

Executive Council Meeting Report

Meeting of June 5, 2019

and

Confirmation Hearings for David Grosso for Director, Office of Public Licensure and Certification and Jennifer Harper for Director, State Office of Homeland Security

A. The Judicial Nominations

The Governor submitted two judicial nominations on June 5, 2019. He nominated Attorney General Gordon MacDonald to be the Chief Justice of the New Hampshire Supreme Court and Public Utilities Commission Chair Martin Honigberg to be an Associate Judge of the New Hampshire Superior Court. The Council has scheduled a judicial confirmation hearing for Mr. MacDonald at 10 a.m. on June 26th and for Mr. Honigberg at 2 p.m. on the same date. Both hearings will be held in Council Chambers. The public may attend and offer testimony or submit written comments at the hearing. The public may also offer comments to the Council via email before the hearing at gcweb@nh.gov. It is likely the Council will vote on both nominations at its July 10th meeting that will take place in Littleton.

B. The Confirmation Hearings

There is a disturbing pattern of under-performance by the Governor's office in searching for the best candidates to nominate for senior state jobs.

David Grosso was nominated by the Governor to lead the Office of Public Licensure and Certification (OPLC). OPLC is a state agency. It may be little known, but its responsibilities are important. "The principal mission of the New Hampshire Office of Professional Licensure and Certification is to safeguard the public health, safety, welfare, environment and the public trust of the citizens of the State of New Hampshire." oplcnh.gov/about-us/index.htm. The OPLC supervises the practices of professionals and is organized in three divisions. One division supervises the licensure, discipline and training of Health Professionals. The Board of Medicine is in this division. So are supervisory boards for nurses, mental health providers, pharmacists, and other allied health professionals. A second division supervises technical professionals including architects, CPAs, professional engineers, and real estate brokers. The reach of the agency is vast and it has had a number of missteps as attested to by prior audits.

Mr. Grosso is a retired military officer originally from New Hampshire. He was a good officer and has returned to his home state upon his retirement. He admitted during his hearing that he has never worked with licensing or

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certification. He has no vision for the agency because he doesn't know the agency. He testified that he does not know the Governor's vision for OPLC because the Governor never interviewed him. Mr. Grosso said he met the Governor at a social event around a school graduation and expressed his general interest in helping the state. The offer to help was laudable, but doesn't qualify Mr. Grosso for his position.

Ultimately, I voted to confirm Mr. Grosso because he is filling the remainder of a term that expires in about a year. This is better than leaving OPLC without a leader which is what I fear would have happened had the Council not confirmed him. Mr. Grosso also promised to analyze the agency and provide direction. I consider him an interim, stopgap leader. Mr. Grosso deserves better and so do the citizens of our state.

In Jennifer Harper's case, the lack of an organized search effort was helpful. Ms. Harper has more than 20 years of experience in the agency and was the top recommendation of Commissioner Quinn and Deputy Commissioner Plummer. Commissioner Plummer was Ms. Harper's direct supervisor. Ms. Harper also has strong, relevant academic preparation. She earned a graduate degree from the Naval School for Homeland Security. Ms. Harper was confirmed for a full term as the director of the state office of Homeland Security.

C. The Breakfast Meeting and Dedication of the Transportation Workers Memorial at the N.H. D.O.T.

The Council meetings are generally preceded by an offsite breakfast that starts at 8 a.m. The Councilors and Governor take turns choosing the host. The host makes a presentation to the Governor and Council and then the Governor and Council have a brief, informal meeting to prepare for the formal meeting that begins at 10 a.m. The breakfasts are open to the public who are invited to join us. There is usually time to mingle informally.

Councilor Ted Gatsas hosted us at the New Hampshire Department of Transportation in Concord. The DOT's leadership began to brief the Council on the Ten Year Transportation Planning Process during the breakfast. There will be a fuller briefing and a formal kick-off on June 19th at the DOT headquarters in Concord, beginning at 2 p.m. It is the Council's responsibility to hold public hearings and vet the DOT's proposed Ten Year Plan. Last cycle, the Council held 23 hearings across the state. I chaired many of the hearings and found it an informative and productive process.

The Council, with the Governor and other officials, also participated in the dedication of the DOT Memorial to public transportation workers who died in the line of duty. Many of the tasks of these unsung heroes are similar to

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other first responders and may be just as dangerous. It was a touching ceremony. The public is encouraged to visit the Memorial which is on Hazen Drive in front of the DOT. It is just north of the intersection with Loudon Road.

D. Agenda Items of Interest

General Sullivan Bridge in Dover

The Council approved a six month extension to existing contracts to further determine the environmental impact of rehabbing this bridge. I raised questions because this was the third extension. There is not an additional cost, just further delay. The need for the re-evaluation is that the bridge has sat for so long, it may not be readily rehabilitated and replacement may be the only option. The decision to replace v. rehab triggers environmental considerations that must be explored.

Substance Use Disorder Treatment Infrastructure

The Council approved a \$354,000 contract with Granite Pathways to build out an infrastructure to provide treatment to adolescents and to children transitioning from adolescence. The locations for the provision of treatment were not apparent from the contract and the Commissioner of DHHS promised to supplement the filing. Granite Pathways is already the hub provider in Manchester and Nashua. It is worth some level of continued vigilance of this agency to ensure it maintains the capacity to address all responsibilities placed on it.

Transportation (mostly bus) Subsidies

The Council approved a number of contracts, many with area agencies, to subsidize rural transport. The vendors involved are: Community Action Program of Belknap and Merrimack Counties, the VNA in Keene, Southern NH Planning Commission in Manchester, and Southwestern Community Services in Keene.

Peer Recovery Coaches at Prison in Berlin

The Council approved \$3,900 to train ten inmates at the Men's Prison in Berlin to become peer recovery coaches.

Liquor Commission Contract with Berry Dunn Consultants

By a 4-1 vote, the Council approved a year-long extension of the Berry Dunn consulting contract at a cost of an additional \$729,000. I dissented. Berry Dunn provides advice to the Commission with respect to the Commission's implementation of a new point of sale computer software system. Berry Dunn is not the software vendor. Berry Dunn's job is to consult with Commission leadership. This is the second extension and the second cost increase. The first Berry Dunn consulting contract was approved in June 2016 and projected a need for 24 months of consulting at a cost of approximately \$1

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million. In June of 2018, the Commission asked for an additional year of consulting services at an additional cost of \$700,000. The current request is for yet another year of consulting services at an additional \$729,000 of cost. The consulting part of this effort to institute a modern point of sale system has gone from 24 months and \$1 million to 48 months and almost \$2.5 million.

Overtime at the Veterans Home

The Council approved approximately \$1.5 million in overtime pay for permanent staff at the Veterans Home in Tilton. The Veterans Home is understaffed and in need of allied health professionals. It is a welcoming place to work.

E. Nominations and Confirmations

The following nominees were confirmed:

Betsey L. Patten, Bow, NH to the Assessing Standards Board
John T. Stevens, Gilford, NH and John C. Calhoun, Harrisville, NH to the
Community College System of New Hampshire
Kenneth Merrifield, Franklin, NH as Commissioner, Department of Labor
Nicholas K. Duffy, Peterborough, NH as Director of Community Corrections,
Department of Corrections
Jennifer L. Harper, Laconia, Director of Homeland Security and Emergency
Management, Department of Safety
R. Douglas Proctor, Concord, NH to the State Board of Fire Control,
Department of Safety
Frederick T. Bird, Lee, NH and Paul W. DeBow, Plymouth, NH to the Fish and
Game Commission
David L. Grosso, New Boston, NH, Executive Director, Office of Professional
Licensure and Certification

The following individuals were nominated:

Martin P. Honigberg, Concord, NH to the New Hampshire Superior Court
Adam L. Wagner, Dover, NH to the Board of Architects
Sarah J. Partridge, Keene, NH to the Board of Barbering, Cosmetology and
Esthetics
Tracy L. Collins, Rochester, NH and Jeanne F. Donohoe, Keene, NH to the
Board of Nursing
Joel R. Tuite, Littleton, NH to the Board of Optometry
James Beauregard, Bedford, NH to the Board of Psychologists
Serena R. Shomody, Keene, NH to the Board of Registration of Podiatrists
Gordon J. MacDonald, Deering, NH Chief Justice, New Hampshire Supreme
Court

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Nicole Brassard-Jordan, Manchester, NH, Deputy Commissioner, State Liquor Commission

Kerry LeBlanc, Bedford, NH to the Fire Standards and Training Commission

Peter G. Beeson, Concord, NH to the Medical Review Subcommittee

Bruce R. Burns, Hopkinton, NH to the New Hampshire Health and Education Facilities Authority

Wendy L. Parker, Hillsboro, NH to the New Hampshire Vaccine Association

Marilee Nihan, Bow, NH to the Personnel Appeals Board

James R. Tollner, Nashua, NH to the Police Commission

E. Spotlight

\$15 an Hour

At my request, the state's agencies began reporting the lowest rates of compensation paid by state vendors to their employees on the contracts in question.

Ascentria Community Services Inc., d/b/a The Language Bank, Manchester, NH Bow, NH, agenda item #15 was awarded two contracts. Item #65 for \$7,500 and item #66 for \$12,000. Their lowest hourly rate is \$14.00, benefits are provided and the company is not contemplating layoffs.

Integrated Office Solutions, Concord, NH, agenda item #67 was awarded a \$39,000 contract. They reported their lowest hourly wage is \$20.00 an hour, benefits are provided and the company is not contemplating layoffs.

Konica Minolta Business Solutions, USA Inc., Ramsey, NJ, agenda item #68, was awarded a \$27,720.00 contract. They report their lowest hourly wage is \$25.00 an hour, benefits are provided and the company is not contemplating layoffs.

CDB Mechanical, LLC, agenda item #20, was awarded a \$42,000 increase to their existing contract. They report their lowest hourly wage is \$36.00 an hour.

Brain Injury Association of New Hampshire, Concord, NH, agenda item #34 was awarded an \$897,641 increase to their existing contract. They report their lowest hourly wage is \$18.00 an hour.

Easter Seals of New Hampshire, agenda item #35, was awarded an increase in the combined price limitation for a group of vendors to an existing contract for the amount of \$514,620. They report their lowest hourly wage is \$11.00 an hour.

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Easter Seals of New Hampshire, Lake Sunapee Community Health Services, Visiting Nurse Home Care & Hospice of Carroll County and Androscoggin Valley Home Care Services, agenda item #36, were awarded an increase in the combined price limitation to an existing contract for the amount of \$7,188,746.11. They report their lowest hourly wage(s) as follows:
Lake Sunapee Community Health Services: \$12.00 an hour
Visiting Nurse Home Care & Hospice of Carroll County: \$11.00 an hour
Easter Seals New Hampshire: \$12.50 an hour
Androscoggin Valley Home Care Services: \$7.75 an hour (may change with increase)

F. Next Meeting

Our next regularly scheduled Executive Council meeting will occur on June 19, 2019 beginning at 10 a.m. The agenda for the meeting will be posted by the Secretary of State on the Executive Council web page late on the preceding Friday afternoon. <http://sos.nh.gov/GC2.aspx>

I will host the Council breakfast at the Department of Business and Economic Affairs. The Community Development Finance Authority (CDFA) and Business Finance Authority (BFA) will also participate in the breakfast presentation. Come geek out. The public is welcome to attend. The breakfast begins at 8 a.m.

G. Items of Interest to District Two, by Region

Region 1-Monadnock Region

[#45](#) Authorized the Bureau of Rail & Transit to enter into an agreement with VNA at HCS Inc., Keene, NH, for public transportation services in the City of Keene, for an amount not to exceed \$603,000. Effective July 1, 2019 through June 30, 2021. **100% Federal Funds. Vote: 5-0**

[#47](#) Authorized the Bureau of Rail & Transit to enter into an agreement with Southwestern Community Services Inc., Keene, NH, for public transportation services within the Sullivan County region, for an amount not to exceed \$616,260. Effective July 1, 2019 through June 30, 2021. **100% Federal Funds. Vote: 5-0**

[#52](#) Authorized to amend the **sole source** contract agreement with Southwestern Community Services Inc., Keene, NH (originally approved by G&C on 9-20-18, item #35), for the Fuel Assistance Program, by increasing the amount by \$150,000 from \$4,442,065 to \$4,592,065. Effective upon G&C approval through September 30, 2019. **100% Federal Funds. Vote: 5-0**

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[#113](#) Authorized to award an Asset Management grant to the City of Keene, the Town of Raymond, and the Town of Exeter, totaling \$60,000 to improve public water system management. Effective upon G&C approval through May 31, 2020. **100% Federal Funds. Vote: 5-0**

[#114](#) Authorized to award a grant to the Town of Marlborough, NH, in the amount not to exceed \$250,000 for water system improvements. Effective upon G&C approval through January 1, 2021. **100% Drinking Water and Groundwater Trust Fund.** (2) Further Authorized a loan agreement with the Town of Marlborough, NH, in the amount not to exceed \$750,000 to finance water system improvements. Effective upon G&C approval. **100% Drinking Water and Groundwater Trust Fund. Vote: 5-0**

[#159](#) Authorized to amend an existing subgrant with the Sullivan County Department of Corrections, from the Federal Victim of Crime Act Grant (originally approved by G&C on 5-16-18, #69), by increasing the total price by \$4,672 from \$317,574 to \$322,246. Effective upon G&C approval through June 30, 2020. **100% Federal Funds. Vote: 5-0**

Region 2-Merrimack County

[#F.](#) Authorized to enter into a **sole source** contract amendment with The Nature Conservancy, Concord, NH (originally approved by G&C on 6-21-17, item #95), to continue assisting with implementation of the NH Wildlife Action Plan, by extending the end date from June 30, 2019 to September 30, 2020. **100% Federal Funds. Vote: 5-0**

[#12](#) Authorized to exercise a renewal option and amend an existing **sole source** contract with National Alliance on Mental Illness NH, Concord, NH (originally approved by G&C on 8-5-15, item #28), to provide family mutual support and suicide prevention services, by increasing the price by \$1,085,885 from \$3,075,758 to an amount not to exceed \$4,161,643, and by extending the completion date from June 30, 2019 to June 30, 2021. **88% General, 12% Federal Funds. Vote: 5-0**

[#44](#) Authorized the Bureau of Rail & Transit to enter into an agreement with Community Action Program Belknap-Merrimack Counties Inc., Concord, NH, for public transportation services in the Belknap County and Merrimack County regions, for an amount not to exceed \$1,531,746. Effective July 1, 2019 through June 30, 2021. **100% Federal Funds. Vote: 5-0**

[#116](#) Authorized to award a Brownfields Cleanup Grant to the City of Franklin, NH, in the amount of \$31,350 to complete site remediation work at the Macosko Foundry site. Effective upon G&C approval through December 31, 2019. **100% Brownfield Repayment Funds. Vote: 5-0**

[#134](#) Authorized the Bureau of Adult Education to exercise the contract renewal option with Second Start (originally approved by G&C on 8-23-17, item #83), to provide professional development activities for all NH adult educators in accordance with the state leadership requirements under the Workforce Innovation and Opportunity Act of 2014, by increasing the

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amount by \$402,583.73 from \$599,546.02 to \$1,002,399.75. Effective July 1, 2019 through June 30, 2020. **100% State Match Funds. Vote: 5-0**

Region 3-Strafford County

[#H.](#) Authorized to amend a **sole source** Cooperative Project Agreement with the University of NH, Sponsored Programs Administration, Durham, NH (originally approved by G&C on 6-7-17, item #94), for the Statewide LiDAR Dataset Management and Distribution project, by extending the completion date to June 30, 2020 from June 30, 2019. No Additional Funding. **100% Wetlands Funds. Vote: 5-0**

[#60](#) Authorized the Division of Pesticide Control to grant funds and enter into a Cooperative Project Agreement with the University of NH, Office of Sponsored Research, for the advancement of agricultural research and to assist in the promotion of Integrated Pest Management practices in NH, in the amount of \$40,424. Effective upon G&C approval through March 31, 2020. **100% Other Funds. Vote: 5-0**

[#61](#) Authorized the Division of Pesticide Control to grant funds and enter into a Cooperative Project Agreement with the University of NH, Office of Sponsored Research, for the advancement of agricultural research and to assist in the promotion of Integrated Pest Management practices in NH, in the amount of \$24,395. Effective upon G&C approval through March 31, 2020. **100% Other Funds. Vote: 5-0**

[#62](#) Authorized the Division of Pesticide Control to grant funds and enter into a Cooperative Project Agreement with the University of NH, Office of Sponsored Research, for the advancement of agricultural research and to assist in the promotion of Integrated Pest Management practices in NH, in the amount of \$40,499. Effective upon G&C approval through March 31, 2020. **100% Other Funds. Vote: 5-0**

[#105](#) Authorized to enter into a **sole source** agreement with the University of NH, Sponsored Programs Administration, Durham, NH, to provide planning technical assistance to member coastal communities, in the amount of \$12,500. Effective July 1, 2019 through June 30, 2020. **100% Federal Funds. Vote: 5-0**

[#106](#) Authorized to enter into a **sole source** agreement with the Seabrook-Hamptons Estuary Alliance, Hampton, NH, to provide planning technical assistance to member coastal communities, in the amount of \$12,500. Effective July 1, 2019 through June 30, 2020. **100% Federal Funds. Vote: 5-0**

[#108](#) Authorized to enter into a **sole source** agreement with the Strafford Regional Planning Commission, Rochester, NH, to provide planning technical assistance to member coastal communities, in the amount of \$12,500. Effective July 1, 2019 through June 30, 2020. **100% Federal Funds. Vote: 5-0**

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[#124](#) Authorized to amend a Clean Water State Revolving Fund loan agreement with the City of Dover (originally approved by G&C on 2-10-26, item #47), to increase funding by \$2,000,000 from \$2,000,000 to \$4,000,000. Effective upon G&C approval. **100% CWSRF Repayment Funds.** (2) Further Authorized a Clean Water State Revolving Fund loan agreement with the City of Dover, in an amount not to exceed \$3,500,000 to finance the Catch Basin and Wet Well Cleanings Treatment Facility Project. Effective upon G&C approval. **100% CWSRF Repayment Funds.** (3) Further Authorized a Clean Water State Revolving Fund loan agreement with the City of Dover, in an amount not to exceed \$30,000 to finance the Stormwater Asset Management Program Project. Effective upon G&C approval. **100% CWSRF Repayment Funds. Vote: 5-0**

[#125](#) Authorized to amend a Clean Water State Revolving Fund loan agreement with the Town of Durham (originally approved by G&C on 8-22-18, item #46), to increase funding by \$2,465,600 from \$214,400 to \$2,680,000. Effective upon G&C approval. **100% CWSRF Repayment Funds. Vote: 5-0**

[#126](#) Authorized to amend a Clean Water State Revolving Fund loan agreement with the City of Somersworth (originally approved by G&C on 11-14-18, item #58), to increase funding by \$1,900,000 from \$10,540,000 to \$12,440,000. Effective upon G&C approval. **100% CWSRF Repayment Funds. Vote: 5-0**

[#128A](#) Authorized to award a grant to the City of Rochester, NH, in the amount not to exceed \$3,800,000 for water system improvements. Effective upon G&C approval through December 1, 2022. **100% Drinking Water and Groundwater Trust Fund.** (2) Further Authorized a loan agreement with the City of Rochester, NH, in the amount not to exceed \$1,293,000 to finance water system improvements. Effective upon G&C approval. **100% Drinking Water and Groundwater Trust Fund. Vote: 5-0**

[#133](#) Authorized the Bureau of Vocational Rehabilitation to enter into a **sole source** contract with the University of NH, Durham, NH, to provide an Inclusive Higher Education Program to individuals with intellectual disabilities, in an amount not to exceed \$150,000. Effective upon G&C approval through September 30, 2020. **100% State Funds. Vote: 5-0**

[#138](#) Authorized the Division of Learner Support to exercise a renewal option to an existing **sole source** contract with The National Center for the Improvement of Educational Assessment Inc., Dover, NH (originally approved by G&C on 12-19-18, item #58), to serve the department as a technical advisor for the PACE innovative assessment and accountability system, by increasing the price by \$245,700 from \$245,700 to \$491,400. Effective upon G&C approval through June 30, 2020. **100% Federal Funds. Vote: 5-0**

[#141](#) Authorized the Division of Analytics and Resources to exercise a renewal option of a contract with The National Center for the Improvement of Educational Assessment Inc., Dover, NH (originally approved by G&C on 6-6-18, item #135), to serve the department as a technical advisor for the accountability program and initiatives, by increasing the price by \$110,000 from \$100,000 to \$210,000. Effective July 1, 2019 through June 30, 2020. **91% Federal, 9% General Funds. Vote: 5-0**

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[#144](#) Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the City of Rochester to purchase and install Emergency Operations Center equipment for a total amount of \$50,806. Effective upon G&C approval through September 30, 2020. **100% Federal Funds. Vote: 5-0**

[#160](#) Authorized to enter into subgrants with Court Appointed Special Advocates of NH Inc., and with the City of Rochester, in the total amount of \$66,836 from the Federal Victim of Crime Act Grant for the purpose of providing direct services to victims of crime. Effective July 1, 2019 through June 30, 2020. **100% Federal Funds. Vote: 5-0**