

## **Executive Council Meeting Report**

Meeting of April 17, 2019

### A. PARDON APPLICATION OF ALAIN ATA

I voted to grant a hearing to Mr. Ata thinking he would establish the truthfulness of his claim that his crime was a youthful indiscretion, that he had served his punishment and did not deserve to be deported. What Mr. Ata showed at his hearing was something quite different. Mr. Ata showed himself to be a manipulative, domestically violent person who has continued to recidivate. Although I asked in advance, he did not provide independent evidence of his deportation that has been threatened since about 2008.

Mr. Ata broke in and destroyed the home of his former girlfriend's father in 2004. He then fenced what he stole. The burglary was preceded by an arrest for threatening the same girlfriend with whom he fathered a child. The criminal proceeding that led to his incarceration was complicated, but there were likely off ramps to avoid the deportation issue that were not taken.

After his release from prison for the burglary, Mr. Ata again served time for drinking and driving and causing a serious car crash that injured a new girlfriend and himself.

After serving the sentence for drunk driving, Mr. Ata was subject to a domestic violence order that he violated as a mature adult in 2017. The victim, the first girlfriend, agreed to work out that violation and Mr. Ata was not incarcerated again. Mr. Ata remains under a domestic violence order to avoid contact with his former girlfriend and his daughter.

The pardon hearing established that Mr. Ata was not a young man who had been rehabilitated. He was now a not-so-young man who could not be relied upon to be truthful and candid. I could not tell whether he was honest even with himself.

I did not plan to vote against the pardon, but I felt it was my only choice after reaching the above conclusions. The pardon was denied on a 1-3-1 vote. Councilor Cryans supported the pardon. Councilors Pignatelli, Gatsas and I voted against the pardon. Councilor Prescott was upset with the denial of the pardon and refused to vote one way or the other. Councilor Prescott's motions to reconsider and table the matter were denied 2-3.

### B. Breakfast at the Department of Labor.

Councilor Gatsas hosted the Council breakfast on April 17<sup>th</sup> at the New Hampshire Department of Labor

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### C. Agenda Items of Interest

#### The Raise for Top Liquor Officials

The Council approved about a five percent (5%) raise for each of the state's four top liquor officials. The raises were approved on a 3-2 vote with Councilors Prescott, Gatsas and Cryans voting to approve the raises. Councilor Pignatelli and I voted against the raises. The officials and amounts of the raises are as follows: Commissioner Joseph Mollica (\$5,871.84), Dep. Commissioner Michael Milligan (\$5,549.46), Director Nicole Brassard-Jordan (\$5,089.76), and Director Mark Armaganian (\$5,089.76). The raises total \$21,600.82.

The raises were placed on our agenda by the Governor as late items, meaning the raises were not published in the normal course by the Secretary of State. The raises were a topic of controversy. A few months earlier, Councilors Cryans, Pignatelli and I voted to table the raises until the next set of audited financials were released because we shared a stated concern about the finances of the Liquor Commission and the Commission's shabby relationship with Labor. Councilor Cryans appears to have changed his vote based on review of incomplete and unaudited financial information and the fact that Commissioner Mollica attended one meeting with the SEIU, which represents state employees.

#### Contracts with the John Snow Institute

The Council approved two contract increases with the John Snow Institute (JSI) in Bow, NH totaling \$500,000 and approved a sole source contract for \$500,000. I asked for background information on JSI. Commissioner Meyers indicated that the state has approximately \$15 million in open contracts with JSI to provide trainings and research for the state. JSI was created in about 1995 to work with NH Health and Human Services, Federally Qualified Health Centers and rural healthcare providers in NH. The votes were 4-1 with Councilor Gatsas dissenting.

#### Bus Subsidy

The Council approved a payment of \$261,722 to the Manchester Transit Authority to provide half the funds required to match federal funding to purchase buses.

#### Clean Water State Revolving Fund

The Council voted to increase the amount of a state revolving fund loan to the City of Portsmouth from \$78.5 million to \$80 million.

### D. Nominations and Confirmations

The following individuals were confirmed by the Executive Council to serve on State Boards and Commissions:

**Athletic Trainers Governing Board**, Andrea I. Elliot, Manchester, NH

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**Board of Foresters**, Richard R. Roy, Concord, NH  
**Board of Nursing**, Wendy Stanley Jones, Greenland, NH  
**Business Finance Authority**, Jeffrey R. Hayes, Intervale, NH and Stephen M. Duprey, Concord, NH  
**Compensation Appeals Board**, Susan A. Jeffery, Manchester, NH and Daniel P. Manning, Manchester, NH  
**Director, Division of Historical Resources** DNCR Benjamin H. Wilson, Hopkinton, NH  
**Director, Division of Municipal and Property**, DRA James P. Gerry, Bedford, NH  
**Enhanced 911 Commission**, Christopher K. Hodgdon, Contoocook, NH  
**Invasive Species Committee**, Gabriel E. Roxby, Henniker, NH  
**New Motor Vehicle Arbitration Board**, Chichester, NH  
**Volunteer New Hampshire Board of Directors**, Michael C. Castaldo, Dover, NH, and Gregory J. Lange, Manchester, NH, and Jennifer Rainie, Concord, NH  
**Water Council**, John A. Gilbert, Greenland, NH  
**Waste Management Council**, Eric S. Steinhauser, Concord, NH  
**Commissioner, Department of Safety**, Robert L. Quinn, Seabrook, NH  
**Assistant Commissioner, Department of Safety**, Perry E. Plummer, Dover, NH

The following individuals were nominated by Governor Sununu to serve on State Boards and Commissions:

**Acting Director of the Division of Travel and Tourism Development**, BEA, Amy O. Bassett, Hopkinton, NH  
**Board of Chiropractic Examiners**, Lawrence A. Patten, Hollis, NH  
**Board of Nursing**, Melissa M. Tuttle, Hooksett, NH  
**Commissioner, Department of Information Technology**, Denis C. Goulet, Manchester, NH  
**Community Development Finance Authority**, Benjamin Gaetjens-Oleson, Lancaster, NH  
**Compensation Appeals Board**, Donna M. Daneke, Manchester, NH  
**Dental Hygienists Committee**, Myra J. Nikitas, Nashua, NH  
**Director of Waste Management, DES**, Michael J. Wimsatt, Concord, NH  
**Fish and Game Commission**, Frederick T. Bird, Lee, NH and Paul W. DeBow, Plymouth, NH  
**Judicial Retirement Plan Board of Trustees**, Crystal A. Dionne, Candia, NH  
**Lakes Management Advisory Committee**, Bruce K. Temple, Claremont, NH and Lisa M. Morin, Laconia, NH  
**Lakes Management Advisory Committee**, Matthew T. Labonte, Bow, NH  
**University System of NH Board of Trustees**, George S. Hansel, Keene, NH  
**Volunteer NH Board of Directors**, Jennifer A. Eber, Deering, NH

E. Spotlight

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### \$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.

JSI Research and Training Institute Inc., Bow, NH, agenda item #15 was awarded a \$592,483 contract. They have not responded to the request.

Hi-Way Safety Systems Inc., agenda item #35 was awarded a \$429,826.61 contract. They reported their lowest hourly wage is \$25.00 an hour. No benefits are provided.

R.M. Piper, Inc., agenda item #37, was awarded a \$3,288,304.80 contract. They report their lowest hourly wage is \$15.00 an hour. Benefits are offered after 90 days and an additional \$6.00-8.00 an hour.

R.S. Audley, Inc., agenda item #40, was awarded a \$2,465,683.60 contract. They report their lowest hourly wage is \$16.00 an hour. Benefits are offered after 30 days.

Anseal, Inc., agenda items #43 & #44, was awarded two contracts. Item #43 for \$662,295.17 and item #44 for \$576,120.00. They report their lowest hourly wage is \$20.00 an hour. No benefits are provided.

GMI Asphalt LLC, agenda items #44B & #44E, was awarded two contracts. Item #44B for \$3,724,936.55 and item #44E for \$3,784,755.82. They report their lowest hourly wage is \$18.00 an hour. Medical/Dental and 401K benefits are offered after 60 days.

Continental Paving, Inc., agenda items #44C & #44D, was awarded two contracts. Item #44C for \$4,414,939.14 and item #44D for \$3,155,515.46. They report their lowest hourly wage is \$18.00 an hour. Benefits are offered after 90 days.

### F. Next Meeting

Our next regularly scheduled Executive Council meeting will occur on May 1, 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>

Councilor Pignatelli will host the Council breakfast at the new Circuit Court Headquarters in Concord. The public is welcome to attend. The breakfast begins at 8 a.m.

### G. Items of Interest to District Two, by Region

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Region 1-Monadnock Region

#5 **MOP 150, I, B (5): Other Items**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**#A.** Authorized to amend a Drinking Water and Groundwater Trust Fund grant to the City of Dover, NH, (originally approved by G&C on 3-21-18, item #45), to complete an interconnection with the City of Somersworth's drinking water system which will act as an emergency supply for both systems in the event a well must be taken offline or other water system emergency, by extending the completion date to December 1, 2020 from December 1, 2019. No Additional Funding. **VOTE: Unanimous**

**DEPARTMENT OF JUSTICE**

**#B.** Authorized to amend an existing contract with Market Decisions LLC, Portland, ME (originally approved by G&C on 10-31-18, item #91), to gather more data relating to the needs of victims of crime, by extending the end date from April 30, 2019 to June 30, 2019. No Additional Funding. **VOTE: Unanimous**

**DEPARTMENT OF ADMINISTRATIVE SERVICES**

**#C.** Authorized the Bureau of Purchase and Property to enter into a **sole source** contract amendment option with GIVEX USA Corporation, Dallas, TX (originally approved by G&C on 5-4-16, item #84), for the provision of gift card processing services, by extending the completion date through May 5, 2022. **VOTE: Unanimous**

**#58** Authorized the NH State Conservation Committee to enter into a grant with Monadnock Conservancy, in the amount of \$20,000 for *Wood Conservation Easement* in the Town of Walpole, Cheshire County. Effective upon G&C approval through April 30, 2020. **100% Other Funds. VOTE: Unanimous**

**#137** Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Unity to purchase and install one electronic message board and one emergency management trailer for a total amount of \$26,572. Effective upon G&C approval through September 30, 2019. **100% Federal Funds. VOTE: Unanimous**

Region 2-Merrimack County

**#12** Authorized to enter into a **retroactive sole source** agreement with Merrimack Valley Assistance Program Inc., Concord, NH, to provide supportive services, rental assistance, housing information and mortgage and utility payments to low income persons, and their families, living with Human Immunodeficiency Virus (HIV) / Acquired Immune Deficiency Syndrome (AIDS), in an amount not to exceed \$719,178. Effective April 1, 2019 through March 31, 2022. **100% Federal Funds. VOTE: Unanimous**

**#13** Authorized the Division of Long Term Supports and Services, Bureau of Special Medical Services to hold a program, "Developmental Screening in NH: A Stakeholder Meeting" for

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Department staff, contractors, and stakeholders who work with children and families with and/or at risk for developmental delays, various special health care needs, and/or complex conditions, on May 7, 2019, at the Courtyard Marriott, Grappone Conference Center in Concord, NH, for a total conference cost not to exceed \$5,006.50. (2) Further Authorized an advance payment of \$400 to the Courtyard by Marriott, Grappone Conference Center, Concord, NH. Effective upon G&C approval through June 30, 2019. **36% General, 64% Federal Funds. VOTE: Unanimous**

[#17](#) Authorized, with the Division of Public Health Services, to exercise a renewal option to an existing agreement with Concord Hospital Inc., Concord, NH (originally approved by G&C on 4-22-15, item #22), for the provision of laboratory, pathology and employee health services, by increasing the price by \$570,000 from \$1,210,000 to \$1,780,000, and by extending the end date from June 30, 2019 to June 30, 2021. **3% Federal, 35% General, 62% Other (Medicare, Medicaid & third party insurance) Funds. VOTE: Unanimous**

[#20](#) Authorized to enter into an agreement with Susan Fischer Davis, M.D., Concord, NH, to provide clinical consulting services, in an amount not to exceed \$207,357. Effective upon G&C approval through June 29, 2021. **100% Federal Funds. VOTE: Unanimous**

[#44C](#) Authorized the Bureau of Construction to enter into a contract with Continental Paving Inc., Londonderry, NH, for resurfacing of 19 sections for approximately 54 miles in 21 towns in District VI in Rockingham and Strafford Counties, on the basis of a low bid of \$4,414,939.14. Effective upon G&C approval through September 13, 2019. **100% Other Funds (35% Betterment, 65% Agency Income). VOTE: Unanimous**

[#56](#) Authorized the NH State Conservation Committee to enter into a grant with Five Rivers Conservation Trust, in the amount of \$20,000 for *Houston Field Conservation Easement* project in the Town of Hopkinton, Merrimack County. Effective upon G&C approval through April 30, 2021. **100% Other Funds. VOTE: Unanimous**

[#61](#) Authorized the NH State Conservation Committee to enter into a grant with Merrimack County Conservation District, in the amount of \$21,000 for *Contoocook River Watershed Eastern Brook Trout Habitat Project* in the Towns of Sutton and Webster, Merrimack County. Effective upon G&C approval through April 30, 2021. **100% Other Funds. VOTE: Unanimous**

[#78](#) Authorized the Division of Forests and Lands to enter into a contract with Raymond's Landscaping LLC, Concord, NH, to provide a new septic system for the office building at the State Forest Nursery in Boscawen, NH, in the amount of \$32,864.66. Effective upon G&C approval through June 30, 2019. **100% Capital Funds. VOTE: Unanimous**

[#89](#) Authorized to enter into a grant agreement with the Upper Valley Lake Sunapee Regional Planning Commission, totaling \$12,279 to fund Household Hazardous Waste collection projects. Effective upon G&C approval through June 30, 2019. **100% Hazardous Waste Funds. VOTE: Unanimous**

[#109](#) Authorized to award an Aquatic Resource Mitigation Fund grant to the City of Concord, NH, in the amount of \$350,000 for the purpose of acquiring land owned by Country Hill Estates Associates

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in Concord. Effective upon G&C approval through December 31, 2019. **100% ARM Funds. VOTE: Unanimous**

#150 Authorized the Division of Public Works Design and Construction to enter into a contract amendment with Turnstone Corporation, Milford, NH (originally approved by G&C on 3-21-18, item #75), to establish a contingency for Steam Conversion at the State House, State House Annex, and State Library, Concord, NH, by increasing the amount by \$500,000 from \$7,149,000 to \$7,649,000. (2) Further Authorized an increase in the amount of \$160,000 from \$30,000 to \$190,000 for payment to the Department of Administrative Services, Division of Public Works Design and Construction, clerk for oversight and engineering services provided, bringing the total to \$660,000. Effective upon G&C approval through the original end date of October 30, 2019. **100% General Funds. VOTE: Unanimous**

### Region 3-Strafford County

#### #5 MOP 150, I, B (5): Other Items

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

#A. Authorized to amend a Drinking Water and Groundwater Trust Fund grant to the City of Dover, NH, (originally approved by G&C on 3-21-18, item #45), to complete an interconnection with the City of Somersworth's drinking water system which will act as an emergency supply for both systems in the event a well must be taken offline or other water system emergency, by extending the completion date to December 1, 2020 from December 1, 2019. No Additional Funding. **VOTE: Unanimous**

#### **DEPARTMENT OF JUSTICE**

#B. Authorized to amend an existing contract with Market Decisions LLC, Portland, ME (originally approved by G&C on 10-31-18, item #91), to gather more data relating to the needs of victims of crime, by extending the end date from April 30, 2019 to June 30, 2019. No Additional Funding. **VOTE: Unanimous**

#### **DEPARTMENT OF ADMINISTRATIVE SERVICES**

#C. Authorized the Bureau of Purchase and Property to enter into a **sole source** contract amendment option with GIVEX USA Corporation, Dallas, TX (originally approved by G&C on 5-4-16, item #84), for the provision of gift card processing services, by extending the completion date through May 5, 2022. **VOTE: Unanimous**

#16 Authorized to amend and exercise a renewal option to an existing agreement with Behavioral Health and Developmental Services of Strafford County Inc., d/b/a Community Partner of Strafford County, Rochester, NH (originally approved by GC on 12-21-16, item #14), for the provision of the ServiceLink Resource Center programs, by increasing the price limitation by \$483,483 from \$8,029,367.28 to an amount not to exceed \$8,512,850.28, and by extending the completion date from June 30, 2019 to June 30, 2020. Effective **retroactive** to January 1, 2019. **58% Federal, 42% General Funds. VOTE: Unanimous**



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[#21](#) Authorized to enter into a **retroactive sole source** agreement with the University of NH, Durham, NH, for the Evaluation of Community Collaboration to Strengthen and Preserve Families, in an amount not to exceed \$360,000. Effective January 1, 2019 through June 30, 2021. **100% Federal Funds. VOTE: Unanimous**

[#38](#) Authorized the Bureau of Materials & Research to enter into a **sole source** Cooperative Project Agreement with the University of NH Sponsored Programs Administration, Durham, NH, for a cooperative evaluation of an alternate method of estimating soil infiltration rates used to assess the suitability of a site for various stormwater best management practices, for a fee not to exceed \$111,812. (2) Further Authorized to enter into a **sole source** Cooperative Project Agreement with the University of NH Sponsored Programs Administration, Durham, NH, for a cooperative evaluation of a smart rock sensor system that can provide the necessary field response data to improve rockfall simulation software models, for a fee not to exceed \$100,249. Effective upon G&C approval through June 30, 2021. **100% Federal Funds. VOTE: Unanimous**

[#44B](#) Authorized the Bureau of Construction to enter into a contract with GMI Asphalt LLC, Belmont, NH, for resurfacing of approximately 50 miles of various Tier 2, 3, and 4 roadways in 19 towns in District II and IV in Grafton, Merrimack and Sullivan Counties, on the basis of a low bid of \$3,724,936.55. Effective upon G&C approval through September 13, 2019. **100% Other Funds (83% Betterment, 17% Agency Income). VOTE: Unanimous**

[#44D](#) Authorized the Bureau of Construction to enter into a contract with Continental Paving Inc., Londonderry, NH, for resurfacing of approximately 39 miles of various Tier 2, 3, and 4 roadways in District V in the Counties of Hillsborough, Merrimack, and Rockingham, on the basis of a low bid of \$3,155,515.46. Effective upon G&C approval through September 13, 2019. **100% Other Funds (77% Betterment, 23% Agency Income). VOTE: Unanimous**

[#48](#) Authorized to enter into a **retroactive** agreement/MOU sponsorship with the University of NH, Institute on Disability, to provide an intensive leadership training program for people with disabilities and their families, in the amount of \$10,500. Effective September 2018 through June 30, 2019. **100% Federal Funds. VOTE: Unanimous**

[#73](#) Authorized to enter into a **sole source** Cooperative Project Agreement with University of NH to carry out endangered seabird conservation, for a total of \$56,722. Effective upon G&C approval through March 31, 2020. **58% Federal, 42% Other (Non-Game Program) Funds. VOTE: Unanimous**

[#98](#) Authorized to amend an agreement with the University of NH (originally approved by G&C on 12-20-17, item #70), for the *Great Bay Pollution Tracking and Accounting Pilot Project – Phase 3* project, by extending the end date from June 30, 2019 to June 30, 2020. No Additional Funding. **VOTE: Unanimous**

[#99](#) Authorized to award an Aquatic Resource Mitigation Fund grant to the Town of Durham, NH, in the amount of \$250,000 to restore lost and degraded salt march along the tidal Oyster River at the Wagon Hill Farm property. Effective upon G&C approval through December 31, 2024. **100% ARM Funds. VOTE: Unanimous**



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[#123](#) Authorized the Division of Education Analytics and Resources to enter into a contract with Demonstrated Success LLC, Dover, NH, to assist NH schools and districts in their use and analysis of a variety of data, in the amount of \$186,125. Effective upon G&C approval through June 30, 2020, with an option to renew for one additional fiscal year. **100% Federal Funds. VOTE: Unanimous**