective November 1, 2019 or upon G&C approval, whichever is later, through October 31, 2021. **100% Other Funds.**

STATE TREASURY

The Governor and Council on motion of Councilor Cryans, seconded by Councilor Volinsky acted as follows:

#25 Authorized the State Treasurer to proceed with the sale and issuance of up to \$100 million of general obligation bonds through a competitive process, negotiated sale, or private placement. Effective through March 31, 2020. (2) Further authorized the State Treasurer to conduct the sale and issuance of up to \$150 million of general obligation bonds through a competitive process, negotiated sale, or private placement to refund outstanding general obligation bonds of the State to generate net present value debt service savings of at least three percent of the par value of the refunded bonds. This resolution will also have an expiration date of May 31, 2020.

#26 Authorized to budget and expend \$477,219 of surplus Land and Community Heritage Investment Program funds received in fiscal year 2019 and carried forward in fiscal year 2020. These funds will be used for providing grants for projects to preserve state natural and historic resources. Effective upon G&C approval through June 30, 2021. **100% Other Funds received from the real estate transfer document recording surcharge. Contingent upon Fiscal Committee approval on November 8, 2019.**

DEPARTMENT OF REVENUE ADMINISTRATION

#27 The Governor and Council on motion of Councilor Gatsas, seconded by Councilor Volinsky, authorized to establish a salary of \$131,357.20, salary grade JJ, maximum step for Ms. Carollynn Lear, Assistant Commissioner. Effective upon G&C approval. **100% General Funds.**

COUNCIL ON DEVELOPMENTAL DISABILITIES

#28 The Governor and Council on motion of Councilor Gatsas, seconded by Councilor Prescott, authorized to **retroactively** enter into a grant agreement with Refurbished Equipment Marketplace (REM) also d/b/a Crotched Mountain Rehabilitation Center Inc., Concord, NH, to provide assistances to individuals with Intellectual and Development Disabilities in purchasing, servicing, and in the delivery of REM equipment, in the amount of \$40,000. (2) Further authorized an advance payment in the amount of \$20,000 at the beginning of each contract year to REM. Effective October 1, 2019 through September 30, 2021. **100% Federal Funds.**

DEPARTMENT OF AGRICULTURE, MARKETS AND FOOD

The Governor and Council on motion of Councilor Cryans, seconded by Councilor Gatsas acted as follows:

#29 Authorized the Division of Agricultural Development to enter into a contract with Millennium Integrated Marketing LLC, Manchester, NH, to develop and implement campaign to educate consumers via targeting advertising and create demand for NH labeled milk at key local retailers, in the amount of \$200,000. Effective upon G&C approval through December 31, 2019. **100% General Funds.**

#30 Authorized the Division of Animal Industry to accept and expend additional funds from the NH Department of Safety, Division of Homeland Security and Emergency Management in the amount of \$2,360. Effective upon G&C approval through June 30, 2020. **100% Other Funds.**

BANKING DEPARTMENT

The Governor and Council on motion of Councilor Volinsky, seconded by Councilor Cryans acted as follows:

#31 Authorized to continue membership and participation in the Conference of State Bank Supervisors, for an amount of \$28,714. Effective **retroactive** to July 1, 2019 through June 30, 2020. **100% Other (Bank Exams and Assessment) Funds.**

#32 Authorized to continue membership and participation in the National Association of State Credit Union Supervisors, for an amount of \$19,026. Effective **retroactive** to July 1, 2019 through June 30, 2020. **100% Other (Bank Exams and Assessment) Funds.**

PUBLIC UTILITIES COMMISSION

#33 The Governor and Council on motion of Councilor Prescott, seconded by Councilor Volinsky, authorized to accept and expend grant funds in the amount of \$52,200 from the US Department of Transportation – Pipeline and Hazardous Materials Safety Administration, for non-gas related work performed in the enforcement of the Underground Utility Damage Prevention System. Effective **retroactive** to September 30, 2019 through September 29, 2020. **100% Federal Funds.**

OFFICE OF CONSUMER ADVOCATE

#34 The Governor and Council on motion of Councilor Prescott, seconded by Councilor Volinsky, authorized to amend on a **retroactive sole source** basis, a contract with Optimal Energy Inc., Hinesburg, VT (originally approved by G&C on 9-27-17, item #41), to provide expert services to support the participation in proceedings related to energy efficiency and grid modernization before the NH Public Utilities Commission, by extending the expiration date from September 30, 2019 to June 30, 2021. No Additional Funding. **Contingent upon Fiscal Committee approval on November 8, 2019.**

DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

The Governor and Council on motion of Councilor Cryans, seconded by Councilor Prescott acted as follows:

#35 Authorized the Division of Parks and Recreation, Cannon Mountain Aerial Tramway and Ski Area to enter into an amendment to the amended and restated agreement dated January 23, 2013 with Franconia Ski Club of Franconia, NH, to continue competitive ski racing and snow sports and skier education programs at Cannon Mountain for a period of 35 years upon G&C approval with renegotiation of specific terms at year 20 and upon the option to renew for one additional 10 year period upon G&C approval. Originally approved by G&C on 2-6-13, item #47. (2)Further authorized the receipt of a gift of an estimated \$2.5 Million public access training center and lodge at the base of the Mittersill Terrain Area at Cannon Mountain, including all funding, design, planning, permitting, construction, completion, and all related infrastructure, exterior related and associated structures and respective infrastructure, and exterior finish and landscaping associated with said project, to be completed by the Club in accordance with all State and Federal guidelines, and surrendered wholly to the State upon completion of the project. (3)Further authorized limited privileges afforded the Club and its athletes regarding the use of said public access training center and lodge, consistent with the Club's current and historical use of (and therefore eliminate their need to utilize) the State-owned facility known as "Ernie's Haus", in accordance with the terms of the agreement and subject to the approval of the State.

#36 Authorized the Division of Parks and Recreation to enter into a contract with Solid Roots Construction LLC, Manchester, NH, for roof replacements on 28 buildings within the Bear Hill Area within Bear Brook State Park in Allenstown, in the amount of \$119,333. Effective upon G&C approval through June 30, 2020. **100% Capital Funds.**

#37 Authorized the Division of Parks and Recreation, Cannon Mountain, to enter into a multi-year contract with Durham School Services LP, Thornton, NH, for the transport of international groups to and from Cannon Mountain Ski Area for daily skiing during the 2019/2020 and 2020/2021 ski seasons, in the amount of \$41,694.40. (2)Further authorized a contingency in the amount of \$2,085.60 for unanticipated expenses, bringing the total to \$43,780. Effective upon G&C approval through April 30, 2021. **100% Other Funds (Ski Area Revolving Fund).**

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council on motion of Councilor Prescott, seconded by Councilor Volinsky acted as follows:

#38 Authorized to amend an agreement with Strafford Regional Planning Commission (originally approved by G&C on 9-20-18, item #52), for the *Oyster River Watershed Management Plan Implementation Project, Phase II – Permeable Reactive Barrier Installation(s)* project, by increasing the award amount by \$10,000 from \$66,300 to \$76,300, and by extending the expiration date to December 31, 2021 from December 31, 2020. **100% Federal Funds.**

#39 Authorized to award a grant to the Pine Grove MHP Cooperative Inc., Swanzey, NH, in the amount not to exceed \$534,038 for water system improvements. Effective upon G&C approval through December 1, 2020. **100% Drinking Water and Groundwater Trust Fund.** (2) Further authorized a loan agreement with the Pine Grove MHP Cooperative Inc., Swanzey, NH, in the amount not to exceed \$500,000 to finance water system improvements. Effective upon G&C approval. **100% Drinking Water State Revolving Fund Repayment Funds.**

#40 Authorized to award a grant to the North Walpole Village District, Walpole, NH, in the amount not to exceed \$700,000 for water system improvements. Effective upon G&C approval through December 1, 2022. **100% Drinking Water and Groundwater Trust Fund.** (2) Further authorized a loan agreement with the North Walpole Village District, Walpole, NH, in the amount not to exceed \$700,000 to finance water system improvements. Effective upon G&C approval. **79% Federal, 21% Capital (General) Funds.**

#41 Authorized to accept the gift of a 0.213 acre parcel of land from Etchstone Properties Inc., Nashua, NH.

NEW HAMPSHIRE VETERANS HOME

The Governor and Council on motion of Councilor Gatsas, seconded by Councilor Volinsky acted as follows:

#42 Authorized to budget and expend prior year carry forward funds from the Employee Retention Incentive Plan, in the amount of \$4,542 for the purpose of providing workforce incentives to assist with the regional workforce crisis. Effective upon G&C approval through June 30, 2020. **100% Other Funds.**

#43 Authorized to accept and expend funds from the Community Health Service Network, a payment in the amount of \$5,000 to provide workforce incentives to assist with the regional workforce crisis. Effective upon G&C approval through June 30, 2021. **100% Other Funds.**

DEPARTMENT OF EDUCATION

The Governor and Council on motion of Councilor Gatsas, seconded by Councilor Prescott acted as follows:

#44 Authorized to enter into a contract with The Maine Educational Center for the Deaf and Hard of Hearing, Falmouth, ME, to provide targeted technical assistance regarding the National Association of State Directors of Special Education revised *Meeting the Needs of Students who are Deaf and Hard of Hearing: Educational Service Guidelines*, in an amount not to exceed \$400,000. Effective upon G&C approval through June 30, 2021, with the option to renew for an additional two years. **100% Federal Funds.**

#45 Authorized the Bureau of Student Wellness, Office of Social & Emotional Wellness to enter into a **sole source** contract with NextStep LLC, Durham, NH, to modify its NextStep Bloom application to be used as a gamified Substance Misuse Prevention mobile and web based platform to benefit middle and high school students, their families and their respective communities in NH, in an amount not to exceed \$250,000. Effective upon G&C approval through June 30, 2021. **100% Private Local Funds.**

#45A **TABLED** – The Governor and Council on motion of Councilor Volinsky, seconded by Councilor Pignatelli and with Councilor Gatsas voting **no**, voted to **table** the request to enter into a **retroactive sole source** Cooperative Project Agreement with the Community College System of NH, Concord, NH, to provide opportunities for qualified NH high school students to gain access and support for dual and concurrent enrollment in STEM (science, technology, engineering and mathematics) and STEM related courses that are fundamental for success in postsecondary education and to meet NH's emerging workforce needs. Effective July 1, 2019 through June 30, 2025. **100% State Funds.**

DEPARTMENT OF SAFETY

The Governor and Council on motion of Councilor Volinsky, seconded by Councilor Prescott acted as follows:

#46 Authorized the Division of Fire Standards and Training and Emergency Medical Services, to accept and expend \$95,416 of federal pass through funds, entitled "EMS Records User Management Module", from the Office of Highway Safety to provide a computer software upgrade for first responders to process license and training information. Effective upon G&C approval through September 30, 2020. **100% Agency Income.**

#47 Authorized a salary increase from letter grade HH, step 7, to letter grade II, step 7, for Steven Lavoie, Director of Administration in the amount of \$6,774.04 from the current salary of \$117,805.48 to a new annual salary of \$124,579.52. Director Lavoie is employed in unclassified position 9U065. Effective upon G&C approval.

#48 Authorized the Division of Administration, Road Toll Bureau, to accept and expend funds entitled "Joint Federal/State Motor Fuel Tax Compliance Project" in the amount of \$6,366 from the Federal Highway Administration for the Joint Federal/State Motor Fuel Tax Compliance project. Effective upon G&C approval through June 30, 2020. **100% Federal Funds.**

#49 Authorized the Office of Highway Safety to enter into a contractual agreement with the Capital Hotel Company LLC d/b/a Courtyard Marriott/Grappone Conference Center, Concord, NH, to serve as the host site for the 2019 NH Office of Highway Safety Conference scheduled for November 25, 2019. Effective upon G&C approval through December 31, 2019. **100% Federal Funds.**

#50 Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the City of Franklin to purchase and install a generator in the community's primary Emergency Operations Center, for a total amount of \$16,871.50. Effective upon G&C approval through September 30, 2020. **100% Federal Funds.**

DEPARTMENT OF JUSTICE

The Governor and Council on motion of Councilor Gatsas, seconded by Councilor Prescott acted as follows:

#51 Authorized to accept and expend \$64,366 from the Federal Children's Justice Act Grant awarded by Federal Administration for Children and Families, so support efforts to prevent child abuse and neglect. Effective upon G&C approval through September 30, 2022.

#52 Authorized to **retroactively** enter into a subgrant with the Portsmouth Police Department, Portsmouth, NH, for the purpose of enhancing and sustaining the NH Internet Crimes Against Children Task Force, in the amount of \$250,000 in Fiscal Year 2020 and \$250,000 in Fiscal Year 2021. Effective July 1, 2019 through June 30, 2021. **100% General Funds.**

#53 Authorized to **retroactively** enter into a subgrant with the Merrimack County Department of Corrections, Boscawen, NH, in an amount not to exceed \$33,630, from the Federal Fiscal Year 2018 Residential Substance Abuse Treatment Formula Grant, for the purpose of assisting in the implementation and preservation of a substance abuse treatment and community-based aftercare service program. Effective October 1, 2019 through September 30, 2021. **100% Federal Funds.**

#54 Authorized to **retroactively** amend an existing subgrant with the Sullivan County Sheriff's Department, Newport, NH (originally approved by G&C on 8-28-19, item #123), by increasing the price by \$110,000 from \$120,000 to \$230,000. Effective September 1, 2019 through June 30, 2021. **100% General Funds.**

#55 Authorized to **retroactively** amend an existing subgrant to Merrimack County Department of Corrections, Boscawen, NH (originally approved by G&C on 5-2-18, item #103), for the purpose of providing residential substance abuse treatment programs from the Federal Residential Substance Abuse Treatment Grant Program, by extending the end date from September 30, 2019 to September 30, 2020. No Additional Funding.

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council on motion of Councilor Cryans, seconded by Councilor Prescott acted as follows:

#56 Authorized a Working Capital Warrant in the amount of \$700,000,000 to cover the payment of expenditures for the month of December 2019.

#57 Authorized the Division of Personnel's request for waiver of classification decisions. Effective upon G&C approval.

#58 Authorized to pay the National Association of State Auditors, Comptrollers and Treasurers, Lexington, KY, in an amount not to exceed \$3,500 for Fiscal Year 2020 membership dues. Effective **retroactive** to July 1, 2019 through June 30, 2020. **100% General Funds.**

#59 Authorized an annual salary step increase for Lorrie Rudis, Director of Personnel from Grade HH, Step 5 \$106,705.56 to Grade HH, Step 6 \$112,255.52. Effective October 25, 2019.

#60 Authorized to enter into a contract with Easter Seals of NH Inc., Manchester, NH, to provide an employee shuttle service for state employees who work in the State House complex, for an amount not to exceed \$33,516. Effective January 2, 2020 through June 30, 2020, with the option to renew for an additional one-year period. **100% General Funds.**

#61 Authorized the Division of Public Works Design and Construction to enter into an agreement with Ackroyd Engineering LLC, Manchester, NH, for electrical 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 \$300,000. Effective upon G&C approval through June 30, 2022.

The Next regular Governor and Executive Council meeting is scheduled for Monday November 25, 2019, at the State House, Concord, New Hampshire.

Honorable Board then Adjourned at 12:45 p.m.