

## **Executive Council Meeting Report**

Meeting of August 14, 2019

### A. The Saga of the Judicial Nominations or Now You See-em, Now You Don't, Now You Do

In the most unusual set of machinations ever for a judicial nomination, Martin Honigberg was confirmed for a seat on the New Hampshire Superior Court. There is still no word about the Governor's plans for an associate Supreme Court justice or for the chief justice of the Supreme Court.

The Governor advised his own nominee, Martin Honigberg, that he was completely withdrawing his name from consideration because the Governor was so upset about what he considered mistreatment of Gordon MacDonald. This was on August 13, the day before our meeting. The other Democratic Councilors and I learned of this decision on the evening of the 13<sup>th</sup> and, I, for one, let it be known how I would react to this juvenile move and what I might say about it.

We then attended our full two hour breakfast meeting in Dover and went through the entire published list of a broad range of nominees for various state offices with virtually all gaining approval without controversy. When we got to the end of the printed list, the Governor simply called out Mr. Honigberg's name and called for a vote. There was no warning or discussion. All five Councilors then voted to confirm Mr. Honigberg. Congratulations to Judge Martin Honigberg.

Still no direct word or consultation with the Governor about his plans for the Supreme Court vacancies. Chief Justice Lynn has now turned 70 and has retired. After our last Council meeting, the Governor gave a statement to the press about partisanship. The statement was mostly gibberish and so is not repeated here. I know all five Councilors are ready, willing and able to fulfill their constitutional duty to provide advice to the Governor. He just has to be willing to hear it.

### B. The Breakfast Meeting at Dover High School

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

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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.

I was the host for the meeting of August 14, 2019 and chose to meet in Dover at the high school. The city underwrote an \$83 million bond issue to renovate and rebuild the high school. The federal government defrayed about \$13 million of the cost related to the Career Technical Education Center. The state does not have a building aid program and did not directly contribute.

It was obvious to those in attendance that the high school and career tech education center are real attractions for families looking for educational opportunities for their children. This contributes to Dover's strong reputation and helps with many of Dover's economic development projects. Thanks to Mayor Karen Weston and the City Council, School Board Chair Amanda Russell and the School Board, City Manager Mike Joyal, School Superintendent Bill Harbrun, EdD., High School Principal Peter Driscoll, and Deputy City Manager Chris Parker for welcoming the Governor and Council to Dover.

Also, a big thank you to the Dover High School Jazz Band. They were excellent and livened up our meeting.

Thanks also to General David Mikolaitis and Colonel Woody Groton for briefing the Governor and Council about the recent CYBER YANKEE exercise that took place a few days before the Council meeting at the National Guard facilities in Pembroke, New Hampshire. Men and women from Guard units in seven different states and many state employees participated in the exercise to understand how a nation state might attack private, state and municipal targets in New Hampshire. Thanks also to Transportation Commissioner Victoria Sheehan for graciously allowing her department to be a bit of a guinea pig for the effort. Councilor Pignatelli, Senator Hassan and I attended the actual exercise. I learned a lot and was able to show my appreciation to those involved.

### C. Agenda Items of Interest

The Governor and Council continued to deal with funding agency work at what is called a 3/12's level consistent with the Continuing Resolution adopted by the legislature and Governor due to the budget stalemate. The Governor briefly commented at the lack of progress in negotiations. Few details were provided. The Council was advised there is a negotiating session scheduled for August 28<sup>th</sup> and that the state's Fiscal Committee will also meet on that date. The Council has tentatively scheduled an emergency meeting for 1 p.m. on August 29, 2019 in case we must respond to decisions made by the state's Fiscal Committee.

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D. Nominations and Confirmations

The following nominees were confirmed:

Joseph W. Lessard, Salem; Loren J. Martin, Chichester; Robert J. Gagne, Manchester and David K. Marazoff, Westmoreland, NH to the Assessing Standards Board

Kevin P. Lachapelle, Tilton, NH-Assistant Director of Homeland Security and Emergency Management Department of Safety

Jay A. Patel, Board of Dental Examiners

Rachel M. Parkington, Concord, NH to the Board of Hearing Care Providers

Frederick T. Olive, New London, NH to the Board of Medical Imaging and Radiation Therapy

Craig R. Moul, Weare, NH to the Deferred Compensation Commission

Henry E. Thomas, Jr. to the Enhanced 911 commission

Frank H. Lemay, Concord, NH to the Lakes Management Advisory Committee

Robin G. Allister, Plainfield, NH to the Medical Review Subcommittee

Benjamin W. Wilcox, North Conway, NH to the NH Land & Community Heritage Authority Board of Directors

Ruth B. Ward, Stoddard, NH to the Rivers Management Advisory Committee

Martin P. Honigberg, Concord, NH to the New Hampshire Superior Court

The following individuals were nominated:

Laura O'Brien Robertson, Gilmanston, NH to the Board of Hearing Care Providers

Laurence W. Getman, Bow, NH to the Compensation Appeals Board

George F. Valliere, Gorham, NH to the Enhanced 911 Commission

Jason D. Moore, Manchester, NH and Matthew J. Flynn, Rochester to the Juvenile Parole Board

Peter T. Throop, Keene, NH to the State Conservation Committee

Charles N. DeCurtis, Henniker, NH to the Water Council

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. No compensation amounts were reported for this meeting.

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F. Next Meeting

Our next regularly scheduled Executive Council meeting will occur on August 28, 2019 beginning at 10 a.m. at the Boys and Girls Club on Union Street in Manchester. 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>

Councilor Ted Gatsas will host the Council breakfast at the Boys and Girls Club on Union Street in Manchester. 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

[#24](#) Authorized the Bureau of Highway Design to enter into an agreement with Vanasse Hangen Brustlin Inc., Bedford, NH, for preliminary design of floodplain mitigation within the Ashuelot River watershed in the City of Keene, for an amount not to exceed \$255,642.41. Effective upon G&C approval through February 28, 2021. 100% Federal Funds. **VOTE: UNANIMOUS**

[#27](#) Authorized the Bureau of Construction to enter into a contract with All States Asphalt Inc., Sunderland, MA, for pavement preservation of three Tier 2 roadway segments in the western portion of the State totaling approximately 15 miles, on the basis of a low bid of \$3,466,112.04. (2)Further Authorized a contingency in the amount of \$173,305.60 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through August 28, 2020. **100% Federal Funds. VOTE: UNANIMOUS**

[#29](#) Authorized, under the Community Development Block Grant program, to award a grant to the City of Claremont, NH, in the amount of \$500,000 on behalf of Turning Points Network to support its rehabilitation and expansion project at the property in Claremont, NH. Effective August 14, 2019 through June 30, 2021. **100% Federal Funds. VOTE: UNANIMOUS**

[#30](#) Authorized, under the Community Development Block Grant program, to award a grant to the County of Cheshire, Keene, NH, in the amount of \$439,865 for the purpose of assisting three organizations provide microenterprise training and technical assistance activities. Effective August 14, 2019 through June 30, 2020. **100% Federal Funds. VOTE: UNANIMOUS**

[#36](#) Authorized to enter into a **sole source** contract with Southwestern Community Services Inc., Keene, NH, for the federal Weatherization Assistance Program, in the amount of \$52,503. (2)Further Authorized to advance to the vendor \$15,783. Effective August 14, 2019 through June 30, 2020. **100% Federal Funds. VOTE: UNANIMOUS**

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Region 2-Merrimack County

[#28B](#) Authorized the Bureau of Aeronautics to amend a grant to the City of Concord, NH (originally approved by G&C on 11-14-18, item #31), to change the project grant description to include "Aircraft Parking Apron Improvements" at the Concord Municipal Airport. **VOTE: UNANIMOUS**

[#35](#) Authorized to enter into a **sole source** contract with Community Action Program Belknap-Merrimack Counties Inc., Concord, NH, for the federal Weatherization Assistance Program, in the amount of \$60,138. (2)Further Authorized to advance to the vendor \$18,078. Effective August 14, 2019 through June 30, 2020. **100% Federal Funds. VOTE: UNANIMOUS**

[#41](#) Authorized to enter into an agreement with University of NH's Institute on Disability, Concord, NH, providing post-secondary educational opportunities for individuals with a label of intellectual and development disabilities, in the amount of \$100,000. Effective upon G&C approval through June 30, 2021. **100% Federal Funds. VOTE: UNANIMOUS**

[#49](#) Authorized to approve a loan agreement with the City of Franklin, NH, in the amount not to exceed \$3,605,230 to finance water system improvements. Effective upon G&C approval. **100% Drinking Water State Revolving Loan Fund Repayment Funds. VOTE: UNANIMOUS**

Region 3-Strafford County

[#30](#) Authorized, under the Community Development Block Grant program, to award a grant to the County of Cheshire, Keene, NH, in the amount of \$439,865 for the purpose of assisting three organizations provide microenterprise training and technical assistance activities. Effective August 14, 2019 through June 30, 2020. **100% Federal Funds. VOTE: UNANIMOUS**

[#37](#) Authorized to enter into a **sole source** contract with Community Action Partnership of Strafford County, Dover, NH, for the federal Weatherization Assistance Program, in the amount of \$33,571. (2)Further Authorized to advance to the vendor \$10,092. Effective August 14, 2019 through June 30, 2020. **100% Federal Funds. VOTE: UNANIMOUS**