



Robert R. Scott, Commissioner

July 28, 2026

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

REQUESTED ACTION

Contingent upon approval of the corresponding request on this agenda to amend an agreement with Michels Construction, Inc., authorize the Department of Environmental Services (NHDES) to execute an amendment to adjust funding between accounting units for an existing contract (PO# 1103386 & PO# 7003806) with Kingsbury Companies, LLC, Middlesex, VT (VC# 269022-B001), for construction services for the rehabilitation of Little Bog Pond Dam and Lower Trio Pond Dam in Odell, NH, effective upon Governor and Council approval through December 31, 2026. This is a no cost amendment. The original agreement was approved by the Governor and Council on October 30, 2024 as Item #70, and amended on March 25, 2026, Item #5b. Funding is 43.5% American Rescue Plan Act (ARPA) Funds, and 56.5% Capital (General) Funds.

Funding is available in the following accounts:

Fiscal Year	Account 03-44-44	Title	Current Budget	Increase (Decrease) Amount	Revised Budget
2027	440010-2657-102-500731	ARPA DES Loans, Contracts for Program Services	\$2,083,083.39	\$209,705.96	\$2,292,789.35
2027	440030-9309-034-500161	L21- IV2, Dam Repairs & Reconst, Capital Projects	\$3,190,456.61	(\$209,705.96)	\$2,980,750.65
		Totals	\$5,273,540	\$0	\$5,273,540

EXPLANATION

This contract was approved using both ARPA Funds and Capital Funds. Another contract that NHDES currently has for construction at a state-owned dam in Canaan also includes approved ARPA funds, however, payment of certain bid items and project retainage cannot be released until after the deadline for invoicing of ARPA funds. NHDES seeks to adjust the funding between accounting units for this contract with Kingsbury Companies, LLC, to replace some of the Capital Funds with ARPA funds originally allocated to another project, such that those ARPA funds can be invoiced and paid prior to the deadline for ARPA funds. This is an allowable use of ARP FRF funds under Section 602 (c)(1)(D) to make necessary investments in general government services.

To date, \$3,670,722.28 has been spent from the \$5,273,540.00 contract. This amendment has been approved by the Attorney General's Office as to form, substance and execution.

We respectfully request your approval.


Robert R. Scott, Commissioner

**AMENDMENT #2
TO
AGREEMENT
BETWEEN THE
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
AND
KINGSBURY COMPANIES, LLC**

CONSTRUCTION SERVICES – LITTLE BOG POND DAM & LOWER TRIO POND DAM, ODELL, NH

WHEREAS the State of New Hampshire Department of Environmental Services (“NHDES”) has entered into an Agreement with Kingsbury Companies, LLC (the “Contractor”) in the amount of \$5,273,540 for construction services for the reconstruction of Little Bog Pond Dam and Lower Trio Pond Dam in Odell, NH, through July 25, 2026, which was approved by Governor and Council on October 30, 2024, as Item #70.

WHEREAS NHDES and Kingsbury Companies, LLC, executed an Amendment 1 to the Agreement to extend the end date to December 31, 2026 from July 25, 2026, which was approved by Governor and Council on March 25, 2026, as Item #5b.

WHEREAS NHDES wishes to execute an Amendment to the Agreement to adjust the funding between accounting units for this contract with Kingsbury Companies, LLC, to replace \$209,705.96 of the Capital Funds with ARPA funds, upon Governor & Council approval.

WHEREAS Kingsbury Companies, LLC, has agreed to the Amendment.

NOW THEREFORE, amend the original Agreement as amended between NHDES and Kingsbury Companies, LLC, as approved by Governor and Council on October 30, 2024, as Item #70 and amended as approved by Governor and Council on March 25, 2026, as Item #5b, in the following manner:

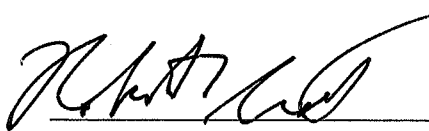
In Exhibit C, replace the six lines under “Funding is provided as follows:” with the following:

03-44-44-440010-2657-102-500731 \$2,292,789.35
Dept. of Environmental Services, -- LITTLE BOG POND DAM & LOWER TRIO POND DAM
RECONSTRUCTION PROJECT --, ARPA Projects

03-44-44-440030-9309-034-500161 \$2,980,750.65
Dept. of Environmental Services, -- LITTLE BOG POND DAM & LOWER TRIO POND DAM
RECONSTRUCTION PROJECT --, Capital Projects

Insert in EXHIBIT C, a new paragraph, ARPA Costs and Payment to read, "Final request for reimbursement of American Rescue Plan Act (ARPA) funds included as part of this Agreement shall be submitted no later September 30, 2026."

All other conditions outlined in the contract shall remain in effect.



Robert R. Scott, Commissioner
Department of Environmental Services

7/29/26

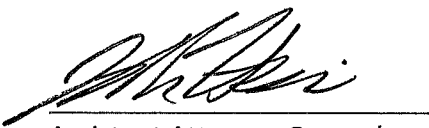
Date



Travis J. Kingsbury, President
Kingsbury Companies, LLC

7/28/26

Date



Assistant Attorney General
Department of Justice
as to form, substance and execution

7/31/2026

Date

State of New Hampshire

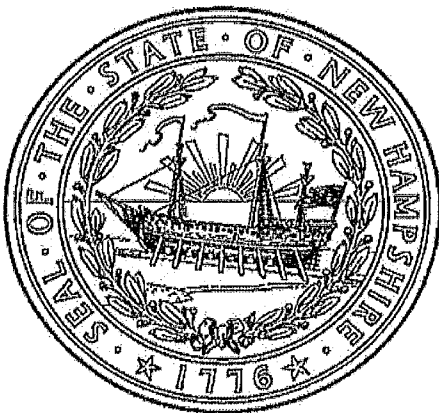
Department of State

CERTIFICATE

I, David M. Scanlan, Secretary of State of the State of New Hampshire, do hereby certify that KINGSBURY COMPANIES, LLC is a Vermont Limited Liability Company registered to do business in New Hampshire as KCOS NH on April 09, 2012. 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: 669037

Certificate Number: 0007988364



IN TESTIMONY WHEREOF,
I hereto set my hand and cause to be affixed
the Seal of the State of New Hampshire,
this 28th day of July A.D. 2026.

A handwritten signature in black ink, appearing to read "David M. Scanlan", is written over a circular stamp that partially overlaps the seal.

David M. Scanlan
Secretary of State

CERTIFICATE OF AUTHORITY/VOTE
(Limited Liability Company)

I, TRAVIS J. KINGSBURY, hereby certify that:
(Name of Sole Member/Manager of Limited Liability Company, Contract Signatory – Print Name)

1. I am the Sole Member/Manager of the Company of KINGSBURY COMPANIES LLC.
(Name of Limited Liability Company)

2. I hereby further certify and acknowledge that the State of New Hampshire will rely on this certification as evidence that I have full authority to bind KINGSBURY COMPANIES LLC.
(Name of Limited Liability Company)

and that no corporate resolution, shareholder vote, or other document or action is necessary to grant me such authority.

[Signature]
(Contract Signatory - Signature)
2/17/26
(Date)

STATE OF VERMONT

COUNTY OF WASHINGTON

On this the 17 day of FEBRUARY 2026, before me MICHELE CAMIRE,
(Day) (Month) (Yr) (Name of Notary Public / Justice of the Peace)

the undersigned officer, personally appeared TRAVIS KINGSBURY, known to me (or
(Contract Signatory – Print Name)

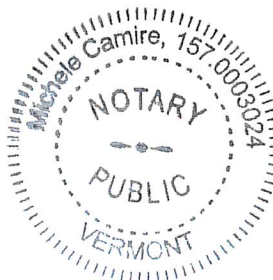
satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

(NOTARY SEAL)

[Signature]

(Notary Public / Justice of the Peace -Signature)

Commission Expires: 1/31/27





KINGCOM-01

HENCH1

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/17/2026

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).

PRODUCER Digital Insurance LLC- Rutland, VT 98 Merchants Row Rutland, VT 05701	CONTACT NAME:	PHONE (A/C, No, Ext): (802) 775-2311	FAX (A/C, No): (802) 775-8246
	E-MAIL ADDRESS:		
INSURED Kingsbury Companies LLC Kingsbury Construction Co 58 Center Road Middlesex, VT 05602	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: CNA Insurance Company Group		
	INSURER B: Nautilus Insurance Company		17370
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES		CERTIFICATE NUMBER:		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	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC ☐ OTHER	X		7063492464	1/1/2026	1/1/2027	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			7063492447	1/1/2026	1/1/2027	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 10,000			7063492433	1/1/2026	1/1/2027	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
A	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☒ N If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	7063492450	1/1/2026	1/1/2027	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	Pollution Liability			CPP2034465-14	4/7/2025	4/7/2026	Limit 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Workers Compensation Statutory Coverage applies in MA, NH, NY and VT. No excluded officers.

The New Hampshire Department of Environmental Services and GEI Consultants, Inc are named additional insureds with respect to general liability when required in written contract RE: Little Bog Pond Dam and Lower Trio Pond Dam Reconstruction Project NHDES #D185003 & #D185002

CERTIFICATE HOLDER

CANCELLATION

The New Hampshire Department of Environmental Services
29 Hazen Drive
Concord, NH 03302

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