



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

63

July 17, 2025

Her Excellency, Governor Kelly A. Ayotte  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Department of Environmental Services (NHDES) to **RETROACTIVELY** amend the contract (PO# 1106656) with Pescinski Painting LLC (VC #300809-B001) Tilton, New Hampshire by increasing the contract amount by \$9,245, to \$114,245 from \$105,000, and extending the completion date from July 15, 2025 to December 30, 2025 for additional tasks required to complete the surface preparation, repair, and recoating of an anaerobic digester, effective as of July 15, 2025 upon Governor and Council approval. The original contract was approved by Governor and Council on May 21, 2025, item #85. 100% WRBP Funds.

Funding is available in the following account.

	<u>FY26</u>
03-44-44-442010-1300-048-500226	\$9,245
Dept. Environmental Services, Winnepesaukee River Basin, Contractual Maint Build-Grnds	

EXPLANATION

Approval of this request will allow the WRBP to complete the additional repairs and recoating of the exposed concrete of secondary #1 anaerobic digester. After starting work, the contractor discovered previously unidentified areas of spalling, deep pitting, and cracks that needed repair and the application of different coating materials than specified. This work will be completed as recommended to protect the tank interior and exterior walls, reduce future repairs, and extend its useful life. The digester is located at the Franklin Wastewater Treatment Plant (WWTP) and is an integral part of the treatment processes. The WWTF is part of the regional wastewater collection and treatment system operated by the NHDES Winnepesaukee River Basin Program (WRBP) on behalf of ten communities in the Lakes Region. This request is RETROACTIVE because the preceding contractor, responsible for cleaning the wastewater sludge out of the tank, was delayed due to excessive rain events that resulted in the WRBP not taking the tank off-line as originally planned. Due to this delay in starting their work, Pescinski did not discover the extensive concrete deterioration until July, making it impossible to get an amendment approved prior to July 15<sup>th</sup> when the contract expired.

- CONCORD OFFICE -

29 Hazen Drive, P.O. Box 95, Concord, New Hampshire 03302-0095  
(603) 271-3504  
TDD Access: Relay NH 1-800-735-2964

Her Excellency, Governor Kelly A. Ayotte  
and the Honorable Council

Page 2

We are requesting approval of this amendment to provide Pescinski Painting \$9,245 to furnish the labor and materials to complete the additional work tasks. To date, none of the original \$105,000 contract has been spent.

Note that all operating costs of the WRBP are billed back to the users of the facilities, as provided in RSA 485-A:50; there is no General Fund contribution to the WRBP's operation.

The contract amendment has been approved by the Department of Justice as to form, substance and execution.

We respectfully request your approval.

A handwritten signature in black ink, appearing to read "Robert R. Scott", written in a cursive style.

Robert R. Scott, Commissioner

**New Hampshire Department of Environmental Services**  
**Pescinski Painting LLC**  
**AMENDMENT No. 1**

This Agreement (hereinafter called the "Amendment") is by and between the State of New Hampshire acting by and through its Department of Environmental Services, Water Division (hereinafter referred to as the "State") and Pescinski Painting LLC (hereinafter referred to as the Pescinski).

**WHEREAS**, pursuant to an agreement (hereinafter called the "Agreement") dated April 21, 2025, and approved by the Governor and Council on May 21, 2025, Item No. 85, Pescinski agreed to perform certain services under the terms and conditions specified in the Agreement and in consideration of payment by the State of certain sums specified herein; and

**WHEREAS**, pursuant to the provisions of paragraph 18 of the Agreement, the Agreement may be amended, waived or discharged only by written instrument executed by the parties thereto; and

**WHEREAS**, Pescinski and the State have agreed to amend the Agreement in certain respects;

**NOW THEREFORE**, in consideration of the foregoing, and the covenants and conditions contained in the Agreement and set forth herein, the parties hereto do hereby agree as follows:

**1. Amendment and Modification of Agreement**

The Agreement is hereby amended as follows:

- A. The price limitation governing the Agreement as set forth in the Agreement (line 1.8 of the General Provisions and as referenced in Exhibit C, Costs and Terms of Payment) shall be increased by \$9,245 from \$105,000 to \$114,245.
- B. Exhibit B of the Agreement (Scope of Service) is modified to add the following tasks:
  - Surface preparation of concrete tank walls by sandblasting to remove all old coatings and remove debris.
  - Supply and hand/trowel apply MSM Repair mortar mixed with Duraplate 6000 mortar up to ½ inch thick to fill in larger holes.
  - Supply and apply MacroPoxy 5000 Penetrating Epoxy Primer/Sealer on the tank interior vertical walls.
  - Supply and apply two coats of Conflex XL UV resistant, flexible coating on the tank flat surface to ground level on exterior of tank.
- C. The completion date of the Agreement is modified to December 30, 2025 from July 15, 2025.

**2. Effective Date of Amendment**

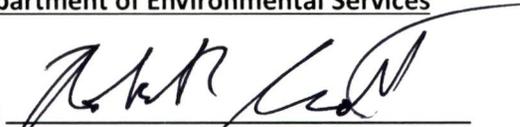
This Amendment shall take effect upon the date of approval of this Amendment by the Governor and Executive Council of the State of New Hampshire.

**3. Continuation of Agreement**

Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement and the obligations of the parties thereunder, shall remain in full force and effect with the terms and conditions set forth.

IN WITNESS WHEREOF, the parties set their hands as of the day and year first above written.

**THE STATE OF NEW HAMPSHIRE**  
**Department of Environmental Services**

By:   
Robert R. Scott, Commissioner

DATE: 7/31/25

**Pescinski Painting, LLC.**

By:   
Tyler Pescinski, President

DATE: 7/16/2025

**Approval by ATTORNEY GENERAL** (Form, Substance and Execution):

  
Assistant Attorney General Signature

7/20/25  
Date

**Approved by the GOVERNOR and COUNCIL**, this \_\_\_\_\_ day of \_\_\_\_\_, 2025

# State of New Hampshire

## Department of State

### CERTIFICATE

I, David M. Scanlan, Secretary of State of the State of New Hampshire, do hereby certify that PESCINSKI PAINTING LLC is a New Hampshire Limited Liability Company registered to transact business in New Hampshire on November 07, 2018. I further certify that all fees and documents required by the Secretary of State's office have been received and is in good standing as far as this office is concerned.

Business ID: **806775**

Certificate Number: **0007154218**



IN TESTIMONY WHEREOF,

I hereto set my hand and cause to be affixed  
the Seal of the State of New Hampshire,

this 9th day of April A.D. 2025.

A handwritten signature in black ink, appearing to read "D. Scanlan", is written over a faint circular stamp.

David M. Scanlan  
Secretary of State

**Corporate Resolution**

for

Pescinski Painting LLC

**We, the undersigned, being all of the directors of this Corporation, consent and agree** that the following corporate resolution was made on 07/16/2025 [date] at 9:00am [time] at 5 Orchard Drive Tilton, NH, 03276 [location]

**We do hereby consent to the adoption of the following decision:**

Enter Contract with The State of NH Department of Environmental Services for change order to perform additional time and materials for digester #1 project

**Now, therefore, it is resolved, that the Corporation shall:**

execute the work per the change order

The Officers of this Corporation are hereby authorized to perform the acts to carry out this Resolution.

**We, the undersigned directors of this Corporation constituting a quorum of the Board, consent and agree** to all of the above on this 16 day of July, 2025.

  
Director Signature

Tyler Pescinski  
Printed Name

7/16/2025  
Date

\_\_\_\_\_  
Director Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

**The Secretary of the Corporation certifies** that the above is a true and correct copy of the Resolution that was duly adopted at a meeting of the Board of Directors.

  
Secretary Signature

Sara Pescinski  
Printed Name

7/16/2025  
Date



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
04/04/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> CGI Insurance Inc. 5 Dartmouth Drive  Auburn NH 03032		<b>CONTACT NAME:</b> Teri Davis <b>PHONE (A/C No, Ext):</b> (877) 562-8954 <b>E-MAIL ADDRESS:</b> TDavis@CGIBusinessInsurance.com <b>FAX (A/C No):</b> (866) 574-2443	
<b>INSURED</b> Pescinski Painting LLC 5 Orchard Drive  Tilton NH 03276		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: Acadia Insurance Co. NAIC # 31325 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES CERTIFICATE NUMBER: 24-25 w/WC 2025 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER			CLA 5503420-13	12/12/2024	12/12/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 GL Expansion Endt \$ Included
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY			CAA 5503421-13	12/12/2024	12/12/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Hired Auto Liab \$ 1,000,000
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ NIL			CUA 5503422-13	12/12/2024	12/12/2025	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WCA 5507796	02/21/2025	02/21/2026	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Pollution Liability			CLA 5503420-13	12/12/2024	12/12/2025	General Aggregate \$5,000,000 Each Occurrence \$2,000,000 Deductible \$2,500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Workers Compensation 3A State(s): NH, MA, ME &amp; VT. Excluded Officer: Tyler Pescinski &amp; Mark Pescinski

Project Location: 528 River Street Franklin, NH, 03235

State of NH Department of Environmental Services is an Additional insured per written request or agreement.

## CERTIFICATE HOLDER

## CANCELLATION

State of NH Dept of Environmental Services 528 River St  Franklin NH 03235	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  [Signature]
---	--

© 1988-2015 ACORD CORPORATION. All rights reserved.



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

April 21, 2025

Her Excellency, Governor Kelly A. Ayotte  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

**APPROVED G & C**  
DATE 5/21/2025  
ITEM # 85

REQUESTED ACTION

Authorize the Department of Environmental Services (DES) to enter into an agreement with Pescinski Painting LLC (VC #300809), Tilton, New Hampshire in the amount of \$105,000.00 for industrial painting services to recoat the exposed concrete of an anaerobic digester along with the metal cover and gas piping located at the DES Wastewater Treatment Plant in Franklin, NH, effective upon Governor and Council approval through July 15, 2025. 100% WRBP Funds.

Funding is available in the following account.

03-44-44-442010-1300-048-500226  
Dept. Environmental Services, Winnepesaukee River Basin, Contractual Maint Build-Grnds

FY25  
\$105,000

EXPLANATION

This contract is for the surface preparation and painting of the exposed concrete, interior and exterior metalwork of the cover, and gas piping of secondary #1 anaerobic digester. The digester is located at the Franklin Wastewater Treatment Plant (WWTP) which is part of the regional wastewater collection and treatment system operated by the Department of Environmental Services Winnepesaukee River Basin Program (WRBP) on behalf of ten communities in the Lakes Region.

Due to process requirements, the digester will not be available for recoating until after June 1, 2025 when the digester will be emptied and cleaned under separate contract. Re-coating the digester components is a routine preventative maintenance function which was last performed in 2018. The scope of services is more fully described in Exhibit A.

A Request for Proposals (RFP) was prepared and sent to five (5) firms known do this kind of specialized work. The RFP was also advertised in a local newspaper, The Union Leader, and posted on the Department of Administrative Services Purchase and Property website.

**- CONCORD OFFICE -**

29 Hazen Drive, P.O. Box 95, Concord, New Hampshire 03302-0095  
(603) 271-3504  
TDD Access: Relay NH 1-800-735-2964

Her Excellency, Governor Kelly A. Ayotte  
and the Honorable Council  
Page 2

Responses to the RFP are as follows:

<u>Firm Name</u>	<u>Proposals</u>
Pescinski Industrial Painting, Tilton, NH	\$ 105,000
Clean Infusion, Columbia, MO	\$ 269,862
RJ Forbes Painting Contractors, Inc, Attleboro, MA	\$ 317,970
Markley's Precision Company, Collins, OH	\$ 390,500
Limerick Steeple Jacks, Cornish, ME	No response
Knowles Industrial Services Corp, Gorham, ME	No response
G Bolton Inc, Rochester, NH	No response

As a result of the proposals, we wish to award the contract to Pescinski Industrial Painting. This firm has satisfactorily performed similar services for the WRBP in the past.

Note that all operating costs of the WRBP are billed back to the users of the facilities, as provided in RSA 485-A:50; there is no General Fund contribution to the WRBP's operation.

This contract has been approved by the Department of Justice as to form, substance and execution.

We respectfully request your approval.



Robert R. Scott, Commissioner