

GOVERNOR AND EXECUTIVE COUNCIL MINUTES  
State House, Concord, New Hampshire  
February 6, 2013, 10:00 a.m.

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

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Councilor Burton led the Pledge of Allegiance.

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The Governor and Executive Council on motion of Councilor Pappas, seconded by Councilor Sununu, accepted the minutes of January 16, 2013.

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The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Pignatelli, approved the appointment of several persons nominated for Civil Commissions from the January 16, 2013 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 resignation:

State Board of Education

(District 4)

John R. Rist, Manchester

Effective: February 6, 2013

Occupational Therapy Governing Board

(Physician knowledgeable in the Practice of Occupational Therapy)

Rod J. Chronister, Manchester

Effective: February 6, 2013

**CONFIRMATIONS**

The Governor and Council confirmed the following:

Compensation Appeals Board - RSA: 281-A:42

(Attorney)

Norman J. Patenaude, Portsmouth

Reappointment

Effective: February 15, 2013

Term: February 15, 2016

Compensation Appeals Board - RSA: 281-A:42

(Attorney)

William J. Schubert, Manchester

Reappointment

Effective: February 15, 2013

Term: February 15, 2016

Chair of the Liquor Commission - RSA: 176:1

(Chairman)

Joseph W. Mollica, (i), Sunapee

Reappointment

Salary: Grade HH, Step 4 - \$93,812

Effective: February 6, 2013

Term: Coterminus with the Governor's term

Deputy Chief Medical Examiner - RSA: 611-B:3

Nominated by the Attorney General

Jennie V. Duval, M.D., Concord

Reappointment

Salary: Grade NN - \$124,705

Effective: February 6, 2013

Term: January 28, 2018

Racing and Charitable Gaming Commission - RSA: 284:6-a  
(Thoroughbred and Harness Horse Racing Interests)  
Michael J. Gatsas, Manchester  
Reappointment

Effective: February 6, 2013  
Term: January 21, 2016

Respiratory Care Practitioners Governing Board - RSA: 328-F  
Douglas A. Hall, Weare  
Reappointment

Effective: March 4, 2013  
Term: March 4, 2016

### NOMINATIONS

The Governor placed into nomination the following:

State Council on the Arts - RSA: 19-A:3  
Amanda A. Merrill, Durham  
Succeeding: Randy Armstrong, Dover

Effective: Upon confirmation  
Term: November 23, 2017

Compensation Appeals Board - RSA: 281-A:42  
(Labor)  
Daniel P. Manning, Manchester  
Reappointment

Effective: Upon confirmation  
Term: February 9, 2016

Compensation Appeals Board - RSA: 281-A:42  
(Attorney)  
Richard A. Mitchell, Candia  
Reappointment

Effective: Upon confirmation  
Term: February 13, 2016

State Board of Education - RSA: 21-N  
(District 4)  
Thomas Raffio, Bow  
Succeeding: John R. Rist, Manchester

Effective: Upon confirmation  
Term: January 31, 2017

Board of Foresters - RSA: 310-A:100  
(Public Member)  
Paula K. Miner, Penacook  
Reappointment

Effective: Upon confirmation  
Term: November 7, 2017

State Coordinator of Highway Safety - RSA: 238:7  
Peter M. Thomson, Orford  
Reappointment  
Salary: Grade EE; maximum step- \$78,467

Effective: Upon confirmation  
Term: February 3, 2018

Invasive Species Committee - RSA: 430:52  
(Environmental Interests)  
Leonard A. Lord, Epping  
Succeeding: Douglas A. Bechtel, Penacook

Effective: Upon confirmation  
Term: August 9, 2015

Invasive Species Committee - RSA: 430:52  
(Horticultural Interests)  
Andrew M. Mauch, Northfield  
Succeeding: Glenn L. Caron, Raymond

Effective: Upon confirmation  
Term: August 9, 2015

Commissioner of the Department of Resources and Economic Development - RSA: 12-A:2  
Jeffrey J. Rose, Manchester  
Vacancy  
Salary: Grade KK; maximum step- \$112,861

Effective: Upon confirmation  
Term: April 1, 2014

Volunteer New Hampshire Board of Directors - RSA: 19-H  
Janna Hartley, Pembroke  
Reappointment

Effective: Upon confirmation  
Term: January 24, 2016

#1 **CONSENT CALENDAR - DONATIONS:**

**DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT**

- A. Authorized the Division of Parks and Recreation, Bureau of Historic Sites to accept a gift of services valued at \$3,500 from Wilfred Hall, New Castle, NH, for restoration of the Ordinance Machine Shop at Fort Stark in New Castle, NH.

**DEPARTMENT OF SAFETY**

- B. Authorized the Division of State Police to accept the donation of 15 small arms weapon racks with a value of approximately \$3,000 from the Defense Logistics Agency to be used by the Division of State Police. Effective upon G&C approval.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**New Hampshire Hospital**

- C. Authorized to accept donations from July 1, 2012 through December 31, 2012 in the amount of \$2,586.24 and deposit in to the Hospital Resident Benefit Fund. **100% Other Funds.**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**New Hampshire Hospital**

- D. Authorized to accept nonmonetary donations with a value of \$431, received October 1, 2012 through December 31, 2012. **100% Other Funds.**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Glenciff Home**

- E. Authorized to accept monetary donations in the amount of \$810 for the period of September 1, 2012 through December 31, 2012, and deposit into the Patient's Welfare Fund.

**COMMUNITY DEVELOPMENT FINANCE AUTHORITY**

The Governor and Council acted as follows:

#2 Authorized to award a grant to the Town of Salem, NH, in the amount of \$320,000 for the purpose of assisting Stephens & Michaels Associates Inc. with a business expansion activity. Effective upon G&C approval through June 30, 2014. **100% Federal Funds.**

#3 Authorized to award a grant to the Town of Conway, NH, in the amount of \$266,342, for the purpose of an acquisition buyout of up to 13 units of substandard housing. Effective upon G&C approval through June 30, 2014. **100% Federal Funds.**

**OFFICE OF ENERGY AND PLANNING**

The Governor and Council acted as follows:

#4 **WITHDRAWN** – The Agency withdrew the request to enter into a contract with Vermont Energy Investment Corporation, Burlington, VT, for technical assistance in the development and implementation of a statewide plan to increase cost effective energy efficiency and contribute to the development of a state energy strategy, in the amount of \$215,000. Effective upon G&C approval through September 29, 2013. **100% Federal Funds.**

#4A Authorized to enter into a contract with Energy Efficient Investments Inc., Merrimack, NH, to provide quality control inspection services for the federally funded NH Weatherization Assistance Program, in the amount of \$20,000. Effective upon G&C approval through June 30, 2013. **100% Federal Funds.**

#4B **WITHDRAWN** – The Agency withdrew the request to enter into a memorandum of agreement with the NH Department of Environmental Services, Concord, NH, to support work under a federal grant to evaluate options for use of an Energy Efficiency Resource Standard or other mechanisms to increase the deployment of energy efficiency in NH, in the amount of \$85,000. (2)Further authorized the Department of Environmental Services to accept and expend \$57,000 in pass thru federal funds from Office of Energy and Planning for purposes of funding the work conducted under the memorandum above. Effective upon G&C approval through September 29, 2013. **100% Federal Funds.**

#### **JUDICIAL COUNCIL**

#4C The Governor and Council on motion of Councilor Burton, seconded by Councilor Pignatelli authorized the request to receive additional General Funds from funds not otherwise appropriated in the amount of \$400,000. Effective upon G&C approval through June 30, 2013. **100% General Funds. Contingent upon Fiscal Committee approval on February 1, 2013.**

#### **NEW HAMPSHIRE COUNCIL ON DEVELOPMENTAL DISABILITIES**

#4D The Governor and Council on motion of Councilor Pignatelli, seconded by Councilor Pappas authorized the request to pay the National Association of Councils on Developmental Disabilities, Washington, DC, annual dues in the amount of \$4,060. Effective **retroactive** to October 1, 2012 through September 30, 2013. **100% Federal Funds.**

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

The Governor and Council acted as follows:

#5 Authorized confirmation of Martin F. Isabelle, Rollinsford, NH, to the rank of Major, NH Army National Guard.

#6 Authorized the confirmation of Lieutenant Colonel Glen R. Wass, Stratham, NH, for promotion to the rank of Colonel, NH Air National Guard.

#### **DEPARTMENT OF ADMINISTRATIVE SERVICES**

The Governor and Council acted as follows:

#7 Authorized to transfer and reallocate appropriations for personnel from the Department of Justice, Department of Employment Security, Department of Fish and Game, Department of Resources and Economic Development, the Department of Education, and the Department of Corrections with their respective unexpended FY 2013 appropriations in the amount of \$468,955 to the consolidation to the Department of Administrative Services to establish a Shared Services Center for the consolidation of business processing within state government. (2)Further authorized to establish the number of total personnel required for business processing functions in the executive branch of state government and to initiate the initial transfer of personnel, along with such items as identified in the law as necessary from their respective agencies, to the Department of Administrative Services to establish a Shared Services Center for the consolidation of business processing within state government. Effective February 8, 2013 through June 30, 2013. **58.46% General, 18.77% Federal, 4.56% Fish & Game, 18.22% Other Income Funds. Contingent upon Fiscal Committee approval on February 1, 2013.**

#8 Authorized facility and grounds lease for \$1.00 annually for a contractual total of \$10.00 with the McAuliffe-Shepard Discovery Center Corporation, Concord, NH. Effective upon G&C approval through a period of 10 years.

#8A Authorized the Bureau of Court Facilities to enter into a service contract with Control Technologies Inc., d/b/a/ Control Technologies as Representative of Siebe, Manchester, NH, to provide maintenance and repair services program for the Heating, Ventilation and Air Conditioning systems at the Hillsborough County Superior Courthouse North facility, Manchester, NH, in an amount not to exceed \$20,314.80. Effective upon G&C approval through September 30, 2013. **100% Transfer Funds – transfer from AOC.**

#8B Authorized the Division of Personnel's request for waiver of classification decisions. Effective upon G&C approval.

#### **TREASURY DEPARTMENT**

#9 The Governor and Council on motion of Councilor Pappas, seconded by Councilor Burton authorized the request to issue a warrant from funds not otherwise appropriated in the amount of \$229,852 and Authorized the State Treasurer to issue checks in the amount of \$229,851.24 to the rightful owners of abandoned or unclaimed funds.

#### **DEPARTMENT OF CULTURAL RESOURCES**

The Governor and Council acted as follows:

#10 Authorized to award a Conservation Number Plate Grant to the Town of Auburn, in the amount of \$9,833. Effective upon G&C approval through June 30, 2013. **100% Conservation Plate Funds.**

#11 Authorized the NH State Library to award a Conservation Number Plate Grant to the Town of Wakefield in the amount of \$8,506. Effective upon G&C approval through June 30, 2013. **100% Conservation Plate Funds.**

#12 Authorized the NH State Library to award a Conservation Number Plate Grant to Goshen Historical Society in the amount of \$7,507. Effective upon G&C approval through June 30, 2013. **100% Conservation Plate Funds.**

#13 Authorized the NH State Library to award a Conservation Number Plate Grant to the Town of Mason in the amount of \$6,436. Effective upon G&C approval through June 30, 2013. **100% Conservation Plate Funds.**

#14 Authorized the NH State Library to award a Conservation Number Plate Grant to the Town of Webster in the amount of \$6,727. Effective upon G&C approval through June 30, 2013. **100% Conservation Plate Funds.**

#15 Authorized the NH State Library to award a Conservation Number Plate Grant to the Town of Newmarket in the amount of \$7,341. Effective upon G&C approval through June 30, 2013. **100% Conservation Plate Funds.**

#16 Authorized the NH State Library to award a Conservation Number Plate Grant to the Town of Hooksett in the amount of \$9,528. Effective upon G&C approval through June 30, 2013. **100% Conservation Plate Funds.**

#17 Authorized the Division of Historical Resources to award a Conservation Number Plate Grant to the Town of Wolfeboro in the amount of \$10,000. Effective upon G&C approval through November 30, 2014. **100% Conservation Plate Funds.**

#18 Authorized the Division of Historical Resources to award a Conservation Number Plate Grant to the Town of Wilton in the amount of \$9,856. Effective upon G&C approval through October 30, 2014. **100% Conservation Plate Funds.**

#19 Authorized to award a Conservation Number Plate Grant to the Litchfield Historical Society in the amount of \$6,850. Effective upon G&C approval through July 30, 2013. **100% Conservation Plate Funds.**

#20 Authorized the Division of Historical Resources to award a Conservation Number Plate Grant to Friends of Stark Park, Manchester, in the amount of \$10,000. Effective upon G&C approval through November 30, 2014. **100% Conservation Plate Funds.**

#21 Authorized the Division of Historical Resources to award a Conservation Number Plate Grant to the Town of Fitzwilliam in the amount of \$10,000. Effective upon G&C approval through October 30, 2014. **100% Conservation Plate Funds.**

#22 Authorized the Division of Historical Resources to award a Certified Local Government Grant to the Town of Wakefield in the amount of \$6,500. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#23 Authorized the Division of Arts to award a General Project Grant to The Fells, Newbury, in the amount of \$2,250. Effective upon G&C approval through June 30, 2013. **100% Federal Funds.**

#24 Authorized the Division of Arts to award a General Project Grant to Arts in Reach, Portsmouth, in the amount of \$3,000. Effective upon G&C approval through June 30, 2013. **100% Federal Funds.**

#25 Authorized the Division of Historical Resources to award a Certified Local Government Grant to the City of Lebanon in the amount of \$5,500. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#26 Authorized the Division of Historical Resources to award a Certified Local Government Grant to the Town of Bristol in the amount of \$5,500. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#27 Authorized the Division of Historical Resources to **retroactively** renew membership with the National Conference of State Historic Preservation Officers, Washington, DC, in the amount of \$4,671 annually. **100% Federal Funds.**

#27A Authorized the Division of Historical Resources to award a Conservation Number Plate Grant to the Town of Bow, in the amount of \$9,942. Effective upon G&C approval through November 30, 2014. **100% Conservation Plate Fund.**

#### **DEPARTMENT OF AGRICULTURE, MARKETS & FOOD**

#28 The Governor and Council on motion of Councilor Pignatelli, seconded by Councilor Sununu authorized the request the Division of Pesticide Control to enter into a grant agreement with Granite State Organizing Project, for the Bed Bug Awareness Project, in the amount of \$42,840. Effective upon G&C approval through December 31, 2013. **100% Other Funds – Integrated Pest Management Fund.**

#### **DEPARTMENT OF JUSTICE**

The Governor and Council acted as follows:

#29 Authorized to amend a **retroactive sole source** contract with Dr. Carolyn Kappen, Bronx, NY (originally approved by G&C on 4-18-12, item #42), to serve as a substitute medical examiner, to conduct autopsies as needed in the absence of the State Medical Examiner and Deputy Chief Medical Examiner, by increasing the contract by \$1,993.03 from \$15,000 to \$16,993.03. Effective upon G&C approval. **100% General Funds.**

#30 Authorized to enter into a sub grant with the NH Department of Safety in the amount of \$28,582.65 from the FFY 2012 Paul Coverdell National Forensic Science Improvement Act Grant Program, which provides funding to support forensic laboratory services in NH, and activities in the NH State Police Forensic Crime Lab. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#30A Authorized to accept and expend a sum not to exceed \$850,000 from funds not otherwise appropriated for the purpose of covering projected shortfalls in the general litigation expenses incurred in the defense of the State and the prosecution of criminal law. Effective upon G&C approval through June 30, 2013. **100% General Funds. Contingent upon Fiscal Committee approval on February 1, 2013.**

#### **DEPARTMENT OF LABOR**

#31 The Governor and Council on motion of Councilor Burton, seconded by Councilor Pappas authorized the request to budget and expend prior year carried forward funds from the Worker's Compensation Fund in the amount of \$3,500, **retroactive** to support out-of-state travel expenses to attend a two-week Inservice Commission Course at the National Board of Boiler and Pressure Vessel Inspectors in Columbus, OH. Effective February 4, 2013 through February 15, 2013. **100% Agency Income Funds.**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

### Office of Improvement and Integrity

#32 Authorized to enter into a contract with Myers and Stauffer LC, to provide audit services for the Medicaid Electronic Health Records Incentive Program in an amount not to exceed \$212,190. Effective upon G&C approval through December 31, 2015. **90% Federal, 10% General Funds.**

### Division of Client Services

#33 Authorized the Disability Determination Unit to enter into an agreement with Sylvia Stewart, RN, to provide services as a Disability Determination Reviewer in an amount not to exceed \$15,600. Effective upon G&C approval through June 30, 2013. **75% Federal, 25% General Funds.**

#34 Authorized the Disability Determination Unit to enter into an agreement with Janet McQueeney, RN, to provide services as a Disability Determination Reviewer in an amount not to exceed \$15,600. Effective upon G&C approval through June 30, 2013. **75% Federal, 25% General Funds.**

#35 NOT USED

### Division of Public Health Services

#36 Authorized the Bureau of Laboratory Services to budget and expend \$100,000 of excess revenue from fees received and deposited into the non-lapsing Lab Equipment Fund for the purchase of new laboratory equipment designed to improve services. Effective upon GC approval through June 30, 2013.

#37 Authorized the Bureau of Public Health Statistics and Informatics, Health Statistics and Data Management Section to enter into an agreement with ICF Macro Inc., Calverton, MD, to plan, organize, test, and implement the annual Behavioral Risk Factor Surveillance Survey, in an amount not to exceed \$662,455. Effective upon G&C approval through December 31, 2014. **97.63% Federal, .48% General, 1.89% Other Funds.**

#38 Authorized the Bureau of Population Health and Community Services, Chronic Disease Prevention and Screening Section, Oral Health Program to enter into a **sole source** agreement with Bi-State Primary Care Association Inc., Bow, NH, to provide access to oral health care for children and adults living in federally designated Dental Health Professional Shortage Areas in rural NH, in an amount not to exceed \$939,017. Effective upon G&C approval through August 31, 2015. **100% Federal Funds.**

#39 Authorized the Bureau of Population Health and Community Services, Maternal and Child Health Section, Home Visiting Program, to enter into an agreement with the University of NH, Durham, NH, to provide Maternal, Infant and Early Childhood Home Visiting Program evaluation, in an amount not to exceed \$259,000. Effective upon G&C approval through February 28, 2014. **100% Federal Funds.**

#40 Authorized the Bureau of Population Health and Community Services, Newborn Screening Program, to enter into a Contract Data Use Agreement with Trustees of Dartmouth College, Lebanon, NH, for the use of infant Dried Blood Spot Specimen cards to conduct research on the impact of environmental contaminants on children's health. The vendor will pay for the use of Dried Blood Spot Specimen cards up to \$3,500 for the term of this agreement. Vendor payments will fund the Newborn Screening Revolving Fund. There is no cost to the State associated with this agreement. Effective upon G&C approval through the termination of the research study. (2)Further authorized to accept and expend Other Funds in an amount not to exceed \$1,750 from the Trustees of Dartmouth College. Effective upon G&C approval through June 30, 2013. **100% Other Funds.**

#41 Authorized the Bureau of Infectious Disease Control to enter into a grant agreement with Androscoggin Valley Hospital Inc., Berlin, NH, under which the Division of Public Health Services will provide two portable ventilators and necessary accessories valued at \$13,980 to enhance respiratory medical capacity in response to a large scale health emergency using funding support by the federal Department of Homeland Security Grant to NH. Effective upon G&C approval until the grant agreement is terminated by one of the parties. **100% Other Funds.**

#42 Authorized the Bureau of Infectious Disease Control to enter into a grant agreement with Littleton Hospital Association d/b/a Littleton Regional Healthcare, Littleton, NH, under which the Division of Public Health Services will provide two portable ventilators and necessary accessories valued at \$13,980 to enhance respiratory medical capacity in response to a large scale health emergency using funding support by the federal Department of Homeland Security Grant to NH. Effective upon G&C approval until the grant agreement is terminated by one of the parties. **100% Other Funds.**

#43 Authorized the Bureau of Infectious Disease Control to enter into a grant agreement with Cheshire Medical Center, Keene, NH, under which the Division of Public Health Services will provide two portable ventilators and necessary accessories valued at \$13,980 to enhance respiratory medical capacity in response to a large scale health emergency using funding support by the federal Department of Homeland Security Grant to NH. Effective upon G&C approval until the grant agreement is terminated by one of the parties. **100% Other Funds.**

#### **New Hampshire Hospital**

#44 Authorized to make a **retroactive sole source** payment of \$11,853.46 to KCI USA, Houston, TX , for equipment rental and supplies required to continue treatment of a patient's serious wound. Effective October 6, 2012 through June 30, 2013. **68% General, 32% Federal Funds.**

#45 Authorized to amend the Consultant List (originally approved by G&C on 6-22-11, item #298), by adding Concord Hospital Neurology to provide offsite EEG interpretation and reporting results within a designated period of time. Effective upon G&C approval through June 30, 2013. No Additional Funding. **30% Federal, 70% General Funds.**

#### **DEPARTMENT OF CORRECTIONS**

The Governor and Council acted as follows:

#46 Authorized to pay overtime in the amount of \$1,664,000 for permanent personnel from Class 10 appropriations for positions that are vacant due to illness, extended leaves of absence, or pending recruitment. The \$1,664,000 represents additional funds needed for pay period 1 through 13 and the estimate of additional funds needed for pay period 14 through 26 of state fiscal year 2013. **100% General Funds.**

#46A Authorized to enter into a contract with Laboratory Corporation of America Holdings d/b/a LabCorp, Raritan, NJ, for the provision of on-site clinical laboratory services, in the amount of \$526,038.94. Effective upon G&C approval through May 31, 2014. **100% General Funds.**

#### **DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT**

The Governor and Council acted as follows:

#47 Authorized with Councilor Sununu recusing himself, the Division of Parks and Recreation, Cannon Mountain Aerial Tramway and Ski Area to amend an agreement with Franconia Ski Club, Franconia, NH, (originally approved by G&C on 12-8-10, item #86C), to continue competitive ski racing and snowsports / skier education programs at Cannon Mountain. Effective February 6, 2013 through February 5, 2033, with the option to renew for three additional five-year periods. (2)Further authorized to accept a gift of \$3.5 million snowmaking, new and existing terrain enhancement, and race/training venue project at Mittersill, including the funding, design, planning, permitting, construction, completion, and all related infrastructure of said project, to be completed by the Club in accordance with all applicable State and Federal guidelines, and surrendered wholly to the State upon completion of the project. (3)Further authorized the limited privileges afforded the Club and its athletes regarding said terrain and race/training venue at Mittersill, consistent with the club's existing and historical use of Cannon Mountain, in accordance with the terms of the agreement and subject to approval of the State. Also Authorized the continued use by, and payment for non-exclusive use of, "Ernie's Haus" at Cannon Mountain as the Club's headquarters of operation over the term of the agreement, in accordance with the terms of the agreement.

#48 Authorized to make a **retroactive** payment to Green Mountain Communications Inc., Pembroke, NH, in the amount of \$18,420 for installation of T-frame brackets on the communication tower at Mount Belknap on August 15-16, 2012. **100% Capital Funds.**

#49 Authorized the Office of Workforce Opportunity to **retroactively** amend item #31A, approved by G&C on April 27, 2011, ARRA federal fund Grant in the amount of \$744,000 from the US Department of Labor, for a time only extension from the original end date of September 30, 2012 to March 31, 2013. **100% ARRA Funds.** (2)Further authorized the Department of Employment Security, the sub-grantee with DRED, to **retroactively** amend item #31A, approved by G&C on April 27, 2011, ARRA federal fund Grant in the amount of \$744,000 from the US Department of Labor, for a time only extension from the original end date of September 30, 2012 to March 31, 2013. **100% Transfer from Other Agency (ARRA) Funds.** (3)Further authorized DRED and NHES to amend a memorandum of agreement in the total amount of \$744,000 for reimbursement of the costs incurred by NHES administering the HCTC grant **retroactively** from September 30, 2012 through March 31, 2013, for a time only extension, upon G&C approval. The memorandum represents the entire period covered under the US Department of Labor grant. **Contingent upon Fiscal Committee approval on February 1, 2013.**

#50 Authorized with Councilor Sununu recusing himself, to accept and place on file the report regarding season passes issued for Cannon Mountain during fiscal year 2013.

#51 Authorized the Division of Travel and Tourism Development to award grants to the organizations as detailed in letter dated January 10, 2013, in the total amount of \$39,832.32 for their 2013 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**

The Governor and Council acted as follows:

#52 Authorized to hold a Let's Go Fishing Volunteer Instructor Training and Recognition event on April 13, 2013, in the total amount of \$5,031. (2)Further authorized to purchase volunteer recognition awards for a cost not to exceed \$250 to be presented to volunteer instructors at this event. (3)Further authorized to pay Hampshire Hospitality Holdings Inc., Meredith, NH, to provide facilities and buffet dinner for the Let's Go Fishing Volunteer Recognition and Training Seminar at the Inns and Spa at Mill Falls, Meredith, NH on April 13, 2013, in the amount of \$4,781. **100% Federal Funds.**

#53 Authorized to enter into a sugar bush operations agreement with John D. Kelly for the management of a 4-acre sugar bush on the Lower Shaker Wildlife Management Area in the town of Enfield. Effective upon G&C approval through December 31, 2017. No Funding.

#54 Authorized to pay the Association of Fish and Wildlife Agencies, Washington, DC, \$23,164 annual membership dues. Effective upon G&C approval through June 30, 2013. **100% Fish and Game Funds.**

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

The Governor and Council acted as follows:

#55 Authorized to enter into **retroactive** agreements with the Town of Exeter, in the amount of \$5,474, and with the Town of Wolfeboro, in the amount of \$2,926, a total of \$8,400, to fund Household Hazardous Waste collection projects. Effective July 14, 2012 through June 30, 2013. **100% Hazardous Waste Funds.**

#56 Authorized to award an Aquatic Resource Mitigation Fund grant to the Society for the Protection of NH Forests, in the amount of \$100,000 to establish a conservation easement on approximately 272 acres on the Cocker mouth River, Hebron. Effective upon G&C approval through December 31, 2013. **100% Aquatic Resource Mitigation Funds.**

#57 Authorized to amend an agreement with the City of Manchester, NH (originally approved by G&C on 1-11-12, item #43), for the Nutt Pond Watershed Management Plan Implementation Phase 2: West Inlet & Jewett Street School Best Management Practices project, by altering the Scope of Services and Payment Schedule to allow a change in the best management practices to be implemented. No Additional Funding.

#58 Authorized to **retroactively** amend an agreement with the Town of New Ipswich, NH (originally approved by G&C on 6-9-10, item #67), for the Implementation of the Furnace Brook Watershed Restoration Plan: Phase 1 project, by increasing the limitation by \$7,000 from \$71,500 to \$78,500, and by increasing the match requirement by \$4,669 from \$47,690 to \$52,359, and by extending the completion date to December 31, 2013 from December 31, 2012. Effective upon G&C approval. **100% Federal Funds.**

#59 Authorized to enter into a **sole source** contract with Ivan Valiela, Woods Hole, MA, for the Technical Review of the Great Bay Nitrogen Pollution Source Study project, for a total of \$5,000. Effective upon G&C approval through December 31, 2013. **100% Federal Funds.**

#60 Authorized Jeffrey C. Moulton's request to perform work on Big Island Pond, Derry, NH.

#### **DEPARTMENT OF SAFETY**

The Governor and Council acted as follows:

#61 Authorized the Division of State Police to amend a contract with Psychotherapy Associates Inc., Rochester, NH, (originally approved by G&C on 8-19-09, item #220D), to conduct the pre-employment psychological examinations, by increasing the total amount by \$2,000 from \$25,984 to \$27,984. Effective upon G&C approval through June 30, 2013. **81% Highway, 19% Turnpike Funds.**

#62 Authorized the Division of State Police to accept and expend an additional \$99,112 of federal funds from the NH Highway Safety Agency entitled DWI Patrols for the purpose of combating the DWI problem statewide. Effective upon G&C approval through June 30, 2013. **100% Agency Income.**

#63 Authorized the Division of Fire Safety to budget and expend \$25,000 of revenue available in the Electrical Safety account to fund Retiree Health Insurance benefits. Effective upon G&C approval through June 30, 2013. **100% Revolving Funds.**

#64 Authorized the Division of State Police to accept and expend an additional \$70,269 of federal funds from the NH Highway Safety Agency entitled Enforcement Patrols for the purpose of motor vehicle enforcement on the State's interstate systems. Effective upon G&C approval through June 30, 2013. **100% Agency Income.**

#65 Authorized to disburse to Mrs. Margaret M. Maloney, North Hampton, NH, as the surviving spouse of deceased Police Chief Michael P. Maloney, death benefits in the amount of \$100,000 as a result of Chief Maloney's line-of-duty death on April 12, 2012. Effective upon G&C approval. **100% General Funds.**

#66 Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Greenland, NH, for a total amount of \$14,985 for implementation of projects identified through the evaluation of natural hazards. Effective upon G&C approval through December 31, 2013. **100% Federal Funds.**

#66A Authorized the Division of Homeland Security and Emergency Management to accept and expend Hazard Mitigation Grant Program funds from the Federal Emergency Management Agency in the amount of \$2,210,557 for the implementation of cost effective mitigation project. Effective upon G&C approval through June 30, 2013. (2)Further authorized to enter into a grant agreement with the Town of Conway, NH, in the amount of \$554,102 for implementation of projects identified through the evaluation of natural hazards, specifically projects within Transvale Acres. Effective upon G&C approval through January 29, 2016. **100% Federal Funds. Contingent upon Fiscal Committee approval on March 8, 2013.**

#### **HIGHWAY SAFETY AGENCY**

#67 The Governor and Council on motion of Councilor Burton, seconded by Councilor Sununu authorized the request to enter into a **sole source** agreement with NH Operation Lifesaver Inc., Concord, NH, to conduct the "Operation Lifesaver" public relations and education campaign, in the amount of \$12,500. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

**NEW HAMPSHIRE BOARD OF MEDICINE**

#68 The Governor and Council on motion of Councilor Pappas, seconded by Councilor Burton authorized the request to accept and place on file the annual report for FY12.

**DEPARTMENT OF TRANSPORTATION**

The Governor and Council acted as follows:

#69 Authorized to accept and place on file the Bureau of Right of Way's Contemplated Awards List for amounts less than \$5,000 for the sum total of \$55,107.61 for the period of October 1, 2012 through December 31, 2012.

#70 Authorized to pay various owners \$145,444 as documented in the Contemplated Awards List for amounts greater than \$5,000 for the period of December 22, 2012 through January 10, 2013. Effective upon G&C approval.

#71 Authorized the Bureau of Finance and Contracts to pay Small Claims in the previous second quarter of FY 2013 totaling \$1,020.50 for individual amounts less than \$600. (2)Further authorized to pay small claims for the next Fiscal Year quarter, January 1, 2013 through March 31, 2013. **100% Highway Funds.**

#72 Authorized to accept and place on file the Bureau of Construction's quarterly basis summary of active projects that may require contingency use, for the period through December 31, 2012.

#73 Authorized the Bureau of Traffic to enter into an agreement with Vanasse Hangen Brustlin Inc., Bedford, NH, for on-call engineering and support services for Intelligent Transportation Systems initiatives statewide, for an amount not to exceed \$750,000. Effective upon G&C approval through March 31, 2016.

#74 Authorized the Bureau of Rail and Transit to enter into an agreement with Jalbert Leasing Inc., d/b/a C&J Bus Lines, Portsmouth, NH, for transit facility improvements at the State-owned bus terminals in Dover and Portsmouth and partial rebuilds of two commuter coaches, for an amount not to exceed \$185,864. Effective upon G&C approval through June 30, 2014. **100% Federal Funds.**

#75 Authorized with Councilor Sununu voting **no**, the Bureau of Rail and Transit to enter into an agreement with URS Corporation, Salem, NH, and San Francisco, CA, to undertake a study of the Boston MA to Concord NH rail corridor, to analyze transit options in the corridor including the viability of establishing passenger rail service on this line, for an amount not to exceed \$3,655,752. The two-part study will include an Alternatives Analysis for rail and transit in the Lowell-Nashua-Manchester portion of the corridor and a service development plan for intercity passenger rail in the corridor between Boston and Concord. Effective upon G&C approval through December 31, 2014. **88.75% Federal, 11.25% General Funds.**

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**ITEM REMOVED FROM TABLE**

The Governor and Council on motion of Councilor Pappas, seconded by Councilor Pignatelli, voted to remove item #2- which was tabled at the January 16, 2013 Meeting.

**BUSINESS FINANCE AUTHORITY**

#2 The Governor and Council on motion of Councilor Sununu, seconded by Councilor Pignatelli and further on a roll call vote as follows: Councilor Burton – yes, Councilor Van Ostern – yes, Councilor Sununu – yes, Councilor Pappas – yes, and Councilor Pignatelli – yes, authorized to hold a Public Hearing to approve an award of a State Guarantee under RSA 162-A:13 with respect to a loan from Kennebunk Savings Bank to One Source Apparel, LLC located in Portsmouth, New Hampshire. 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 FEBRUARY 6, 2013  
COUNCIL CHAMBER, CONCORD, NEW HAMPSHIRE**

\* \* \* \* \*

At approximately 11:58 a.m., the Governor announced that the next matter to be considered would be the award of a State guarantee under the Working Capital Line of Credit Guarantee Program of the Business Finance Authority in connection with a loan to be made by Kennebunk Savings Bank. to One Source Apparel, LLC, and declared that the public hearing on the subject had commenced. She said that she and the members of the Council had received written material from the Authority with respect to the proposed loans and State guarantee. The Governor then said that the meeting would hear anyone wishing to speak on the subject and introduced Jack Donovan, Executive Director, Michael B. Donahue, Senior Credit Officer of the Authority, John Vendola of One Source Apparel, and John Burke of Kennebunk Savings Bank. Mr. Donovan briefly explained the project. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Sununu introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 AWARDDING A STATE GUARANTEE UNDER RSA 162-A:13 WITH RESPECT TO A LOAN FROM KENNEBUNK SAVINGS BANK TO ONE SOURCE APPAREL, LLC." and moved its adoption, which was seconded by Councilor Pignatelli. There being no discussion, the Governor called for a vote on the motion. Those voting in favor were: The Governor and Councilors Burton, Councilor Van Ostern, Councilor Sununu, Councilor Pappas, 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  
AWARDDING A STATE GUARANTEE UNDER RSA 162-A:13-a  
WITH RESPECT TO A LOAN FROM  
KENNEBUNK SAVINGS BANK TO  
ONE SOURCE APPAREL, LLC.**

WHEREAS, the Governor and Council (the "Governor and Council") of the State of New Hampshire (the "State") have received from the Business Finance Authority of the State of New Hampshire (the "Authority") its written recommendation that the Governor and Council make certain findings and determinations pursuant to RSA 162-A:18 with respect to the award of a guarantee of the Authority in an amount equal to sixty-two and one half percent (62.5%) of the principal amount of a loan up to \$600,000 from Kennebunk Savings Bank to One Source Apparel, LLC. pursuant to RSA 162-A:13-a (the Working Capital Loan Guarantee Program or the "WAG Program");

WHEREAS, the proposed guarantee would require the pledge of the full faith and credit of the Authority in an amount not to exceed sixty-two and one half percent (62.5%) of the proposed financing;

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

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

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

(a) Special Findings.

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

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

(b) General Findings.

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

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

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

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

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

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

Passed and Agreed to February 6, 2013.

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The Next regular Governor and Executive Council meeting is scheduled for Wednesday, February 20, 2013, at the State House, Concord, NH.

Honorable Board then Adjourned at 12:05 p.m.