

## **Executive Council Meeting Report**

Meeting January 24, 2018

Does New Hampshire care about its schools and its children?

The answer to this question, as evidenced by the proceedings of January 24, is not clear. On the one hand, despite deep concerns about the process involved, the Council approved \$10 million in infrastructure improvements for schools, many related to school security needs. On the other hand, a well-qualified nominee for the new Child Advocate post passed on a 3-2 vote (Pappas, Prescott and Volinsky in support) and the Council refused to vote to accept a \$200,000 U.S. Department of Justice grant to address gun violence in New Hampshire cities. (Councilors Wheeler, Kenney and Prescott voted to table the grant for a second time. Councilor Pappas and I wanted to accept the grant.)

### A. Council Breakfast of January 24th

Councilor Kenney hosted our breakfast at the Office of Public Licensure and Certification (OPLC) where director Peter Danles gave us a short overview of the responsibilities of this agency that oversees the licensing of most credentialed individuals in the state. Those overseen by this agency include licensed health care professionals (e.g, doctors, nurses, acupuncturists) and many technical experts (e.g., engineers and surveyors). Collecting these responsibilities in one reasonably staffed agency appears to make sense. For more information, go to [OPLC.nh.gov](http://OPLC.nh.gov). Oddly, some licensed professions are not supervised by this agency. The board of auctioneers, for example, remains under the purview of the Secretary of State.

Commissioner Edelblut and Director Plummer provided the Council with a briefing on the activities of the legislature's School Infrastructure Commission. The briefing was not the subject of any prior public notice.

Unrelated to our location, I presented my fellow Councilors with a draft policy to protect against sexual harassment and discrimination by Councilors, who are not presently subject to a policy. Even though this was the second reading, Councilor Wheeler raised new questions that required referral to the Attorney General. The draft policy will now be reviewed again at our meeting on February 7<sup>th</sup> and will not be voted upon before February 14<sup>th</sup> at the earliest.

### B. Agenda Items of Note

Office of the Governor

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Following legislation that created an Infrastructure Commission that began meeting in September 2017, the Governor provided the Council with a list of almost 200 school improvements projects that totaled about \$10 million. No details for any of the projects were provided to the Council. The agenda item was not supplied to the Council until the morning of the 23<sup>rd</sup>. A previously unscheduled briefing by Commissioner Edelblut and Director Plummer of the state's Homeland Security Office that was not the subject of any prior notice was added to our breakfast meeting.

The projects fell into three groups, per the legislation: life safety, security, and fiber optics. The projects were presented to the Council as urgent and "time sensitive." I researched the deadlines that school districts face in adding projects to district warrants on my cell phone during our Council meeting and found that SB 2 districts would be deprived of the ability to accept these grants if the Council did not approve them at this meeting. I raised my concerns about how the Governor's office, the Department of Education, and the Division of Homeland Security handled the last minute presentation of these important items to the Council because the Council was deprived of any real ability to perform its function as a check on the power of the Governor and state agencies. Councilors Kenney and Prescott joined me in these concerns and Councilor Prescott asked that the members of the Executive Council be provided with the minutes of the proceedings of the Infrastructure Commission. The matter, with some reluctance, was passed 5-0.

#### Safe Neighborhoods Grant

The U.S. Department of Justice has awarded the state of New Hampshire a \$200,000 grant to prepare a state plan and implement that plan to address gang and gun violence in New Hampshire cities. The grant was before the Council on January 10<sup>th</sup>, but was tabled when Councilor Wheeler claimed to have questions about the grant. The grant was again tabled by a 3-2 vote (Councilors Wheeler, Kenney and Prescott voting to table). Councilor Wheeler expressed concerns about the aspects of the grant designed to address gun violence.

The vote to table came after the Council received testimony from Detective Barter of the Manchester Police Department who explained that the grant was time sensitive as the planning phase activities needed to be completed before implementing a plan and the plan needed to be implemented before warm weather resulted in increased gang activity. Councilor Pappas and I expressed concerns that the vote to table deprived the State Police and city police departments of valuable tools to reduce gun violence.

#### Approval of the New Child Advocate

Moira O'Neill was approved to become New Hampshire's first Child Advocate fulfilling a role as ombudsman for child safety complaints. Dr. O'Neill worked

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for more than a decade as Connecticut's assistant child advocate and completed her PhD dissertation on the functioning of child advocate offices across the nation. The vote in favor of Dr. O'Neill was 3-2 with Councilor Kenney advocating for another candidate who lives in District 1 and Councilor Wheeler complaining that Dr. O'Neill did not understand that corporal punishment was legal in New Hampshire and that Dr. O'Neill did not understand New Hampshire's home-schooling regulations.

#### Approval of Nominee to State Board of Education

By a 3-2 vote, Councilors Pappas and I dissenting, the Council approved the Governor's latest nominee to the State Board of Education, Ms. Celina Griffin of Gilford. I voted against Ms. Griffin because she has shown little prior interest in education in New Hampshire. She does not appear to have served on any local board or PTA. When I interviewed her, she was only minimally aware of the pending state education voucher bill (SB 193) and knew little of the functioning of the State Board. She also did not understand how New Hampshire's schools are funded. Councilor Kenney agreed with me that Ms. Griffin is not well informed about education in the Granite State, but argued that she will learn "on the job."

#### Increase in Justice Department Budget

The Council approved a four-fold increase in the DOJ's litigation related expense budget to about \$1.25 million. The approved increase placed the budget for these expenses in line with prior year's budgets and expenditures and reversed the legislative decision to arbitrarily commit only \$350,000 to this line item.

#### Educational Tuition Agreements

By a 4-1 vote, Councilor Wheeler dissenting, the Council approved three tuition agreements for Department of Health and Human Services employees, each not to exceed \$1,500.

#### C. Nominations and Confirmations

The following nominees were confirmed:

#### ***The following people were confirmed by the Executive Council to serve on State boards and Commissions:***

##### Air Resources Council

(Steam Power Generating Industry) Elizabeth H. Tillotson, Concord

##### Director, Office of the Child Advocate

Moira K. O'Neill, Surry, Me

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Deputy Commissioner, Department of Administrative Services  
Catherine A. Keane, Concord

Independent Investment Committee  
Christine Clinton, Dublin

New Hampshire Land & Community Heritage Authority  
(Business) Douglas S. Cole, Loudon

New Hampshire Retirement System Board of Trustees  
(Non-member Trustee) Timothy S. Lesko, Hopkinton  
(NH Municipal Association) Scott M. Myers, Laconia

Oil Fund Disbursement Board  
(Fuel Oil Dealer) Dana G. Jones, Conway  
(Petroleum Distributor) Daniel S. Freihofer, Lyme

Recreational Therapy Governing Board  
(Public Member) Jayme L. Severance, Manchester

State Board of Education  
(At Large) Celina T. Griffin, Gilford

Waste Management Council  
(Elected Official) Philip D'Avanza, Goffstown

Wetlands Council  
(Elected Municipal Official)(Nominated by the Municipal Association) Gretchen  
A. Young, Dover

***The following people were nominated by Governor Sununu to serve on  
State boards and commissions:***

Board of Licensure of Interpreters for the Deaf and Hard of Hearing  
(Recommended by N.H. Association for the Deaf) Thomas W. Minch,  
Newmarket

Board of Registration of Medical Technicians  
Arthur W. Yan, Auburn

Higher Education Commission  
(Lay Public) Nancy Stiles, Hampton

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Medical Review Subcommittee

(Public Member) Thomas V. Trevethick, Nashua

New Hampshire Real Estate Commission

(Salesperson) Susan L. Doyle, Portsmouth

Rivers Management Advisory Committee

(Rep. of the Granite State Hydro Assoc.) Mark A. Lombardi, Hancock

State Board of Education

(Dist. 3) Philip J. Nazzaro, Newmarket

State Commission for Human Rights

Harvey Keye, Nashua

Douglas J. Palardy, New Castle

Melanie N. Malachi, Pembroke

Waste Management Council

(Elected Municipal Official) Donald J. Hamann, Rochester

Water Council

(Granite State Designers & Installers Association) Nathan R. Fogg, Wakefield

***The following resignations were accepted by the Executive Council:***

Chief Justice, New Hampshire Supreme Court

Linda Stewart Dalianis, Nashua

Water Council

Deborah L. Hinds, Boscawen

D. 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. The following contractors were approved with the pay scales noted:

[#46](#) Authorize to enter into a contract with Raymond's Landscaping LLC, Concord, NH, for excavation and paving services as needed in the event of an underground steam leak failure, for a total price not to exceed \$150,000. Raymond's Landscaping reports that its lowest paid employee would be the flagger/general labor at \$14.00 per hour.

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#19 Authorize the Bureau of Construction to enter into a contract with Cold River Bridges LLC, Walpole, NH, for the replacement of the Red List Bridge (Br. No. 113/064) that carries NH 123A (Main Street) over Bowers Brook and associated approach roadway improvements, on the basis of a low bid of \$1,234,567.89. (2) Further authorize a contingency in the amount of \$61,728.40 for payment of latent conditions which may appear during the construction of the project. The salary and benefit information for Cold River Bridges LLC for the Acworth Bridge Replacement Project (RT 123 A over Bowers Brook) is: Lowest paid individual: \$12.00/hour. Benefits:

- o Health/Dental/Life Insurance - Provided right away
- o Vacations – After 1 year
- o Holidays – After 90 days
- o Annual Bonus – 5% of annual earnings (paid each December)
- o 401: Match up to 5% total hours

E. Next Meeting

Our next regularly scheduled Executive Council meeting will occur on February 7, 2018, beginning at 10 a.m. in Council Chambers at the State House. 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 shall host the Council breakfast which anyone may attend. It will be held at the Granite State College, located at Exit 13 of I-93 in Concord, beginning at 8:00 a.m.

H. Items of Interest to District Two, by Region

Region 1-Monadnock Region

**DEPARTMENT OF TRANSPORTATION**

#14 Authorize the Bureau of Aeronautics to provide funding to the City of Keene, NH, to conduct a feasibility study for a Taxiway ‘A’ extension and relocation of the glideslope and Automated Weather Observation System at the Dillant-Hopkins Airport in Keene, NH, in the amount of \$93,100. Effective upon G&C approval through August 7, 2021. **90% Federal, 5% General, 5% Local Funds. Unanimous.**

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[#17](#) Authorize the Bureau of Construction to enter into a contract with Sargent Corporation, Stillwater, ME, for roadway reconstruction and widening NH Route 12 from the intersection of Main Street in North Walpole north approximately 2.75 miles to the intersection of NH Route 12A in Charlestown, on the basis of a low bid of \$14,752,626.75. (2)Further authorize a contingency in the amount of \$737,631.34 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. Unanimous.**

[#19](#) Authorize the Bureau of Construction to enter into a contract with Cold River Bridges LLC, Walpole, NH, for the replacement of the Red List Bridge (Br. No. 113/064) that carries NH 123A (Main Street) over Bowers Brook and associated approach roadway improvements, on the basis of a low bid of \$1,234,567.89. (2)Further authorize a contingency in the amount of \$61,728.40 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through October 12, 2018. **100% Other Funds. Unanimous.**

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

[#34](#) Authorize to retroactively amend a Brownfields Revolving Loan Fund cleanup grant to the City of Somersworth (originally approved by G&C on 5-13-17, item #79), for the cleanup of environmental contamination at the Breton Cleaners property, by extending the completion date to June 30, 2019 from December 31, 2017. No Additional Funding. *Unanimous.*

#### Region 2-Merrimack County

#### **DEPARTMENT OF TRANSPORTATION**

[#15](#) Authorize the Bureau of Rail & Transit to enter into transportation vehicle agreements with the two sub-grantees, Grafton County Senior Citizens Council, Lebanon, NH, and Granite State Independent Living, Concord, NH, for the total amount of \$205,000. Effective upon G&C approval. 85% Federal, 7.5% Capital General, 7.5% Private/Local Funds. *Unanimous.*

#### Region 3-Strafford County

#### **DEPARTMENT OF SAFETY**

[#39](#) Authorize the Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Washington for the purchase and installation of equipment to support the community's Emergency Operations Center, for a total amount of \$25,454. Effective upon G&C approval through September 30, 2018. 100% Federal Funds. *Unanimous.*