

## **Executive Council Meeting Report**

Meeting of December 19, 2018

### A. Last Session of the 2017-18 Executive Council

The newly elected Executive Council will be sworn-in with the Governor on January 3, 2019 at around 11 a.m. The Council meeting of December 19<sup>th</sup> was the last meeting at which the Governor enjoyed a majority on the Council and he attempted to take advantage of having three votes to support a partisan agenda. In some instances, the Governor was successful and in others not.

The Governor was successful in securing a pardon for Republican political operative Joe Barton of Newmarket who had been convicted of resisting arrest in an incident that, in my opinion, occurred when Barton attempted to disrupt the vote on Election Day in 2014. Barton claimed that he was subjected to police brutality by former Department of Justice (DOJ) Inspector Peter Favreau. Inspector Favreau did not testify at the pardon hearing. No one from the DOJ sought to explain or describe the incident as part of the pardon hearing. Favreau's testimony was presented by the local prosecutor in securing the conviction at the criminal trial and that conviction was upheld on appeal by the New Hampshire Supreme Court. Councilors Prescott, Wheeler and Kenney supported the Governor's decision to pardon Barton. Councilor Pappas and I voted against the pardon. For more information: <https://www.seacoastonline.com/news/20181211/ex-newmarket-gop-chairman-seeks-pardon>.

The Governor failed in his continuing effort to pack the Site Evaluation Committee (SEC) with climate deniers and members supportive of the Eversource Northern Pass project. The Governor nominated former State Rep. Michael Vose of Epping. However, when it became clear that Councilors Kenney, Pappas and I were prepared to vote against Vose, the Governor had Vose withdraw his request for nomination.

### B. Festive Breakfast at the Bridge's Cottage

The Governor hosted the breakfast meeting on December 19<sup>th</sup> at the Bridge's Cottage and his staff made sure the cottage was festively adorned for the holidays. The breakfast gave us all an opportunity to see off departing Councilors Pappas, Kenney and Wheeler as well as to enjoy holiday cheer.

C. Agenda Items of Interest

Amendments to the Mt. Sunapee Lease (a vote, finally)

The Council voted separately on each of the three proposed amendments to the Sunapee lease with the Vail ski company. The first amendment was designed to close a loop hole that previously allowed a transfer of the lease without any state involvement. The amendment passed 5-0. The second amendment gives Vail permission to expand its operations into the Western Bowl without further involvement of the Council. The amendment passed 3-2. Councilor Prescott and I voted against the amendment because Vail has not proposed a specific plan of expansion and the ability to protect scenic aspects of the mountain are uncertain. The third amendment re-invigorates a citizen advisory commission under the direction of the Commissioner of the Department of Natural and Environmental Resources and this amendment was passed 5-0.

Financing of BAE Systems Expansion in Manchester

The Council held a public hearing and then voted to approve up to \$32 million in an acquisition of the former Anthem campus in Manchester that will be leased to BAE Systems to support its expansion in Manchester. The property will be leased to BAE Systems at a rate that covers the mortgage payments and carrying costs on the acquisition for ten years. The campus will then be sold to BAE Systems at the end of the lease term for the outstanding mortgage. The City of Manchester has also agreed to hold property taxes at a fixed rate on the property to further incentivize the move. The Council was informed that the renovations of the property will cost approximately \$30 million and these costs will be borne by BAE.

Bethany Christian Services

A proposed amendment to the controversial contract with Bethany Christian Services to provide foster care counseling was removed from the agenda by the Commissioner of the Department of Health and Human Services. No Council action was required.

Bus Transportation Subsidies

Three agenda items were approved by the Council to provide subsidies to New Hampshire bus transportation services. First, Jalbert Leasing, Inc. was authorized to continue operating the Dover Park and Ride and Bus Terminal in Dover. The state constructed the bus terminal in Dover with federal funds as it has with most of the bus terminals in the state and will continue to pay for electricity costs associated with outdoor lighting. The bus company operates

Andru Volinsky, Executive Councilor for District Two  
andruvolinsky@gmail.com

the terminal rent free. The Council also voted to approve two contract amendments with the Boston Express Bus service to increase the amounts of fare subsidies from \$9.5 million to \$14.1 million and extend completion dates from December 31, 2018 through December 31, 2023. The Boston Express service began about ten years ago with a 25% subsidy. Riders now pay about 90% of the fare costs.

#### Medicaid Rate Increases

The Council approved an adjustment to the rate structures for the two managed care Medicaid programs in the state, NH Healthy Families of Bedford and Well Sense Health Plan of Boston. 43,000 Medicaid recipients were previously insured through the Exchange and are now absorbed by the two managed care programs. This increase represents compensation for the newly transferred Medicaid recipients as well as a rate increase for high intensity, in-patient Substance Use Disorder Treatment Programs. The high intensity programs were paid at rates 44% lower than similar programs in Massachusetts. Other providers do not receive a similar rate increase which, in my opinion, is needed. The entire Medicaid Managed Care Program is scheduled for re-procurement in July 2019 and the Council is to receive a briefing on the re-procurement in February.

#### Controversial Data Maintenance Contract between Division of Vital Records (DVR) and NH Department of Health and Human Resources (DHHS)

The Council voted against approval of a modest contract that would have made DVR the custodian for medical records of infants born to drug addicted mothers. I led the arguments against approval of the contract and I was supported by Councilors Wheeler and Kenney. The information at issue was to be identified with the infant and related to his or her birth certificate. Although the information was to be maintained in a confidential format, DHHS and DVR could not provide me with a good reason for maintaining the records in this fashion, as opposed to aggregated information used for research and public health purposes. The DVR, which is a part of the office of the Secretary of State, is not supported by the New Hampshire Department of Information Technology which is charged with responsibility to manage and coordinate all executive branch technology resources.

#### Governor's Scholarship Program

The Council approved the Governor's \$4 million scholarship program for a second year by a vote of 4-1. I dissented because the program diverts money from students attending UNH, Plymouth and Keene State, ignoring the State's responsibility to fund these schools and because the Governor slashed scholarship monies going to students who attend state community colleges

Andru Volinsky, Executive Councilor for District Two  
andruvolinsky@gmail.com

while doubling scholarships to students attending private colleges in New Hampshire, some of which, such as Dartmouth, are hugely endowed. The Governor's program also unnecessarily duplicates administrative costs with the already successful and much larger UNIQUE scholarship program.

#### D. Nominations and Confirmations

As this was the last session of the current Executive Council, the Governor did not introduce any nominations to be considered at the next Council meeting.

The following nominees were confirmed:

**Board of Psychologists**, Klaran W. Warner, Grantham, NH  
**Compensation Appeals Board**, Timothy S. Wheelock, Portsmouth, NH  
**Current Use Advisory Board**, Charles H. Souther, Concord, NH  
**Division of Ports and Harbors Advisory Council**, Christopher D. Holt, Stratham, NH  
**Medial Review Subcommittee**, Lisa A. Patterson, Winchester, NH  
**Manufactured Housing Installation Standards Board**, Gary Francoeur, Hudson, NH and John T. Flanders, II  
**New Hampshire State Council on the Arts**, Catherine V. Sununu, Exeter, NH  
**Passenger Tramway Safety Board**, Robert Hoyt, Freedom, NH  
**Real Estate Appraisers Board**, Justin K. Macagba, New Boston, NH  
**State Committee on Aging**, Daniel A. Marcek, Brookline, NH  
**State Commission for Human Rights**, Nancy G. LeRoy, Laconia, NH

#### 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.

#### F. Next Meeting

Our next regularly scheduled Executive Council meeting will occur on January 3, 2019 at which time the new Council will be sworn-in. The swearing in will occur at 12:00, followed by the Governor's Inaugural Address and a brief reception. The Council meeting, which will be abbreviated, will begin at 3:30 p.m. at Council Chambers in Concord. 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>

Andru Volinsky, Executive Councilor for District Two  
andruvolinsky@gmail.com

The Governor will host a breakfast for state employees which the public may attend. It will be held at Council Chambers beginning at 7:30 a.m.

G. Items of Interest to District Two, by Region

Region 1-Monadnock Region There were no items of interest for this meeting.

Region 2-Merrimack County

**Department of Transportation #29** Authorized the Bureau of Construction to enter into a contract with C.L.H. & Son Inc., Auburn, ME, for rehabilitation of three culverts underneath I-393 in Concord and Pembroke, on the basis of a low bid of \$497,548. (2)Further Authorized a contingency in the amount of \$49,754.80 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through October 18, 2019. **100% Federal Funds. VOTE: UNANIMOUS**

**Department of Natural and Cultural Resources #43** Authorized the Division of the Arts to award Public Value Partnership Grant in the amount of \$13,000 to the Concord Community Music School, Concord, NH, to strengthen the capacity for affordable diverse arts programs to NH residents and visitors. Effective upon G&C approval through June 30, 2019. **100% Federal Funds. VOTE: UNANIMOUS**

**New Hampshire Fish & Game Department #46** Authorized to acquire fee title to 0.5 acres in Stratford, NH from the Law Office of Mark R. Dunn acting as agent for Robert and Regina Leclerc of Milan, NH, for \$12,000. Effective upon G&C approval through June 30, 2019. **100% Other, Wildlife Habitat Conservation Funds. VOTE: UNANIMOUS**

**Department of Administrative Services #72** Authorized the Division of Public Works Design and Construction to enter into a **sole source** contract amendment with Coover-Clark Associates Inc., Denver, CO (originally approved by G&C on 5-18-16, item #52), for the Adjutant General's Department Pembroke Readiness Center and State Active Duty Annex, by increasing the base contract amount by \$456,429 from \$901,929.44 to \$1,358,358.44. Effective upon G&C approval through June 30, 2020. **80% Federal, 20% Capital – General Funds. VOTE: UNANIMOUS**

Region 3-Strafford County

**Department of Transportation #B.** Authorized the Bureau of Rail & Transit to enter into an agreement with Jalbert Leasing Inc., Portsmouth, NH, to operate the Dover Park and Ride and bus terminal, Dover, NH. Effective January 1, 2019 through December 31, 2023. No Cost Operating Agreement. **VOTE: UNANIMOUS**

**Department of Environmental Services #J.** Authorized to amend an agreement with the University of NH, Durham, NH (originally approved by G&C on 6-20-18, item #115),

Andru Volinsky, Executive Councilor for District Two  
andruvolinsky@gmail.com

to complete the *Piscataqua Region Monitoring Collaborative* project by modifying the scope of services and related task funding. Effective upon G&C approval through December 31, 2019. **17% Federal, 57% Clean Water State Revolving, 26% General Funds. VOTE: UNANIMOUS**

**Insurance Department #35** Authorized to enter into a cooperative project agreement with the University of NH, working through the University of NH Survey Center, to provide best practice survey methods in connection with NHID's effort to better understand where NH consumers are seeking and acquiring health coverage, in the amount of \$19,198. Effective upon G&C approval through March 31, 2019. **100% Federal Funds. VOTE: UNANIMOUS**

**New Hampshire Fish & Game Department #47A** Authorized to accept and expend \$35,000 in federal funds from the US Fish and Wildlife Service for the purpose of culturing and stocking anadromous Rainbow Smelt in an effort to restore declining population numbers in Great Bay Estuary. Effective upon G&C approval through December 31, 2019. (2)Further Authorized to enter into a **sole source** Cooperative Project Agreement amendment with the University of NH (originally approved by G&C on 4-19-17, item #45), to raise Rainbow Smelt at the UNH Aquaculture Research Center, by extending the end date from December 31, 2018 to December 31, 2019. **100% Federal Funds. VOTE: UNANIMOUS**