

GOVERNOR AND EXECUTIVE COUNCIL MINUTES
State House, Concord, New Hampshire
March 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 Sununu led the Pledge of Allegiance.

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The Governor and Executive Council on motion of Councilor Pignatelli, seconded by Councilor Sununu, accepted the minutes of February 20, 2013.

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The Governor and Executive Council, on motion of Councilor Pappas, seconded by Councilor Pignatelli, approved the appointment of several persons nominated for Civil Commissions from the February 20, 2013 meeting.

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

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The Governor and Executive Council swore into office the following Representative-elect:

Hillsborough District 31 (Nashua Ward 4)

Pam Brown, d, Nashua (2 Clocktower Place Apt 209) 03060-3351

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RESIGNATIONS

The Governor and Council accepted the following resignation:

New Hampshire Circuit Court

(Presiding Justice)

Clifford R. Kinghorn, Merrimack

Effective: April 30, 2013

Volunteer New Hampshire Board of Directors

Annemarie J. Woods, Manchester

Effective: Upon confirmation to the Community-based Organization position for Volunteer NH

Water Council

(Recreational Interests)

Edward H. Hoyt, Center Ossipee

Effective: March 6, 2013

CONFIRMATIONS

The Governor and Council confirmed the following:

Board of Licensing for Alcohol and Other Drug Use Professionals - RSA: 330-C:3

(Licensed Alcohol and Drug Counselor)

Peter A. DalPra, Penacook

Effective: March 6, 2013

Reappointment

Term: January 28, 2016

Board of Licensing for Alcohol and Other Drug Use Professionals - RSA: 330-C:3

(Master Licensed Alcohol and Drug Counselor)

Barry S. Timmerman, Newmarket

Effective: March 6, 2013

Reappointment

Term: January 28, 2016

Appellate Board - RSA: 282-A:62

(Management)

Fred B. Keach, Concord

Reappointment

Effective: March 6, 2013

Term: August 9, 2016

Commissioner of the Banking Department - RSA: 383

Glenn A. Perlow, Concord

Succeeding: Ronald A. Wilbur, Concord

Salary: Grade II; Step 4- \$99,202

Effective: March 6, 2013

Term: January 1, 2019

Compensation Appeals Board - RSA: 281-A:42

(Employers/ Insurers)

Susan A. Jeffery, Manchester

Reappointment

Effective: March 6, 2013

Term: February 9, 2016

Current Use Advisory Board - RSA: 79-A

(Public Member/ Agriculture)

Chuck Souther, Concord

Succeeding: Wayne Mann, Canterbury (resigned)

Effective: March 6, 2013

Term: November 16, 2014

Director of the Division of Instruction for the Department of Education - RSA: 21-N:3

Nominated by: Commissioner of Education

Heather Gage, Bedford

Vacancy

Salary: Grade GG; Step 4- \$86,131

Effective: March 6, 2013

Term: December 11, 2015

Family Mediator Certification Board - RSA: 328-C

(Nom. by the NH Conflict Resolution Assoc.)

Robert W. Sturke, Concord

Reappointment

Effective: March 6, 2013

Term: January 27, 2016

New Hampshire Commission on Human Rights - RSA: 354-A:4

David N. Cole, Hanover

Reappointment

Effective: March 6, 2013

Term: January 1, 2018

New Hampshire Commission for Human Rights - RSA: 354-A:4

Harvey Keye, Nashua

Succeeding: Gayle E. Troy, Dunbarton

Effective: March 6, 2013

Term: January 1, 2018

New Hampshire Commission for Human Rights - RSA: 354-A:4

James R. Martin, Brookfield

Succeeding: Joshua P. Boynton, Goffstown

Effective: March 6, 2013

Term: January 1, 2018

Invasive Species Committee - RSA: 430:52

(Livestock Owners and Feed Growers Interests)

Donald Keirstead, Rollinsford

Succeeding: Brandon A. Smith, Rye

Effective: March 6, 2013

Term: September 21, 2014

Manufactured Housing Installation Standards Board - RSA: 205-D:2

(Cooperative Manufactured Housing Park)

Manufactured Home Owners & Tenants Assoc of NH

Robert G. Cook, Sr., Milford

Vacancy

Effective: March 6, 2013

Term: March 6, 2016

Commissioner of the Department of Resources and Economic Development – RSA 12-A:2
Jeffrey J. Rose, Goffstown
Vacancy
Salary: Grade KK: maximum step \$112,861
Effective: March 6, 2013
Term: April 1, 2014

Volunteer New Hampshire Board of Directors - RSA: 19-H
(Community-based Organization)
Annmarie J. Woods, Manchester
Succeeding: Donald E. Chesnel, Rochester
Effective: March 6, 2013
Term: October 10, 2015

NOMINATIONS

The Governor placed into nomination the following:

New Hampshire State Council on the Arts - RSA: 19-A
Billie Tooley, Portsmouth
Succeeding: Wendy M. Cahill, Concord
Effective: Upon confirmation
Term: November 23, 2017

Commissioner of the Department of Education - RSA: 21-N:3
Virginia M. Barry, Bridgewater
Reappointment
Salary: Grade KK; maximum step- \$112,861
Effective: March 23, 2013
Term: March 23, 2017

Board of Licensure of Interpreters for the Deaf and Hard of Hearing - RSA: 326-I
(Recommended by the NH Association of the Deaf)
Glenys L. Crane-Emerson, Greenland
Succeeding: Michael Schock, Sanbornville
Effective: Upon confirmation
Term: October 10, 2015

Speech-Language Pathology Governing Board - RSA: 328-F
(Licensed SPL)
Laura A. Darling, Loudon
Reappointment
Effective: Upon confirmation
Term: March 4, 2016

Advisory Council on Unemployment Compensation - RSA: 282-A:128
(Employers)
Connie M. Roy-Czyzowski, Manchester
Reappointment
Effective: March 26, 2013
Term: March 26, 2016

Board of Managers of the NH Veterans Home - RSA: 119:2
(Veterans of Foreign Wars)
Paul J. Lloyd, Concord
Succeeding: Donald R. Caron, Goffstown
Effective: Upon confirmation
Term: March 1, 2018

COMMUNITY DEVELOPMENT FINANCE AUTHORITY

The Governor and Council acted as follows:

#1 Authorized to award a grant to the City of Keene, NH, in the amount of \$500,000 to support sewer improvements for a failing sewer system serving 48 households. Effective upon G&C approval through December 31, 2014. **100% Federal Funds.**

#2 Authorized to award a grant to the Town of Marlborough, NH, in the amount of \$492,500 to assist in site development of 24 units of affordable elderly housing. Effective upon G&C approval through June 30, 2014. **100% Federal Funds.**

HIGHWAY SAFETY AGENCY

#3 The Governor and Council on motion of Councilor Pappas, seconded by Councilor Van Ostern, authorized to enter into a **sole source** agreement with the Fisher Cats Baseball Team, Manchester, NH, to coordinate a highway-safety related advertisement campaign during the 2013 season home games, in the amount of \$42,000. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

THE ADJUTANT GENERAL'S DEPARTMENT

#4 The Governor and Council on motion of Councilor Pignatelli, seconded by Councilor Burton, authorized to amend a contract with the Department of Health and Human Services (originally approved by G&C on 6-22-11, item #20) for the Deployment Cycle Support Program, by increasing the price by \$70,000 from \$2,420,000 to \$2,490,000 to support the NH reserve military families and military members deployed or returning from combat. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

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

#5A Authorized to accept and place on file the Report and Findings of Councilor Debora B. Pignatelli with regard to the refinancing of certain existing indebtedness and the financing of certain capital expenditures in connection with The Huntington at Nashua.

#5B Authorized to accept and place on file the Report and Findings of Councilor Colin Van Ostern with regard to the purchase of certain capital equipment and the refinancing of certain existing indebtedness in connection with Concord Hospital Inc., Concord, NH.

#5C Authorized to accept and place on file the Report and Findings of Councilor Colin Van Ostern with regard to the financing of renovation and expansion in connection with the Boys and Girls Club of Greater Concord, Concord, NH.

#5D Authorized to enter into a contract with Sprint Solutions Inc., Overland Park, KS, for the provision of Wireless Cellular Telephone and Data Services in the amount not to exceed \$720,000. Effective upon G&C approval through March 31, 2016.

#5E Authorized to enter into a contract with Manchester-Nashua Cellular Telephone LP d/b/a US Cellular of Chicago, IL, for the provision of Wireless Cellular Telephone and Data Services in the amount not to exceed \$1,800,000. Effective upon G&C approval through March 31, 2016.

#5F Authorized to enter into a contract with Cellco Partnership d/b/a Verizon Wireless of Basking Ridge, NJ, for the provision of Wireless Cellular Telephone and Data Services in the amount not to exceed \$1,400,000. Effective upon G&C approval through March 31, 2016.

TREASURY DEPARTMENT

#6 The Governor and Council on motion of Councilor Burton, seconded by Councilor Pappas, authorized to issue a warrant from funds not otherwise appropriated in the amount of \$83,701 and the State Treasurer to issue checks in the amount of \$83,700.46 to the rightful owners of abandoned or unclaimed funds.

DEPARTMENT OF REVENUE ADMINISTRATION

#7 The Governor and Council on motion of Councilor Pappas, seconded by Councilor Sununu, authorized to **retroactively** pay The Federation of Tax Administrators, Washington, DC, in the amount of \$8,845 for organizational dues effective July 1, 2012 through June 30, 2013. **100% General Funds.**

DEPARTMENT OF AGRICULTURE, MARKETS AND FOOD

#8 The Governor and Council on motion of Councilor Burton, seconded by Councilor Van Ostern, authorized the Division of Animal Industry to accept and expend funds from the NH Department of Safety, Division of Homeland Security and Emergency Management Office, in the amount of \$15,730. Effective upon G&C approval through June 30, 2013. **100% Other Funds.**

ATTORNEY GENERAL – DEPARTMENT OF JUSTICE

#9 The Governor and Council on motion of Councilor Pappas, seconded by Councilor Burton, authorized to designate John McCormack as an Attorney at a salary of \$56,500 for a term through August 31, 2016. Effective upon G&C approval.

NEW HAMPSHIRE EMPLOYMENT SECURITY

The Governor and Council acted as follows:

#10 Authorized to make **retroactive** payment in the amount of \$3,412.29 to Geoffrey Martin for wages not paid as a result of a pay grade change during the period of January 5, 2009 through June 30, 2012. **100% Federal Funds.**

#11 Authorized to make a one-time **retroactive** payment in the amount of \$13,535.57, from SFY 2013 funds to Michelle Clark for wages earned not paid for during the period of August 19, 2011 through June 30, 2012. Effective upon G&C approval. **100% Federal Funds.**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

Division of Public Health Services

#12 Authorized the Bureau of Population Health and Community Services, Chronic Disease Prevention and Screening Section, Tobacco Prevention and Control Program to enter into an agreement with JSI Research and Training Institute Inc., d/b/a Community Health Institute Inc., Bow, NH, to provide proactive telephonic tobacco treatment services and to support the standardization and implementation of the US Public Health Service Clinical Practice Guidelines, Treating Tobacco Use and Dependence in NH, in an amount not to exceed \$652,500. Effective April 1, 2013 or upon G&C approval, whichever is later, through June 30, 2015. **100% Federal Funds.**

Bureau of Human Resource Management

#13 Authorized the determination made by the Commissioner that on December 24, 2012, Kathryn Cate, a Nurse Specialist at NH Hospital sustained an injury in the line of duty and due to hostile or overt act, or an act caused by another during the performance of duties which are considered dangerous in nature, effective upon G&C approval.

Bureau of Facilities and Assets Management

#14 Authorized to amend a **sole source** lease with Ashuelot River Realty, Inc., Spofford, NH (originally approved by G&C on 4-20-05, item #65), for continued occupation by the Keene District Office, by increasing the price in the amount of \$159,250.02 to \$2,617,416.78 from \$2,458,166.76, and by extending the term from April 30, 2013 to October 31, 2013. **40% Federal, 60% General Funds.**

Division of Community Based Care Services

#15 Authorized to amend an agreement with Easter Seals NH Inc., (originally approved by G&C on 3-24-10, item #88), to continue to manage the statewide Deployment Cycle Support Program that provides support services to NH National Guard, Reserves and Active Duty service members and their families who are deployed or returning from combat, by increasing the amount \$148,497 from \$5,633,841 to an amount not to exceed \$5,782,338. Effective upon G&C approval. **100% Other Funds.**

DEPARTMENT OF CORRECTIONS

#16 The Governor and Council on motion of Councilor Sununu, seconded by Councilor Burton, authorized to make a one-time **retroactive** payment of salary and benefits to Medical Records Technician, Julia Swain, in the amount of \$1,424.93. Effective August 1, 2011 through June 30, 2012 with current State Fiscal year funds. **100% General Funds.**

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

#17 The Governor and Council on motion of Councilor Burton, seconded by Councilor Pappas, authorized the Division of Parks and Recreation to enter into a contract with JMS Roofing LLC, Wolfeboro Falls, NH, for roof replacement on the Taylor Sawmill at Ballard State Forest in Derry, NH, in the amount of \$21,500. Effective upon G&C approval through May 17, 2013. **100% Capital Funds.**

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

The Governor and Council acted as follows:

#18 Authorized to amend a cooperative agreement with the Recreational Boating and Fishing Foundation (originally approved by G&C on 3-7-12, item #41), for the purposes of implementing a direct mail marketing program targeting lapsed anglers to increase fishing license sales. Effective upon G&C approval through March 31, 2014. No Additional Funding.

#19 Authorized to enter into a memorandum of agreement with NatureServe to conduct work related to the status of bumble bee species in NH. Effective upon G&C approval through April 1, 2014. No Funding.

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council acted as follows:

#20 Authorized to enter into a **sole source** agreement with the Woods Hole Oceanographic Institution, Woods Hole, MA, to process Gulf of Maine cyst survey samples and perform a statistical analysis, in the amount of \$70,000. Effective upon G&C approval through April 30, 2013. **100% Federal Funds.**

#21 Authorized Watershed Assistance Section to enter into a personal service contract with Act One Creative LLC, Concord, NH, for graphic design and strategic marketing services including logo and slogan development for Soak up the Rain NH, in the amount of \$4,800. Effective upon G&C approval through June 30, 2013. **100% Federal Funds.**

#22 Authorized a Supplemental Loan Agreement with the Town of Goffstown (originally approved by G&C on 7-15-09, late item B), which finalizes the Original Loan Agreement in the amount of \$814,514. Effective upon G&C approval. **41.5% Clean Water State Revolving Fund, 8.5% Capital (General), 50% Federal ARRA Funds.**

#23 Authorized a Supplemental Loan Agreement with the Town of Merrimack, (originally approved by G&C on 9-9-09, item #61), which finalizes and lowers the Original Loan Agreement by \$189,315.82 from \$2,824,000 to \$2,634,684.18. Effective upon G&C approval. **100% Clean Water State Revolving Fund (CWSRF) Repayment Account funds.**

#24 Authorized to approve a Supplemental Loan Agreement with the City of Rochester (originally approved by G&C on 5-25-11, item #62), which finalizes and lowers the original loan agreement by \$201,651.74 from \$1,600,000 to \$1,398,348.26. Effective upon G&C approval. **100% CWSRF Repayment Account Funds.**

#25 Authorized Hampshire Hospitality Holdings LLC's request to perform work on Lake Winnepesaukee in Meredith.

DEPARTMENT OF EDUCATION

The Governor and Council acted as follows:

#26 Authorized the Division of Instruction to contract with ABC Education Consultants LLC, Concord, NH, to provide technical assistance and support to schools and districts in need of improvement, in an amount not to exceed \$25,000. Effective upon G&C approval through September 30, 2013, with the option to renew for up to one additional fiscal year. **100% Federal Funds.**

#27 Authorized to pay the Council of Chief State School Officers, Washington, DC, membership dues in the amount of \$34,716 for FY 13. Effective **retroactive** to July 1, 2012 through June 30, 2013.

DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

#28 Authorized the request of the Division of State Police for two Troopers to travel over 300 miles one way in a State Police issued unmarked state vehicle to accept the donation of 3 Labrador Retrievers from the US Marine Corps Military Working Dog Program in Southern Pines, NC, in the amount of \$1,946.72. **81% Highway, 19% Turnpike Funds.**

#29 Authorized the Division of State Police to accept and expend \$64,822 of federal pass-through funds from the NH Department of Justice for the purpose of supporting the operation of the Sex Offender Unit. Effective upon G&C approval through June 30, 2013. **100% Agency Income.**

#30 Authorized the Division of State Police to enter into a **sole source** contract with Control Technologies Inc., Manchester, NH, to provide expansion of the existing Direct Digital Control to HVAC at State Police Troop D, Concord, NH, in an amount not to exceed \$5,435. Effective upon G&C approval through June 20, 2013. **81% Highway, 19% Turnpike Funds.**

#31 Authorized the Division of Motor Vehicles to enter into a contract with Pease Development Authority, Portsmouth, NH, to provide parking area for the Motorcycle Rider Education Program Portsmouth area training range, for an amount not to exceed \$3,452. Effective April 1, 2013 through October 31, 2013. **100% Motorcycle Rider Education Program Funds.**

#32 Authorized the Division of State Police to accept and expend \$80,669 of federal funds from the NH Highway Safety Agency entitled Highway Safety Equipment and Training Grants to convert the mobile data terminals from an embedded PC to a laptop PC. Effective upon G&C approval through June 3, 2013. **100% Agency Income.**

#33 Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Colebrook to purchase emergency equipment to support a secondary dispatch center and furnishings for the primary emergency dispatch center for a total amount of \$8,200. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#34 Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Newport, for the purchase and installation of a generator for the community's shelter at the Newport High School for a total amount of \$19,220. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#35 Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Amherst for the purchase of a portable emergency message board for a total amount of \$7,713. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#36 Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Lancaster for the purchase and installation of equipment to outfit the community's new mobile Emergency Operations Center / Command vehicle and 4 portable emergency scene spot lights for a total amount of \$11,364. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#37 Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Brentwood to purchase 18 APCO 25 narrowband portable radios with accessories and for the purchase and installation of 3 mobile radios in the fire department command officers vehicles for a total amount of \$12,328. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#38 Authorized the Division of Homeland Security and Emergency Management to enter into a **retroactive** grant agreement with the Town of Westmoreland for bank stabilization of Mill Brook at Route 10 for a total amount of \$10,665. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#39 Authorized the Division of Fire Safety to enter into a grant agreement with Central NH Hazardous Materials Team in the amount of \$12,000 for activities associated with the development and implementation of emergency plans under the Emergency Planning and Right-to-Know Act. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

#40 Authorized the Division of Fire Safety to enter into a grant agreement with the Central NH Hazardous Material Team in the amount of \$5,000 for activities associated with the training of hazardous material handling under the Emergency Planning and Right-to-Know Act. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

DEPARTMENT OF TRANSPORTATION

The Governor and Council acted as follows:

#41 Authorized the Bureau of Right of Way's petition for a hearing on an alteration to the NH 140 Intersection with South Road and Jamestown Road in the Town of Belmont. A Commission should be appointed to hold a hearing, and, if the necessity is found, to layout the new highway at this location, with a suggested budget of \$3,702.60.

#42 Authorized the Bureau of Right of Way to pay various owners \$156,391 as documented in the Contemplated Awards List for amounts greater than \$5,000 for the period extending from January 30, 2013 through February 11, 2013. Effective upon G&C approval.

#43 Authorized the Bureau of Rail and Transit to amend a contract with the Town of Hanover (originally approved by G&C on 4-18-12, item #141), for the design and construction of improvements to a transit stop in Hanover, by increasing the amount by \$183,200 from \$294,016 to \$477,216, and by extending the end date from December 31, 2013 to December 31, 2014. **100% Federal Funds.**

#44 Authorized the Bureau of Highway Design to amend an agreement with CLD Consulting Engineers Inc., Manchester, NH (originally approved by G&C on 3-16-11, item #153), for the final design for the replacement of one bridge and rehabilitation of four bridges in the area of Exit 4, Queen City Ave, on I-293 (the FE Everett Turnpike) in the City of Manchester, by extending the completion date from March 31, 2013 to August 31, 2013. No Additional Funding.

#45 Authorized the Bureau of Bridge Design to enter into an Interstate Bridge Agreement with the State of VT to allow the Department to bill VT for costs associated with rehabilitation of the bridge (NH Br. No. 053/112) carrying East Thetford Road over the Connecticut River between Lyme, NH and Thetford, VT. Effective upon G&C approval, and continuing through engineering design, construction, inspection, and final acceptance of the completed project, in accordance with the 10-Year Transportation Improvement Plan. **Project costs will be shared 90% by NH and 10% by VT).**

#46 Authorized the Bureau of Materials and Research to amend the agreement with Pathway Services Inc., Tulsa, OK (originally approved by G&C on 6-3-09, item #229), to extend the vehicle warranty, software licensing, software escrow, Omnistar satellite subscription, and to provide Quality Control data services, by increasing the amount by \$188,500 from \$1,262,400 to \$1,450,900, and by extending the completion date from September 30, 2013 to September 30, 2015. **100% Federal Funds.**

#47 Authorized the Bureau of Traffic to enter into an agreement with the firm of Gannett Fleming Inc., Camp Hill, PA, 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 April 30, 2016.

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ITEM REMOVED FROM TABLE

The Governor and Council on motion of Councilor Sununu, seconded by Councilor Burton, voted to remove item #12- which was tabled at the February 20, 2013 Meeting.

DEPARTMENT OF ADMINISTRATIVE SERVICES

#12 The Governor and Council on motion of Councilor Pignatelli, seconded by Councilor Van Ostern, voted to authorize the request to enter into a contract with Inmate Calling Solutions LLC d/b/a IC Solutions, San Antonio, TX, for Inmate Telephone Services, and Pay Telephone services to various state agencies. Effective upon G&C approval through May 31, 2016 with the option to extend for two years. No State funds will be expended for this contract.

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LATE ITEM

DEPARTMENT OF ADMINISTRATIVE SERVICES

A. Authorized the Bureau of Public Works Design and Construction to enter into a **retroactive** contract with Meridian Construction Corp., Gilford, NH, for APS Building Unit I renovations, for a price not to exceed \$168,400. Effective upon G&C approval through May 3, 2013. (2)Further authorized the amount of \$2,400 for payment to the Department of Administrative Services, Bureau of Public Works Design and Construction for engineering services provided. **70% General, 30% Federal Funds.**

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

Honorable Board then Adjourned at 11:30 a.m.