

GOVERNOR AND EXECUTIVE COUNCIL MINUTES
State House, Concord, New Hampshire
October 15, 2014, 10:00 a.m.

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

Councilor Pignatelli led the Pledge of Allegiance.

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Today's pre-meeting ceremonial items included:

- Music by Gabby Geraghty of Londonderry and Christopher Duffley of Manchester;
- Proclamation for White Cane and Guide Dog Users Awareness Month;
- Citation for Ryan Beauchesne from the Liquor Commission; and
- Presentation to Commissioner John Beardmore of the Charitable Foundation's Caroline L. Gross Fellowship Award

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The Governor and Executive Council on motion of Councilor Pignatelli, seconded by Councilor Kenney, accepted the minutes of October 1, 2014.

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The Governor and Executive Council, on motion of Councilor Kenney, seconded by Councilor Pappas, approved the appointment of several persons nominated for Civil Commissions from the October 1, 2014 meeting.

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

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RESIGNATIONS

The Governor and Council accepted the following resignations:

Board of Court Reporters

Michele R. York, Washington

Effective: October 15, 2014

New Hampshire Housing Finance Authority

Michael J. Toomey, Laconia

Effective: October 15, 2014

State Commission for Human Rights

Christine C. Wellington, Derry

Effective: October 15, 2014

Pharmacy Board

(Public Member)

Heather C. Shambarger, Salem

Effective: October 15, 2014

Board of Mental Health Practice

(Marriage and Family Therapist)

Shawn J. Hassell, Manchester

Effective: October 15, 2014

CONFIRMATIONS

The Governor and Council confirmed the following:

Enhanced 911 Commission - RSA 106-H

(Nom. by NH Municipal Assoc)

David R. Caron, Belmont

Reappointment

Effective: October 15, 2014

Term: August 12, 2017

Enhanced 911 Commission - RSA 106-H

(Public Member)

Cecily McNair, Epsom

Reappointment

Effective: October 15, 2014

Term: July 22, 2017

State Board of Fire Control - RSA 153:2

(Forest Fire Warden)

Norman W. Skantze, Swanzey

Reappointment

Effective: October 15, 2014

Term: September 27, 2019

Health Exchange Advisory Board - RSA 420-N

(Rep. Navigators)

Lisa M. Morris, Gilford

Reappointment

Effective: October 15, 2014

Term: October 3, 2017

State Historical Resources Council - RSA 227-C

(Historic Preservation)

Linda Willett, Nashua

Succeeding: Mary R. Boswell, Laconia

Effective: October 15, 2014

Term: January 1, 2019

Lakes Management Advisory Committee - RSA 483-A

(Member of Planning Board)

Robert W. Compton, Deering

Reappointment

Effective: October 15, 2014

Term: August 1, 2017

Nashua Police Commission - RSA 105-C:2 – **Councilor Pignatelli voted no.**

Robert E. Valade, Nashua

Reappointment

Effective: October 15, 2014

Term: September 1, 2017

Assistant Director / Div. of Homeland Security & Emergency Management / Dept of Safety - RSA 21-P:36,III

Jennifer L. Harper, Concord

Succeeding: Steven H. Temperino, Plymouth (resigned)

Salary: Grade FF; maximum step- \$87,091.71

Effective: October 15, 2014

Term: Commissioners Pleasure

Waste Management Council - RSA 21:0

(Rep. of Private Industries that Generate Hazardous Waste)

Daniel P. Sweet, Kensington

Reappointment

Effective: October 15, 2014

Term: August 22, 2018

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ITEM REMOVED FROM THE TABLE

The Governor and Council on motion of Councilor Pappas, seconded by Councilor Kenney, voted to remove the following confirmation – which was tabled at the August 5, 2014 Meeting.

CONFIRMATION

The Governor and Council on motion of Councilor Pappas, seconded by Councilor Pignatelli voted to confirm the following **as amended to a one year term upon confirmation**:

Director of the Division of Marketing, Merchandising, and Warehousing for the Liquor Commission – RSA 176:8

Richard Gerrish, Weare	Effective: October 15, 2014
Vacancy (new appointment per RSA 176:8)	Term: October 15, 2015
Salary: Grade GG; Step 4- \$87,422.97	

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NOMINATIONS

The Governor placed into nomination the following:

Director of the Division of Personnel at the Department of Administrative Services - RSA 21-I:45

Sara J. Willingham, Concord	Effective: January 1, 2015
Reappointment	Term: January 1, 2019
Salary: Grade HH; step 4 - \$97,361.62	

Appellate Board - RSA 282-A

(Public Member)	
Susan Ender, Rye	Effective: Upon Confirmation
Reappointment	Term: October 14, 2018

Appellate Board - RSA 282-A

(Business Management)	
Angela T. Finney, Concord	Effective: Upon Confirmation
Reappointment	Term: October 14, 2018

Appellate Board - RSA 282-A

(Attorney- Vice Chair)	
James E. Townsend, Manchester	Effective: November 21, 2014
Reappointment	Term: November 21, 2018

Board of Architects - RSA 310-A:29

David Udelsman, Hollis	Effective: Upon Confirmation
Reappointment	Term: July 26, 2019

New Hampshire State Council on the Arts - RSA 19-A

Sara W. Germain, Dublin	Effective: November 23, 2014
Reappointment	Term: November 23, 2019

New Hampshire State Council on the Arts - RSA 19-A

Mary W. McLaughlin, Bedford	Effective: Upon Confirmation
Succeeding: Erle B. Pierce, Bow	Term: October 14, 2019

New Hampshire State Council on the Arts - RSA 19-A

Elizabeth A. Morgan, Amherst	Effective: November 23, 2014
Reappointment	Term: November 23, 2019

Assistant Commissioner of the Department of Environmental Services - RSA 21-O

Vicki V. Quiram, Bedford

Effective: January 8, 2015

Reappointment

Term: January 8, 2019

Salary: Grade II; maximum- \$108,312.98

Joint Promotional Program Screening Committee - RSA 12-A:1-e

(Skiing)

Molly Mahar, N. Woodstock

Effective: Upon Confirmation

Succeeding: Stacy Lopes (moved out of state)

Term: July 13, 2015

Joint Promotional Program Screening Committee - RSA 12-A:1-e

(Camping)

David Redfearn, Madbury

Effective: Upon Confirmation

Succeeding: Robert A. Bradley Jr., Epsom

Term: July 13, 2017

Real Estate Appraisers Board - RSA 310-B

(Public Member)

Lee F. Carroll, Gorham

Effective: Upon Confirmation

Reappointment

Term: September 16, 2017

State Coordinating Council for Community Transportation in New Hampshire - RSA 239-B

Michael Whitten, Manchester

Effective: Upon Confirmation

Succeeding: Rad C. Nichols, Durham (resigned)

Term: 3 years from confirmation

CONSENT CALENDAR AGENDA

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

DEPARTMENT OF CULTURAL RESOURCES

#A. Authorized the Division of Historical Resources to advance funds in cash to two employees to cover expenses for attendance at the Northeast Regional State Historic Preservation Meeting, Wilmington, DE, for the period of October 27-29, 2014, for a total cost not to exceed \$983.38. **100% Federal Funds.**

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

#B. Authorized the Division of Parks and Recreation to advance funds in cash to a Community Recreation staff member to attend the National Association of State Park Volunteer Coordinators Conference being held in Lawrence, KS, during the period of October 20-23, 2014, for a total advance of \$750. **100% Park Funds.**

NEW HAMPSHIRE LIQUOR COMMISSION

#C. Authorized to enter Christina M. Demers into an educational tuition agreement with Southern NH University, Manchester, NH, to participate in the course entitled Managerial Economics, for the period of November 17, 2014 through February 1, 2015, and to pay said costs in the amount of \$1,881. **100% Liquor Funds.**

INSURANCE DEPARTMENT

#D. Authorized to enter Patricia Gosselin into an educational tuition agreement with Southern NH University, to participate in the course entitled Intergovernmental Relations, for the period of November 17, 2014 through February 1, 2015, and to pay said costs in the amount of \$1,881. **100% Insurance Funds.**

STATE TREASURY

#E. Authorized to issue a warrant from funds not otherwise appropriated in the amount of \$45,085 and the Commissioner of the Treasury to issue checks in the amount of \$45,084.14 to the rightful owners of abandoned or unclaimed funds.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Business Operations

#F. Authorized to make an unencumbered payment for annual membership dues to the New England States Consortium Systems Organization, Shrewsbury, MA, in the amount of \$28,500 for the period of January 1, 2015 through December 31, 2015. **100% General Funds.**

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

BOARD OF PSYCHOLOGISTS

#A. Authorized to accept a donation from the Association of State and Provincial Psychology Boards in the form of payment for all travel related expenses for the Administrator and \$1,000 in Jurisdictional Financial Assistance to offset any travel expenses for one Board Member to attend the ASPPB 54th Annual Meeting to be held October 22-26, 2014 in Rancho Mirage, CA, with an estimated value of \$5,000.

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

STATE TREASURY

#A. Authorized to accept and place on file the Annual Report for the Fiscal Year 2014.

DEPARTMENT OF ADMINISTRATIVE SERVICES

#B. Councilor Van Ostern requested that this item be removed from the consent calendar for discussion. Following discussion, the Governor and Council on motion of Councilor Van Ostern, seconded by Councilor Pappas authorized to accept and place on file the Division of Personnel's 63rd Annual Report for Fiscal Year 2013.

NEW HAMPSHIRE LOTTERY COMMISSION

#C. Authorized to accept and place on file the Annual Report for fiscal year ended June 30, 2014.

DEPARTMENT OF ADMINISTRATIVE SERVICES

#D. Authorized to accept and place on file the Report and Findings of Councilor Christopher Sununu with regard to a certain project in participation with Southern District YMCA/Camp Lincoln Inc., of Kingston and Exeter, NH.

DEPARTMENT OF TRANSPORTATION

#E. Authorized to accept and place on file the Bureau of Mechanical Services' Monthly Equipment Acquisition Plan status report for the period ending August 31, 2014.

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

ADJUTANT GENERAL'S DEPARTMENT

#A. Authorized the nomination of Lieutenant Colonel Barry W. Groton of the Virginia Army National Guard, Charlestown, NH, for appointment 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.

ADJUTANT GENERAL'S DEPARTMENT

#B. Authorized the confirmation of Lieutenant Colonel James P. Ryan, Stratham, NH, for promotion to the rank of Colonel, NH Air National Guard.

ADJUTANT GENERAL'S DEPARTMENT

#C. Authorized the confirmation of Captain Jillian M. Murray-Duchesne, Salisbury, NH, to the rank of Major, NH Army National Guard.

ADJUTANT GENERAL'S DEPARTMENT

#D. Authorized the confirmation of Captain Keith R. Anderson, Manchester, NH, for promotion to the rank of Major, NH Air National Guard.

ADJUTANT GENERAL'S DEPARTMENT

#E. Authorized the confirmation of Christopher P. Thompson, Nottingham, NH, to the rank of Major, NH Army National Guard.

DEPARTMENT OF JUSTICE

#F. Authorized to designate Heather Flanner as an Assistant Attorney at a salary of \$63,000, for a period of October 20, 2014 to November 30, 2015.

DEPARTMENT OF JUSTICE

#G. Councilor Sununu requested that this item be removed from the consent calendar for discussion. Following discussion, the Governor and Council on motion of Councilor Van Ostern, seconded by Councilor Pappas, and with Councilor Sununu abstaining, authorized to reappoint Jane E. Young as an Associate Attorney General at a salary of \$100,500 for a term effective November 10, 2014 through November 10, 2019.

REGULAR AGENDA

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

Bureau of Facilities and Assets Management

#5 Authorized to enter into a **sole source retroactive** amendment to the existing lease with The Maestro Fund III-Bel Canto LLC, Portsmouth, NH (originally approved by G&C on 5-5-04, item #51B), for the Manchester District Office space, by increasing the price in the amount of \$367,506.96 to \$6,825,470.28 from \$6,457,963.32, and by extending the term to March 14, 2015. Effective September 15, 2014. **60% General, 40% Federal Funds.**

Office of Medicaid Business and Policy

#5A Authorized to amend a **sole source** agreement with Manatt Phelps and Phillips LLP, New York, NY (originally approved by G&C on 3-26-14, item #27A), to provide additional professional services to assist the Department's implementation of two critical components of the NH Health Protection Program: (i) the mandatory Health Insurance Premium Program and (ii) the Premium Assistance Program. This amendment also seeks funding to support an amendment to the Department's Section 1115 Medicaid Transformation waiver now pending at the federal Centers for Medicare and Medicaid Services, by increasing the price by \$580,000 from \$1,675,000 to \$2,255,000. Effective upon G&C approval through the original end date of March 31, 2015. **50% Federal, 50% General Funds.**

Office of Minority Health & Refugee Affairs

#6 Authorized to enter into agreements with the vendors as detailed in letter dated August 29, 2014, to provide social services that lead directly to self-sufficiency for refugees in an amount not to exceed \$660,000. Effective upon G&C approval through September 30, 2016. **100% Federal Funds.**

Division of Public Health Services

#7 Authorized to pay the Association of Maternal & Child Health Programs, Washington, DC, \$5,040 for the annual membership dues. Effective October 1, 2014 through September 30, 2015. **30% Federal, 70% General Funds.**

#8 Authorized to enter into a **sole source** agreement with Plymouth State University, Plymouth, NH, for improving the use of excessive heat notification from the National Weather Service and for building capacity for assessing the impact of extreme precipitation events on water supplies, in an amount not to exceed \$71,097. Effective upon G&C approval through September 30, 2015. **100% Federal Funds.**

#9 Authorized to enter into a **sole source** agreement with PL Medical Co LLC, Bloomfield, CT, to provide repair and service of a Panasonic Thermoluminescent Dosimeter Reader used in the NH Public Health Laboratories, in an amount not to exceed \$42,300. Effective upon G&C approval through a period of 36 months, with the option to extend for three additional years. **100% Other Funds.**

Bureau of Behavioral Health

#10 Authorized to enter into an agreement with Millennium Integrated Marketing, Manchester, NH, for communication and outreach activities related to the "No Wrong Door" single entry process for Medicaid community long term services and supports options in an amount not to exceed \$681,140.93. Effective upon G&C approval through June 30, 2016. **100% Federal Funds.**

New Hampshire Hospital

#11 Authorized to accept and expend \$36,152 in additional trust fund proceeds for the purpose of increasing support of indigent patients and promotion of nursing education. Effective upon G&C approval through June 30, 2015.

#12 Authorized to enter into a **retroactive sole source** agreement with Sodexo Operations LLC, Gaithersburg, MD, to provide for the purchase of food, food related products, and equipment for NH Hospital's food and nutrition and environmental services departments in an amount not to exceed \$524,903. Effective July 1, 2014 through December 31, 2014. **29.2% Federal, 4.5% Other, 66.3% General Funds.**

DEPARTMENT OF TRANSPORTATION

The Governor and Council acted as follows:

#13 Authorized the Bureau of Right of Way to pay property owners \$99,400 as documented in the Contemplated Awards List of amounts greater than \$5,000 for the period of September 10-22, 2014. Effective upon G&C approval.

#14 Authorized the Bureau of Right of Way to transfer control and maintenance responsibility of State owned land with improvements consisting of 6.7 +/- acres located in the Town of Conway to the NH Fish and Game Department. (2) Further authorized to accept control and maintenance of a parcel of State owned land with improvements consisting of 6.7 +/- acres located in the Town of Conway from the NH Department of Transportation, to the Fish and Game Department at no cost. Effective upon G&C approval.

#15 Authorized the Bureau of Right of Way to pay property owners \$7,300 as documented in the Damage Awards List for Amounts greater than \$5,000 for the period extending from August 26, 2014 through September 15, 2014. Effective upon G&C approval. **100% Highway Funds.**

#16 Authorized the Bureau of Right of Way and the Bureau of Highway Maintenance to pay property owners \$18,000 as documented in the Damage Awards List for amounts greater than \$5,000 for the period extending from August 26, 2014 through September 10, 2014. Effective upon G&C approval. **100% Highway Funds.**

#17 Authorized the Bureau of Planning & Community Assistance to enter into an agreement with AMEC Environment & Infrastructure Inc., Beltsville, MD and Alpharetta, GA, to develop a Statewide Transportation Asset Management Plan and related training, for a total not to exceed \$389,634. Effective upon G&C approval through March 30, 2016. **100% Federal Funds.**

#18 Authorized the Bureau of Material & Research to amend a **sole source** Cooperative Project Agreement with the UNH Sponsored Programs Administration, Durham, NH (originally approved by G&C on 8-11-10, item #65), for research related to the evaluation of plant-produced, high-percentage recycled asphalt pavement mixtures in the Northeast, by increasing the total by \$65,000 from \$796,706, and by extending the completion date from December 31, 2014 through December 31, 2015. **100% Federal Funds.**

#19 Authorized the Bureau of Construction to amend a contract with Pike Industries Inc., Belmont, NH (originally approved by G&C on 6-18-14, item #196), for pavement rehabilitation of approximately 3 miles of US Route 3 in the Town of Pittsburg, by increasing the amount by \$160,000 from \$2,943,151.98 to \$3,103,151.98, and by extending the completion date from October 17, 2014 through May 30, 2015. **100% Federal Funds.**

#20 Authorized the Bureau of Construction to enter into an agreement with ExeVision Inc., Orem, UT, for replacing and upgrading the Department's computer software based Project Development and Construction Management Systems, for an amount not to exceed \$3,260,000. Effective upon G&C approval through September 30, 2017. **100% State Bonded Capital Funds – Highway.**

#21 Authorized the Bureau of Aeronautics to award a grant to the Laconia Airport Authority to install a Precision Approach Path Indicator and to upgrade the electrical vault at the Laconia Municipal Airport, in the amount of \$155,611.07. Effective upon G&C approval through October 31, 2018. **94.74% Federal, 5.26% General Funds.**

COMMUNITY DEVELOPMENT FINANCE AUTHORITY

The Governor and Council acted as follows:

#22 Authorized to award a grant to the Town of Derry, NH, in the amount of \$500,000 to support replacement of the co-op's drinking water system at the Centennial Estates Cooperative manufactured housing park. Effective October 15, 2014 through June 30, 2016. **100% Federal Funds.**

#23 Authorized to award a grant to the Town of Errol, NH, in the amount of \$500,000 to upgrade the Town's water system. Effective October 15, 2014 through June 30, 2016. **100% Federal Funds.**

OFFICE OF ENERGY AND PLANNING

The Governor and Council acted as follows:

#24 Authorized to amend item #5, previously approved by G&C on May 8, 2014, by reallocating ARRA-Retrofit Ramp Up Program funding between expenditure classes in the amount of \$42,331.96. Effective upon G&C approval. **100% Federal ARRA Funds. Fiscal Committee approved.**

#25 Authorized to **retroactively** amend a **sole source** contract with the Community Development Finance Authority, Concord, NH (originally approved by G&C on 7-14-10, item #9), for the ARRA-Retrofit Ramp Up Program, by increasing the amount not to exceed \$80,753.15 from \$8,647,899 to \$8,728,652.15 and by extending the contract from September 30, 2013 to December 31, 2014. **100% Federal ARRA Funds.**

#26 Authorized to accept and expend federal grant funds in the amount of \$99,000 from the US Department of Energy for the State Energy Programs formula grant. Effective October 15, 2014 through June 30, 2015. **100% Federal Funds.**

#27 Authorized to enter into a **sole source** contract with Tri-County Community Action Inc., Berlin, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving weatherization services, in the amounts of \$107,100. (2)Further authorized to advance the vendor \$19,278. Effective October 15, 2014 through September 30, 2015. **100% Federal Funds.**

#28 Authorized to enter into a **sole source** contract with Southwestern Community Services Inc., Keene, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving weatherization services, in the amounts of \$68,350. (2)Further authorized to advance the vendor \$12,303. Effective October 15, 2014 through September 30, 2015. **100% Federal Funds.**

#29 Authorized to enter into a **sole source** contract with Community Action Program Belknap-Merrimack Counties Inc., Concord, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving weatherization services, in the amounts of \$84,350. (2)Further authorized to advance the vendor \$15,183. Effective October 15, 2014 through September 30, 2015. **100% Federal Funds.**

#30 Authorized to enter into a **sole source** contract with Community Action Partnership of Strafford County, Dover, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving weatherization services, in the amounts of \$48,900. (2)Further authorized to advance the vendor \$8,802. Effective October 15, 2014 through September 30, 2015. **100% Federal Funds.**

#31 Authorized to enter into a **sole source** contract with Southern NH Services Inc., Manchester, NH, for the repair or replacement of malfunctioning heating systems in low-income households receiving weatherization services, in the amounts of \$191,300. (2)Further authorized to advance the vendor \$34,434. Effective October 15, 2014 through September 30, 2015. **100% Federal Funds.**

DEPARTMENT OF INFORMATION TECHNOLOGY

#32 The Governor and Council on motion of Councilor Sununu, seconded by Councilor Pappas, authorized to pay **retroactive** membership fees to the National Association of State Chief Information Officers, Lexington, KY, in the amount of \$8,000 to provide technical professional networking and resources to the State of NH Chief Information Officer. Effective July 1, 2014 through June 30, 2015. **100% Other Funds (The Agency class 027 used to reimburse DoIT is 36.11% General Funds).**

NEW HAMPSHIRE COUNCIL ON DEVELOPMENTAL DISABILITIES

#33 The Governor and Council on motion of Councilor Kenney, seconded by Councilor Pappas, authorized to enter into an agreement with Donna D. Woodfin, Concord, NH, to conduct data collection, analysis and reporting, utilizing federal-mandated outcome measures, in the amount of \$20,000 per year. Effective upon G&C approval through October 30, 2016. **100% Federal Funds.**

THE ADJUTANT GENERAL'S DEPARTMENT

#34 The Governor and Council on motion of Councilor Pappas, seconded by Councilor Sununu, authorized to enter into an agreement with Northeast Archaeological Research Center Inc., Farmington, ME, for an annual review of the NH Army National Guard Integrated Cultural Resources Management Plan and development of a draft Memorandum of Understanding, in the amount of \$7,751.96. Effective upon G&C approval through March 31, 2015. **100% Federal Funds.**

INSURANCE DEPARTMENT

#35 The Governor and Council on motion of Councilor Kenney, seconded by Councilor Sununu, authorized to hire Alain Couture as the Health Reform Coordinator, unclassified, grade EE, maximum \$81,435. Effective October 31, 2014. **100% Agency Income.**

DEPARTMENT OF CORRECTIONS

The Governor and Council acted as follows:

#36 Authorized a **retroactive** annual step increase for Christopher Kench, Director of Security & Training, Concord, NH, in the amount of \$4,644.33 to a new annual salary of \$89,389.99 from \$84,745.66. Effective September 11, 2014.

#37 Authorized a **retroactive** annual step increase for Colon Forbes, Director of Professional Standards, Concord, NH, in the amount of \$4,297.19 to a new annual salary of \$87,091.72 from \$82,794.53. Effective October 9, 2014.

NEW HAMPSHIRE LIQUOR COMMISSION

#37A The Governor and Council on motion of Councilor Pappas, seconded by Councilor Kenney, authorized to enter into a contract with Commercial Trailer Leasing Inc., North Bergen, NH, to provide full coverage graphics on eleven tractor trailers, in an amount not to exceed \$53,482. Effective upon G&C approval through June 30, 2015. **100% Liquor Funds.**

NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS

#38 The Governor and Council on motion of Councilor Sununu, seconded by Councilor Kenney, authorized to accept and expend federal revenues, received from the US Equal Employment Opportunity Commission, in the amount of \$1,600. Effective upon G&C approval through June 30, 2015. **100% Federal Funds.**

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

#39 The Governor and Council on motion of Councilor Pappas, seconded by Councilor Sununu, authorized the Division of Travel and Tourism Development to award grants to the organizations as detailed in letter dated September 30, 2014, in the total amount of \$95,347.31 for their 2014-2015 in-state and out-of-state marketing projects under the Joint Promotional Program. Effective upon G&C approval. **100% General Funds.**

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

#40 The Governor and Council on motion of Councilor Kenney, seconded by Councilor Van Ostern, authorized to enter into a **sole source** contract with Alexej Siren for the purpose of monitoring snowshoe hare, for a total of \$21,646. Effective upon G&C approval through June 30, 2017. **75% Federal, 25% Conservation License Plate Funds.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council acted as follows:

#41 Authorized to accept and expend \$270,270 from the National Oceanic and Atmospheric Administration to complete tasks for coastal zone management. Effective upon G&C approval through June 30, 2015. **100% Federal Funds. Fiscal Committee approved.**

#42 Authorized to **retroactively** pay 2015 membership dues to the Association of State and Territorial Solid Waste Management Officials, Washington, DC, in the amount of \$5,500. Effective October 1, 2014 through September 30, 2015. **82% Federal (CERCLA & Brownfields), 18% Oil Pollution Control Funds.**

#43 Authorized to enter into an agreement with the Rockingham Planning Commission, Exeter, NH, to complete the *Implementation of Water Quality Improvement Tasks in Lamprey River and Piscassic River Watersheds in Epping, NH Project*, in the amount of \$7,500. Effective upon G&C approval through December 31, 2016. **100% Federal Funds.**

#44 Authorized to amend a loan agreement with Exeter River Landing Inc., Exeter, NH (originally approved by G&C on 2-12-14, item #33), to finance water system improvements, by increasing the loan amount by \$22,388 from \$361,000 to \$383,388. Effective upon G&C approval. **79% Federal, 21% Capital (General) Funds.**

#45 Authorized to enter into an agreement with Busby Construction Co., Inc., Atkinson, NH, for construction of the Maiden Lady Cove Force Main and Gabion Wall Repair, in the amount of \$289,655. (2) Further authorized a contingency in the amount of \$28,965.50 to cover unforeseen work that may occur during construction. Effective upon G&C approval through June 30, 2015. **100% WRBP Funds.**

#46 Authorized to award an Aquatic Resource Mitigation Fund grant to the Bear-Paw Regional Greenways, in the amount of \$361,600 to acquire a conservation easement on a parcel of land totaling 488 acres in Barnstead, Pittsfield, and Strafford. Effective upon G&C approval through September 30, 2016. **100% Aquatic Resource Mitigation Funds.**

#47 Authorized to enter into a **sole source** grant agreement with the University of NH, Office of Sponsored Research, Durham, NH, in the amount of \$15,074, to provide Wetlands Assessment Training to wetland professionals and the public. Effective upon G&C approval through December 31, 2015. **100% Federal Funds.**

#48 Authorized to enter into a **sole source** contract with Brown and Caldwell, Andover, MA, for consulting support services for the Winnepesaukee River Basin Program, in the amount of \$33,000. Effective upon G&C approval through June 30, 2015. **100% WRBP Funds.**

#49 Authorized Stuart P. Denton's request to perform work on Squam Lake in Moultonborough.

#50 Authorized Douglas Ladebouche's request to perform work on Lake Winnepesaukee in Alton.

DEPARTMENT OF EDUCATION

#51 The Governor and Council on motion of Councilor Pappas, seconded by Councilor Sununu, authorized the Bureau of Vocational Rehabilitation to enter into a contract with the Brain Injury Association of NH, Concord, NH, to provide independent living services, in an amount not to exceed \$68,862. Effective upon G&C approval through September 30, 2015. **100% Federal Funds.**

DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

#52 Authorized the Division of State Police to pay annual membership dues in the amount of \$6,000 to the National Association of State Boating Law Administrators Inc., Lexington, KY. Effective **retroactive** to October 1, 2014 through September 30, 2015. **100% Federal Funds.**

#53 Authorized to enter into an agreement with ADR small Engine Repair LLC, Concord, NH, to provide maintenance and repair services for equipment used during training, in an amount not to exceed \$42,000. Effective upon G&C approval through June 30, 2017. **100% Revolving Funds.**

#54 Authorized the Division of Motor Vehicles' request for a waiver regarding its use of the standard identification markings for the purpose of utilizing a more easily identifiable non-standard logo. Effective upon G&C approval.

#55 Authorized the Division of Homeland Security and Emergency Management to **retroactively** amend a grant agreement with the Town of Stratford (originally approved by G&C on 5-11-11, item #61), by extending the end date from October 6, 2013 to October 6, 2014. No Additional Funding. **100% Federal Funds.**

#56 Authorized the Division of State Police to **retroactively** amend item #58, originally approved by G&C on July 2, 2014, for the purpose of reallocating federal funds from the Federal Motor Carrier Safety Administration entitled Border Enforcement Grant Program to ensure that motor carriers and drivers operating commercial motor vehicles entering the US from a foreign country are in compliance with US CMV safety standards and regulations. Effective upon G&C approval through September 30, 2014. **100% Federal Funds.**

#57 Authorized the Division of State Police to approve the permit application of Woodwinds Hill Beach Association located on Lake Winnepesaukee in Laconia, NH, for a congregate mooring field of 7 moorings total (4 h are currently established plus 3 additional).

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

#58 Authorized the Bureau of Purchase and Property to enter into a contract with WEX Bank, Midvale, UT, for the administration of a fuel card program for the purchase and financial processing of State fuel card purchases for an amount of \$150,000 annually, and a total cost not to exceed \$450,000. Effective upon G&C approval through February 28, 2018, with the option to renew, but not to exceed five years.

#59 Authorized the Risk Management Unit to amend a contract with The Rowley Agency Inc., Concord, NH (originally approved by G&C on 9-4-13, item #27), to address an increase in required liability and physical damage insurance coverage pertaining to leased equipment, and an increase in agencies opting to purchase physical damage coverage for newer vehicles, by increase the amount by \$97,850 from \$2,552,290 to \$2,650,140. Effective upon G&C approval through October 31, 2016, with the option to renew for two additional one-year terms. **100% Agency Funds.**

#60 Authorized the Risk Management Unit to enter into a contract with Application Software Inc., d/b/a ASIFlex, Columbia, MO, to administer the Flexible Spending Accounts and Health Reimbursement Arrangements programs for state employees, in the amount not to exceed \$635,000. Effective January 1, 2015 through December 31, 2017, with the option to renew for up to two additional years. **59% General, 11% Federal, 2% Enterprise, 7% Highway, 1% Turnpike, 20% Other Funds.**

#61 Authorized the Bureau of Public Works Design and Construction to enter into a contract with Meridian Construction Corp., Gilford, NH, for Main Building Window Replacement and Asbestos-Containing & Lead Based Paint Removal, Concord, NH, for a total price not to exceed \$999,400. **100% Capital-General Funds.** (2)Further authorized the amount of \$21,000 for payment to the Department of Administrative Services, Bureau of Public Works Design and Construction, Capital Clerk for oversight and engineering services provided, bringing the total to \$1,020,400. **100% Capital-General Funds.** (3)Further authorized the amount of \$1,824 for payment to the Department of Administrative Services, Bureau of Public Works Design and Construction, for engineering services provided, bringing the total to \$1,022,224. Effective upon G&C approval through May 29, 2015. **38% Federal, 62% Transfer Funds.**

#62 Authorized the Bureau of Public Works Design and Construction to enter into a contract Gerard A. Laflamme Inc., Londonderry, NH, for the Manchester Circuit Court Generator, Manchester, NH, for a total price not to exceed \$409,000. Effective upon G&C approval through May 4, 2015. **97.5% Capital – General, 4.3% Other (Facilities Escrow Account) Funds.** (2)Further authorized the amount of \$600 for payment to the Department of Administrative Services, Bureau of Public Works Design and Construction, for engineering services provided, bringing the total to \$409,600. **100% Other Funds (Facilities Escrow Account).**

#63 Authorized the Bureau of Court Facilities to enter into a Use of Premises Agreement with the Town of Jaffrey, NH, for leasing of state owned property located in the 8th Circuit Court – District Division – Jaffrey, in an amount not to exceed \$11,952. Effective November 1, 2014 through October 31, 2017. **100% Agency Income.**

#64 Authorized the Bureau of Court Facilities to **retroactively** amend the Use of Premises Agreement with the County of Hillsborough, Goffstown, NH, (originally approved by G&C on 9-28-11, item #25), for leasing the state owned property located in the Hillsborough County Superior Courthouse, Manchester, NH, by increasing the rental income by \$392,043.36, from \$345,248 to \$737,291.36, and to extend the expiration date from September 30, 2014 to December 31, 2017. **100% Agency Income.**

#65 Authorized to **retroactively** exercise the second of two options to extend the State's contract with Enhanced Communications of Northern New England Inc., d/b/a FairPoint Long Distance – NNE, Portland, ME (originally approved by G&C on 8-8-12, item #21), for the provision of interstate long distance telephone services, by increasing the price by \$55,000 from \$125,000 to \$180,000, and by extending the end date from October 7, 2014 to October 7, 2015.

#66 Authorized to make five **retroactive** one-time payments from State Fiscal Year 2015 funds to the employees as detailed in letter dated September 30, 2014, in the amount of \$8,078.83 for prior year payments with current SFY funds to compensate the employees for wages that were not paid for SFY 2013 and 2014. **100% General Funds.**

#67 Authorized the Division of Personnel's request for waiver of classification decisions.

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ITEM REMOVED FROM THE TABLE

The Governor and Council on motion of Councilor Van Ostern, seconded by Councilor Kenney, voted to remove item #6- which was tabled at the September 17, 2014 Meeting.

BUSINESS FINANCE AUTHORITY

#6 The Governor and Council on motion of Councilor Sununu, seconded by Councilor Van Ostern, and further on a roll call vote as follows: Councilor Kenney – yes, Councilor Van Ostern – yes, Councilor Sununu – yes, Councilor Pappas – yes, and Councilor Pignatelli – recused, voted to approve the request to hold a Public Hearing with respect to the financing and refinancing of industrial water facilities by the Business Finance Authority for Pennichuck Water Works, Inc. at various locations within the State of New Hampshire. Action will Authorized a Resolution under RSA 162-I:9 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

EXTRACT FROM THE MINUTES OF THE MEETING OF THE
GOVERNOR AND COUNCIL HELD OCTOBER 15, 2014
STATE HOUSE, CONCORD, NEW HAMPSHIRE

* * * * *

At 11:50 a.m. the Governor announced that the next matter to be considered would be the financing of an industrial facility project by the Business Finance Authority ("Authority") for Pennichuck Water Works, Inc. and declared that the public hearing on the subject had commenced. She said that she and the members of the Council had received the written recommendation of the Authority and other documentation and information with respect to the project. The Governor said that the meeting would then hear anyone wishing to speak on the subject. Jack Donovan, Executive Director of the Authority, introduced Larry Goodhue, Chief Financial Officer of Pennichuck Water Works, and briefly explained the project, and emphasized that the credit of the State was not involved. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Sununu introduced a resolution entitled "A RESOLUTION UNDER RSA 162-I:9 WITH RESPECT TO THE FINANCING AND REFINANCING OF WATER FACILITIES BY THE BUSINESS FINANCE AUTHORITY FOR PENNICHUCK WATER WORKS, INC. AT VARIOUS LOCATIONS WITHIN THE STATE OF NEW HAMPSHIRE" and moved its adoption, which was seconded by Councilor Van Ostern. After discussion of the resolution, the Governor called for a vote on the motion. Those voting in favor were: the Governor and Councilor Kenney, Councilor Van Ostern, Councilor Sununu, and Councilor Pappas; those abstaining were: Councilor Pignatelli; and those voting against were Councilor(s): None. The Governor declared that the resolution was passed.

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A RESOLUTION UNDER RSA 162-I:9 WITH RESPECT TO THE FINANCING
AND REFINANCING OF WATER FACILITIES BY THE BUSINESS FINANCE AUTHORITY FOR
PENNICHUCK WATER WORKS, INC.
AT VARIOUS LOCATIONS WITHIN THE STATE OF NEW HAMPSHIRE

WHEREAS, the Governor and Council have received from the Business Finance Authority (the "Authority") its written recommendation that the Governor and Council make certain findings and a determination pursuant to RSA 162-I:9 with respect to the financing and refinancing of water facilities for Pennichuck Water Works, Inc. (the "Borrower") in Amherst, Bedford, Derry, Epping, Hollis, Hudson, Litchfield, Merrimack, Milford, Nashua, Newmarket, Pittsfield, Plaistow and Salem (collectively, "Locations") by the Authority's issue of up to \$54,500,000 Bonds under RSA 162-I (the "Act");

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

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

IT IS HEREBY RESOLVED THAT:

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

(a) Special findings:

(1) The Project (which constitutes the "Facilities") consists of those projects listed on Schedule A attached hereto.

The Project is within the definition of "Water facility" in the Act and may be financed under the Act.

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

(b) General findings:

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

(2) The Borrower has the skills and financial resources necessary to operate the Facilities successfully;

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

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

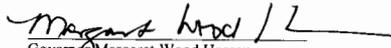
(5) The proposed financing and refinancing of the Project by the Authority and the proposed operation and use of the Facilities will serve one or more needs and implement one or more purposes set forth in RSA 162-I:1, will preserve or increase the social or economic prosperity of the State and one or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

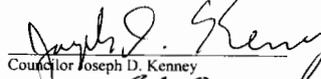
Section 2. Ultimate Finding and Determination. The Governor and Council find that the proposed financing and refinancing, operation and use of the Facilities will serve a public use and provide a public benefit; and the Governor and Council determine that the Authority's financing and refinancing of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

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

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

Passed and Agreed to October 15, 2014.


Governor Margaret Wood Hassan


Councilor Joseph D. Kenney


Councilor Colin Van Ostern


Councilor Christopher T. Bununu


Councilor Christopher C. Pappas

Councilor Debora B. Pignatelli

Schedule A

Financing the following new projects, consisting of (1) capital improvements to the Borrower's water supply and water distribution installations, upgrades, replacements and rehabilitations and related support systems at project sites located in Amherst, Bedford, Derry, Epping, Hollis, Merrimack, Milford, Nashua, Newmarket, Plaistow, Pittsfield and Salem, New Hampshire, including (i) water treatment media and miscellaneous water supply upgrades, (ii) replacement of the Harris Pond Dam spillway located on the Nashua/Merrimack line between Concord Street in Nashua and Manchester Street in Merrimack, (iii) water main replacement and rehabilitation at customer locations in the Borrower's service area throughout (a) the City of Nashua, including but not specifically limited to Burke Street, Eldridge Street, West Hollis Street, Lovell Street, Miami Street, Chestnut Street, Hamilton Street, Brook Street, Marquis Avenue, Rochete Avenue, Verona Street, Sarasota Avenue, Manatee Street, Burritt Street, Thomas Street, Dudley Street, Proctor Street, Mulvanity Street, Fernwood Street, Field Street, Fossa Avenue, Pratt Street, Evergreen Street, Allds Street, Newbury Street, Gillis Street, Zellwood Street, Revere Street, Morton Avenue, Temple Street, Worcester Street, Scripture Street and Sheds Avenue, (b) the Town of Amherst, including but not specifically limited to Foundry Street, Main Street, Boston Post Road, Cross Street, and (c) the Towns of Bedford, Derry and Merrimack, (iv) booster station replacement and rehabilitation at various locations throughout the Borrower's service area in Amherst, Bedford, Derry, Epping, Hollis, Merrimack, Milford, Nashua, Newmarket, Plaistow and Salem, storage tank maintenance/replacement at various locations throughout the Borrower's service area in Amherst, Bedford, Derry, Epping, Hollis, Merrimack, Milford, Nashua, Newmarket, Plaistow and Salem, including but not limited to the Shakespeare Tank near Shakespeare Road in Nashua and the Bon Terrain Tank adjacent to Route 101A in Amherst, back-up generators at 31 Will Street in Nashua and pump and system operational improvements at various locations throughout the Borrower's service area in Amherst, Bedford, Derry, Epping, Hollis, Merrimack, Milford, Nashua, Plaistow and Salem, (v) service, hydrant and meter replacement or rehabilitation at customer locations throughout the Borrower's service areas in Amherst, Bedford, Derry, Epping, Hollis, Merrimack, Milford, Nashua, Newmarket, Plaistow and Salem, (vi) replacement or rehabilitation of rolling stock and equipment at 25 Manchester Street in Merrimack, 31 Will Street in Nashua, 200 Concord Street in Nashua and 371 Catamount Road in Pittsfield, (vii) customer service support applications, financial accounting and other applications and water system monitoring upgrades and enhancements at 25 Manchester Street in Merrimack, (viii) data presentation and collection system development, acquisition, installation and implementation at 25 Manchester Street in Merrimack, 31 Will Street in Nashua, 200 Concord Street in Nashua and 371 Catamount Road in Pittsfield, (ix) geographical information systems development, acquisition, installation and implementation at 25 Manchester Street in Merrimack, 31 Will Street in Nashua, 200 Concord Street in Nashua and 371 Catamount Road in Pittsfield, and (x) asset management system development, acquisition, installation and implementation at 25 Manchester Street in Merrimack, 31 Will Street in Nashua, 200 Concord Street in Nashua and 371 Catamount Road in Pittsfield, all of which are or will be owned, operated and used by the Borrower for the purpose of improving its collection, purification, storage and distribution of water in Amherst, Bedford, Derry, Epping, Hollis, Merrimack, Milford, Nashua, Newmarket, Plaistow, Pittsfield and Salem, New Hampshire; and

Refinancing projects initially financed by the following bond issues, consisting of (A) Water Facility Revenue Bonds (Pennichuck Water Works, Inc. – 1997 Issue), which financed capital improvements to the Borrower's water storage and distribution system in Nashua and Bedford, New Hampshire, including (i) construction of water storage facilities at the Fifield Tank located at Fifield Street and Orchard Avenue in Nashua and the Powder Hill Tank located at Hawk Drive in Bedford, (ii) water main replacements and upgrades in the French Hill section of Nashua and the Salmon Brook Bridge crossing in Nashua, (iii) repair of Holt Pond and dam located on the Merrimack/Nashua line adjacent to the intersection of Thornton Road and Tinker Road in Merrimack, and (iv) installation of pumps at the Borrower's water treatment plant at 200 Concord Street in Nashua, all of which are or will be owned, operated and used by the Borrower for the purpose of storage and distribution of water for domestic, industrial and other uses; (B) Water Facility Revenue Bonds (Pennichuck Water Works, Inc. Project), Series 2005C

which financed and refinanced (i) upgrades to water facilities in the Ledge Street area of Nashua, (ii) reconstruction of Supply Pond Dam in Nashua, (iii) construction of a one million gallon water tank and associated site preparation work and piping on Rocky Hill in Litchfield, (iv) construction of a 20 million gallon per day raw water supplemental pumping facility on an extension of Mast Road in Merrimack on the banks of the Merrimack River and adjacent to a former Boston & Maine railroad bed and acquisition and installation of equipment and furnishings therefor, (v) laying of approximately 8,670 linear feet of 30-inch ductile iron transmission main at Mast Road, Daniel Webster Highway, Henry Clay Drive, Manchester Street and Al Paul Lane in Merrimack, (vi) construction of a water treatment plant at 200 Concord Street in Nashua and a 1.7 million gallon reservoir tank and related equipment off of Shakespeare Road in Nashua, and (vii) replacement of Bowers Pond Dam and related site work at Bowers Pond in Nashua and Merrimack, all of which are or will be owned, operated and used by the Borrower for the purpose of increasing water storage capacity for fire protection and maintaining constant water pressure in Litchfield, Merrimack and Nashua; and (C) Water Facility Revenue Bonds (Pennichuck Water Works, Inc. Project) 2005 Series BC-3 and 2005 Series BC-4, which financed (i) upgrades to the Nashua Water Treatment Plant at 200 Concord Street in Nashua to ensure compliance with SDWA regulations and to provide operating redundancy, (ii) water supply improvements consisting of security upgrades, watershed improvements and arsenic removal equipment at 200 Concord Street in Nashua, (iii) water distribution improvements, including radio meter reading equipment, water main replacement and rehabilitation at customer locations for the Borrower's service area throughout Nashua in conjunction with Nashua's proposed street and sewer upgrade project and maintenance or replacement of the Bon Terrain Tank adjacent to Route 101A in Amherst and Fifield Tank #1 at Fifield Street and Orchard Avenue in Nashua, (iv) water system operational improvements, including construction of the Armory Pumping Station at Daniel Webster Highway and South Main Street in Nashua and expansion of the Shakespeare High Pressure Service Area at Shakespeare Road in Nashua, acquisition of rolling stock required to maintain water service and acquisition and installation of water meters at 31 Will Street in Nashua, and (v) support systems improvements, consisting of a geographical information system and customer account and billing software, all of which are or will be owned, operated and used by the Borrower for the purpose of improving its collection, purification, storage and distribution of water in Amherst, Bedford, Derry, Epping, Hollis, Hudson, Litchfield, Merrimack, Milford, Nashua, Plaistow and Salem, New Hampshire.

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The Next regular Governor and Executive Council meeting is scheduled for Wednesday, October 29, 2014, at the State House, Concord, NH.

Honorable Board then Adjourned at 12:00 p.m.