

GOVERNOR AND EXECUTIVE COUNCIL MINUTES
Department of Environmental Services Auditorium, Concord, New Hampshire
November 10, 2021 10:00 a.m.

The Governor and Executive Council convened at 10:00 a.m. with all members present.

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Councilor Warmington offered a prayer and led the pledge of allegiance.

The Governor and Executive Council on motion of Councilor Warmington, seconded by Councilor Stevens, voted to approve the minutes of the October 27, 2021 meeting.

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The Governor and Executive Council, on motion of Councilor Kenney, seconded by Councilor Gatsas, approved the appointment of several persons nominated for Civil Commissions from the October 27, 2021 meeting.

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The Governor placed into nomination the several persons who applied for Civil Commissions.

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The following representative-elect was sworn into office:

Cheshire County District No. 9 (Dublin, Harrisville, Jaffrey, Roxbury)
Andrew Maneval, d, Harrisville (PO Box 300) 03450

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RESIGNATIONS

The Governor and Council accepted the following resignations.

Executive Director, New Hampshire Land and Community Heritage Authority - RSA 227-M:6
Dorothy Tripp Taylor, Hopkinton Effective: December 31, 2021

Medical Review Subcommittee - RSA 329:17-V-a
Robert W. Niegisch, Bow Effective: November 10, 2021

Midwifery Council - RSA 326-D
Amy E. Darling, Milton Mills Effective: November 10, 2021

New Hampshire Health and Education Facilities Authority - RSA 195-D:4
Deanna S. Howard, Etna Effective: November 10, 2021

CONFIRMATIONS

The Governor and Council confirmed the following.

Air Resources Council - RSA 21-O:11
(Municipal Government)
Rudolph A. Cartier, Jr, Candia Effective: November 10, 2021
Reappointment Term: October 24, 2025

Board of Foresters - RSA 310-A:100
(Private Forester)
Patrick E. Kenney, Wilton Effective: November 10, 2021
Succeeding: Jacob P. Bronnenberg, Loudon Term: August 22, 2025

Board of Psychologists - RSA 329-B:3
(Psychologist)
Robert P. Walrath, Nashua Effective: November 10, 2021
Reappointment Term: July 1, 2024

Dental Hygienists Committee - RSA 317-A
(Nom. by the Dental Hygiene Education Community)
Barbara A. Stowers, New Boston Effective: November 10, 2021
Reappointment Term: September 28, 2023

Fire Standards and Training Commission - RSA 21-P:26
(N.H. State Fireman's Assoc.)
Francis X. Fraitzl III, Bedford
Succeeding: Jeremy B. Thibeault, Etna (resigned)
Effective: November 10, 2021
Term: August 1, 2024

Independent Investment Committee - RSA 100-A:14-b-I
Scott Hammond, Canaan
Succeeding: Keith Quinton, Hanover (resigned)
Effective: November 10, 2021
Term: June 30, 2023

Justice, New Hampshire Circuit Court - RSA 490-F
Michael J. Zaino, Hampton
Effective: November 10, 2021
Term: Until 70 Years of Age

Justice, New Hampshire Circuit Court - RSA 490-F
Philip D. Cross, Portsmouth
Effective: November 10, 2021
Term: Until 70 Years of Age

Justice, New Hampshire Circuit Court - RSA 490-F
Daniel J. Swegart, Warner
Effective: November 10, 2021
Term: Until 70 Years of Age

New Hampshire Health and Education Facilities Authority - RSA 195-D:4
Margaret A. Bourque Dolan, Hooksett
Succeeding: Jill A. Duncan, Meredith (resigned)
Effective: November 10, 2021
Term: June 30, 2023

New Hampshire Real Estate Commission - RSA 331-A:5
(Broker)
Ralph Valentine, Windham
Succeeding: Richard W. Hinch, Merrimack
Effective: November 10, 2021
Term: September 15, 2026

Public Utilities Commission - RSA 363 – Councilor Warmington voted **no**.
(Chairman)
Daniel C. Goldner, Manchester
Succeeding: Dianne Martin, Deerfield
Salary: LG, JJ, \$ 132,886.00
Effective: November 10, 2021
Term: July 1, 2025

Public Utilities Commission - RSA 363
Carleton B. Simpson, Hampton
Succeeding: Daniel C. Goldner, Manchester
Salary: LG, JJ, \$126,620.00
Effective: November 10, 2021
Term: July 1, 2023

Public Water Access Advisory Board - RSA 233-A:2
(Rep. Rivers Assoc.)
Michele L. Tremblay, Boscawen
Reappointment
Effective: November 10, 2021
Term: December 16, 2022

Recreational Therapy Governing Board - RSA 328-F:4
Matthew S. Frye, Northwood
Succeeding: Allison Wilder, Nottingham
Effective: November 10, 2021
Term: October 25, 2022

NOMINATIONS

The following nominations were submitted:

Assistant Commissioner, Department of Revenue Administration - RSA 21-J
Carolyn J. Lear, Goffstown
Reappointment
Salary: LG, JJ, 132,886.00
Effective: Upon Confirmation
Term: January 1, 2026

Board of Licensing for Alcohol and Other Drug Use Professionals - RSA 330-C:3
 (Master Licensed Alcohol and Drug Counselor)
 Kelly M. Luedtke, Raymond
 Reappointment
 Effective: Upon Confirmation
 Term: January 28, 2024

Board of Medicine - RSA 329
 (Public Member)
 Nina C. Gardner, Sanbornton
 Reappointment
 Effective: Upon Confirmation
 Term: October 14, 2026

Board of Natural Scientists - RSA 310-A:81
 (Public Member)
 Abigail Thompson Fopiano, Gilford
 Vacancy
 Effective: Upon Confirmation
 Term: December 17, 2022

Board of Home Inspectors - RSA 310-A:186
 (Home Inspector)
 Nathan Perry Lemay, Concord
 Reappointment
 Effective: Upon Confirmation
 Term: December 18, 2026

Community College System of New Hampshire, Board of Trustees - RSA 188-F
 (Technology Sector)
 Richard Ackerman, Lebanon
 Vacancy
 Effective: Upon Confirmation
 Term: June 30, 2022

Community College System of New Hampshire, Board of Trustees - RSA 188-F
 (General Public)
 Donnalee M. Lozeau, Nashua
 Vacancy
 Effective: Upon Confirmation
 Term: June 30, 2022

Director of Intergovernmental Affairs, Department of Business and Economic Affairs - RSA 12-O:9
 Alexander J. Fries, Concord
 Vacancy
 Salary: LG, DD, \$64,246.00
 Effective: Upon Confirmation
 Term: 4 years from Confirmation

Genetic Counselors Governing Board - RSA 328-F:4
 (Genetic Counselor)
 Kathryn Lockwood, Auburn
 Reappointment
 Effective: Upon Confirmation
 Term: November 6, 2022

Justice, New Hampshire Superior Court - RSA 491:1
 Mark D. Attorri, Bow
 Effective: Upon Confirmation
 Term: Until 70 Years of Age

Real Estate Appraiser Board - RSA 310-B
 (Certified General Appraiser)
 Andrew G. Lemay, Concord
 Reappointment
 Effective: Upon Confirmation
 Term: August 12, 2024

Speech-Language Pathology and Hearing Care Provider Governing Board - RSA 328- F:4
 (Licensed SLP)
 Ian McGarty, Goffstown
 Reappointment
 Effective: Upon Confirmation
 Term: March 4, 2024

CONSENT CALENDAR AGENDA

The Governor and Council on motion of Councilor Wheeler, seconded by Councilor Kenney acted as follows:

#1 **MOP 150, I, B (1): Expenditure Approvals** - NONE

#2 **MOP 150, I, B (2): Approval of Acceptances**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
Division for Behavioral Health**

#A. Authorized to accept videography services valued at approximately \$1,400 from Bedford Community Television to develop public service announcements for the NH Suicide prevention Conference. Effective upon G&C approval.

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

#B. Authorized to accept a gift for travel reimbursement, not to exceed \$3,000 from the National Association of State Boards of Pharmacy, to allow two employees to attend the annual Compliance Officer and Legal Counsel Forum November 30, 2021 through December 1, 2021, in Chicago/Northbrook, Illinois.

#3 **MOP 150, I, B (3): Reports and Findings**

INSURANCE DEPARTMENT

#A. Authorized to accept and place on file the 170th Annual Report for fiscal Year 2021.

DEPARTMENT OF ADMINISTRATIVE SERVICES

#B. Authorized to accept and place on file the Report and Findings of Councilor Theodore L. Gatsas with regard to a certain project in participation with Birch Hill Terrace in Manchester, NH.

DEPARTMENT OF TRANSPORTATION

#C. Authorized the Bureau of Right of Way's petition for a hearing on the proposed replacement of the existing red-listed twin-pipe bridge (Br. No. 091/048) in Springfield, with a suggested budget of \$863.28. A commission of three, as listed, shall determine whether there is occasion for the replacement of the red-listed twin-pipe bridge No, 091/048 and the intersection widening at Stryker Road and Fisher Corner Road in the Town of Springfield as will be presented at the hearing.

#4 **MOP 150, I, B (4): Nominations, Confirmations and Appointments**

DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

#A. Authorized the nomination of Raymond R. Youngs, Bow, NH, for appointment to the rank of Major, NH Army National Guard. This officer meets the physical, moral and professional qualifications for this grade promotion in the NH Army National Guard.

DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

#B. Authorized the nomination of Brooks J. Hayward, Epsom, NH, for appointment to the rank of Lieutenant Colonel, NH Army National Guard. This officer meets the physical, moral and professional qualifications for this grade promotion in the NH Army National Guard.

DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

#C. Authorized the nomination of Michael A. Butler, Manchester, NH, for appointment to the rank of Lieutenant Colonel, NH Army National Guard. This officer meets the physical, moral and professional qualifications for this grade promotion in the NH Army National Guard.

DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

#D. Authorized the nomination of Darrell W. Davis, Kennebunk, ME, for appointment to the rank of Lieutenant Colonel, NH Army National Guard. This officer meets the physical, moral and professional qualifications for this grade promotion in the NH Army National Guard.

DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

#E. Authorized the nomination of Joshua P. Roberts, Tilton, NH, for appointment to the rank of Lieutenant Colonel, NH Army National Guard. This officer meets the physical, moral and professional qualifications for this grade promotion in the NH Army National Guard.

DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

#F. Authorized the nomination of Scott C. Bacon, Epping, NH, for appointment to the rank of Major, NH Army National Guard. This officer meets the physical, moral and professional qualifications for this grade promotion in the NH Army National Guard.

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

DEPARTMENT OF ENVIRONMENTAL SERVICES

#A. Authorized to amend an Aquatic Resource Mitigation grant to The Nature Conservancy, Concord, NH (originally approved by G&C on 12-7-16, item #56), to complete the floodplain forest restoration at the project site in Swanzey, NH, by extending the completion date to December 31, 2023 from December 30, 2021. No Additional Funding. **100% Aquatic Resource Mitigation Funds.**

DEPARTMENT OF TRANSPORTATION

#B. Authorized the Bureau of Rail & Transit to enter into a **sole source** contract amendment with Concord Coach Lines Inc., Concord, NH (G&C 3-3-21, Info Item #D), to support daily commuter bus service between Concord, NH and Boston, MA utilizing Federal Transportation Administration Section 5307 Coronavirus Aid, Relief, and Economic Security Act funds, by extending the end date from December 31, 2021 to June 30, 2022. No Additional Funding.

DEPARTMENT OF TRANSPORTATION

#C. Authorized the Bureau of Rail & Transit to enter into a **sole source** contract amendment with Dartmouth Transportation Company Inc., Concord, NH (G&C 3-3-21, Info Item #F), to support daily commuter and intercity bus service between Hanover, Lebanon and New London, NH and Boston, MA utilizing Federal Transportation Administration Section 5307 Coronavirus Aid, Relief, and Economic Security Act funds, by extending the end date from December 31, 2021 to June 30, 2022. No Additional Funding.

DEPARTMENT OF TRANSPORTATION

#D. Authorized the Bureau of Rail & Transit to enter into a **sole source** contract amendment with Jalbert Leasing Inc., d/b/a C&J Bus Lines, Portsmouth, NH (G&C 3-3-21, Info Item #E), to support daily commuter bus service between Dover and Portsmouth, NH and Boston, MA utilizing Federal Transportation Administration Section 5307 Coronavirus Aid, Relief, and Economic Security Act funds, by extending the end date from December 31, 2021 to June 30, 2022.

#6 NOT USED

REGULAR AGENDA

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Commissioner

The Governor and Council on motion of Councilor Stevens, seconded by Councilor Kenney acted as follows:

#7 Authorized to enter into a COVID-19 Vaccination Aid agreement with an unspecified number of First Responder Organizations and to **retroactively** make unencumbered payments to participating First Responder Organizations that provide personnel to assist the State with administering COVID-19 vaccinations, not to exceed a shared price of \$6,000,000 across all participating organizations. Effective October 1, 2021 through December 31, 2021. **100% Federal Funds.**

#8 Authorized to finalize the determination made by the Commissioner that on October 9, 2021 a Nursing Coordinator at NH Hospital, sustained an injury in the line of duty due to a hostile or overt act, or an act caused by another during the performance of duties which are considered dangerous in nature. Effective upon G&C approval.

Division of Medicaid Services

#9 The Governor and Council on motion of Councilor Stevens, seconded by Councilor Warmington, authorized to place Jordan McCormick at Step 6 for the position of Medicaid Provider Relations Manager, position #9U390, unclassified salary grade EE, \$90,298. Effective upon G&C approval. **50% General, 50% Federal Funds.**

Division for Behavioral Health

#10 The Governor and Council on motion of Councilor Kenney, seconded by Councilor Warmington, authorized to enter into a **sole source** cooperative project agreement with the University of NH, College of Health and Human Services, Durham, NH, to provide administrative support to the Department for the NH Drug Overdose Fatality Review Commission, in the amount of \$98,566. Effective upon G&C approval through September 29, 2022, with the option to renew for up to 4 additional years. **100% Federal Funds.**

New Hampshire Hospital

#11 The Governor and Council on motion of Councilor Warmington, seconded by Councilor Stevens, authorized to amend an existing contract with Riverbend Community Health Inc., Concord, NH (originally approved by G&C on 2-5-20, item #13), to continue scheduling and performing electroconvulsive therapy consultations for patients of NH Hospital, referred by the Department, by exercising a contract renewal option, by increasing the price by \$60,000 from \$60,000 to \$120,000 and by extending the completion date from December 31, 2021 to December 31, 2023. **36% General, 64% Other Funds (Interagency and agency income).**

Division of Long Term Supports and Services

#12 The Governor and Council on motion of Councilor Warmington, seconded by Councilor Kenney, authorized to **retroactively** pay the National Association of State Directors of Developmental Disabilities Services, Alexandria, VA, in the amount of \$5,768 for annual membership dues. Effective July 1, 2021 through June 30, 2022. **55.81% General, 44.19% Federal Funds.**

Division of Public Health Services

The Governor and Council on motion of Councilor Warmington, seconded by Councilor Gatsas acted as follows:

#13 Authorized to enter into amendments to existing contracts with the contractors as detailed in letter dated October 18, 2021 (originally approved by G&C on 7-31-19, item #18), to expand the workforce of Community Collaboration services, by providing a service array of best practice parental assistance programming to the Manchester and Winnepesaukee communities to reduce child maltreatment and the risk of children entering foster care, and to address influencing factors due to COVID-19 as they relate to priority populations, including racial and ethnic minorities and rural populations, by increasing the price by \$559,950 from \$3,128,266 to \$3,688,216 with no change to the completion date of June 30, 2023. **100% Federal Funds.**

#14 Authorized to enter into an amendment to an existing contract with Maxim Healthcare Staffing Services Inc., Manchester, NH (G&C 8/26/20, Info Item #K), for temporary staff to assist the Department's ongoing COVID-19 public health response, by increasing the price by \$2,828,054 from \$18,443,219 to \$21,271,273 with no change to the completion date of December 31, 2021. **100% Federal Funds.**

#15 Authorized to enter into a **retroactive sole source** contract with Rockingham County, Brentwood, NH, for COVID-19 testing for staff in long-term care facilities, in the amount of \$673,800. Effective December 30, 2020 through June 30, 2021. **100% Federal Funds.**

#16 Authorized to enter into a contract with Proxtronics Dosimetry LLC, Alexandria, VA, for unlimited telephone support and on-site services and repairs for the Panasonic Thermoluminescent Dosimeter Reader UD-716AGL, in the amount of \$48,900. Effective upon G&C approval through December 31, 2023, with the option to renew for up to one additional year. **100% Other Funds (NH Department of Safety, Bureau of Emergency Management, Homeland Security Utility Assessment Fee).**

#16A NOT USED

#16B Authorized to enter into a **sole source** contract with Bi-State Primary Care Association Inc., Bow, NH, to expand health equity infrastructure in Community Health Centers across the state, in the amount of \$5,570,000. Effective upon G&C approval through June 30, 2023, with the option to renew for up to 2 additional years. **100% Federal Funds.**

#16C Authorized to amend existing contracts listed in bold as detailed in letter dated November 3, 2021, for the provision of Regional Public Health Network services statewide, by increasing the total price by \$1,464,887 from \$18,226,569 to \$19,691,456, with no change to the completion dates of June 30, 2022. **100% Federal Funds.**

DEPARTMENT OF TRANSPORTATION

The Governor and Council on motion of Councilor Kenney, seconded by Councilor Wheeler acted as follows:

#17 Authorized the Bureau of Finance and Contracts to pay small claims in the amount of \$8,161.75. Effective upon G&C approval. **100% Highway Funds.**

#18 Authorized the Bureau of Transportation Systems Management & Operations to pay a **retroactive** invoice, in the amount of \$458.69 to NH Public Broadcasting, Durham, NH, for tower rental in July 2019. **52% Highway, 48% Other Funds (Intra-Agency Transfers).**

#19 Authorized the Bureau of Right of Way to pay property owners \$52,541 as documented in the Contemplated Awards List for amounts greater than \$5,000 for the period extending from September 30, 2021 through October 13, 2021.

#20 Authorized the Bureau of Right of Way to sell a 0.39 +/- of an acre parcel of state-owned land located at 915 Bodwell Road, Manchester, NH, to Russell Small for \$211,000 plus an \$1,100 administrative fee. Effective upon G&C approval. (2)Further authorized to compensate Coldwell Banker Realty in Bedford from the proceeds of the subject sale in the amount of \$12,660 for real estate services. Effective upon G&C approval.

#21 Authorized the Bureau of Right of Way to pay property owners \$306,500 as documented in the Contemplated Awards List for amounts greater than \$5,000 for the period extending from October 13, 2021 through October 20, 2021.

#22 Authorized the Bureau of Right of Way to sell a 3.56 +/- acre parcel of state-owned land with improvements, located on the northerly side of US Route 2 in the Town of Shelburne to William F. Misek for \$95,000 plus an \$1,100 administrative fee. Effective upon G&C approval. (2)Further authorized to compensate Badger Realty from the proceeds of the subject sale in the amount of \$5,700 for real estate services. Effective upon G&C approval.

#23 Authorized the Bureau of Rail & Transit to enter into a **sole source** agreement with Dartmouth Transportation Company Inc., Concord, NH, for expenses related to winter maintenance of the I-89 Exit 12 Park and Ride lot in New London, for an amount not to exceed \$9,500. Effective upon G&C approval through June 30, 2022. **100% Highway Funds.**

#24 Authorized the Bureau of Construction to enter into a contract with Evroks Corporation, Northfield, NH, for bridge replacement in Allenstown and Pembroke, on the basis of a low bid of \$3,220,305.87. (2)Further authorized a contingency in the amount of \$322,030.59 for payment of latent conditions, which may appear during the construction of the project. Effective upon G&C approval through October 13, 2023. **100% Other Funds.**

#25 Authorized the Bureau of Bridge Design to **retroactively** pay the invoice to American Association of State Highway and Transportation Officials, Washington, DC, for Bridge Management software license in the amount of \$51,500 for the period of July 1, 2021 through June 30, 2022. **100% Federal Funds.**

#26 Authorized the Bureau of Construction to enter into a contract with K5 Corporation, Rockland, MA, for replacement and upgrade of signs on NH Route 101 in Epping, Brentwood, and Exeter, on the basis of a low bid of \$391,239.24. (2)Further authorized a contingency in the amount of \$39,123.92 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through October 28, 2022. **100% Federal Funds.**

#27 Authorized the Bureau of Construction to enter into a contract with C.L.H. & Son Inc., Auburn, ME, for culvert rehabilitation in Meredith, on the basis of a low bid of \$467,230. (2)Further authorized a contingency in the amount of \$46,723 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through October 7, 2022. **100% Federal Funds.**

#28 Authorized the Bureau of Construction to enter into a contract with Modern Protective Coatings Inc., Hudson, NH, for painting of four steel beam bridges along I-93 at three bridge sites in Bethlehem, on the basis of a low bid of \$1,366,550. (2)Further authorized a contingency in the amount of \$68,327.50 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through December 16, 2022. **100% Federal Funds.**

#29 Authorized the Bureau of Construction to enter into a contract with C.W. Sliter & Sons LLC d/b/a CWS Fence & Guardrail Co., Andover, NH, for guardrail replacement on NH 49 in District 3, on the basis of a low bid of \$1,249,946.50. (2)Further authorized a contingency in the amount of \$62,497.33 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through September 23, 2022. **100% Federal Funds.**

*[*Upon request by Councilor Gatsas, click here to view the status update from the Bureau of Right of Way, for the Derry-Londonderry 13065, Exit 4A project.*](#)*

DEPARTMENT OF ENERGY

The Governor and Council on motion of Councilor Stevens, seconded by Councilor Kenney acted as follows:

#30 Authorized to enter into a contract with Blue Ridge Consulting Services Inc., Travelers Rest, SC, to assist and advise the Department in reviewing a general distribution rate and revenue increase proposed by Northern Utilities Inc., on August 2, 2021 to the NH Public Utilities Commission, in an amount not to exceed \$74,840. Effective upon G&C approval through September 30, 2022. **100% Special Utility Assessment.**

#31 Authorized to accept and expend federal grant funds in the amount of \$48,931 from the US Department of Transportation – Pipeline and Hazardous Materials Safety Administration for non-gas related work performed in the enforcement of the Underground Utility Damage Prevention System. Effective upon G&C approval through September 29, 2022. **100% Federal Funds.**

GOVERNORS OFFICE FOR EMERGENCY RELIEF AND RECOVERY

#32 The Governor and Council on motion of Councilor Stevens, seconded by Councilor Warmington, authorized to enter into a sub award with NH Legal Assistance, Concord, NH, in an amount not to exceed \$250,000 for reimbursements to support expenses incurred for Housing Stability Services to provide legal assistance and supporting access to NH Emergency Rental Assistance Program. Effective upon G&C approval through June 30, 2023. **100% Federal Funds.**

DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

The Governor and Council on motion of Councilor Stevens, seconded by Councilor Warmington acted as follows:

#32A Authorized the Division of Forests and Lands to enter into a memorandum of understanding with the US Forest Service, White Mountain National Forest to share certain radio communication frequencies to support the protection of life and property management policies of the two agencies. Effective upon G&C approval through July 16, 2026. No State Funding Required.

#32B Authorized the Division of Historical Resources to budget and expend \$12,000 of balance forward revenue to support NH's Enhanced Mapping and Management Information Tool. Effective upon G&C approval through June 30, 2022. **100% Other Funds (Agency Income).**

#32C Authorized the Division of Parks and Recreation to enter into a Cooperative Project Agreement with the University of NH, for the purpose of completing the Statewide Comprehensive Outdoor Recreation Plan, in the amount of \$123,750. Effective upon G&C approval through September 30, 2023. **52% Federal, 48% Other Funds (Agency Income).**

#32D Authorized the Division of Parks and Recreation to enter into a contract with the SE Group, Burlington, VT, for Phase 1 Feasibility Study of a Two-Phase Design Project to Expand NH State Park Campgrounds at Six Sites, in the amount of \$496,959. Effective November 12, 2021 through October 12, 2022. **100% Federal Funds.**

#32E Authorized the Division of Parks and Recreation to enter into a Master Tax Exempt Equipment Lease Financing Agreement with Signature Public Funding Corp, Greenwich, CT, for the purpose of financing equipment lease to purchase agreements for the department. Effective upon G&C approval through December 1, 2024. (2)Further authorized, Cannon Mountain Ski Area to select as **sole source**, the lease to purchase of a new Prinoth Bison X Tier Snow Groomer, in the amount of \$357,178.16 to be used at Cannon Mountain for the purpose of performing necessary annual snow groomer maintenance services as a vital function of mountain ski operations, financed through an equipment lease agreement with Signature Public Funding Corp. Effective upon G&C approval. **100% Agency Income.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

The Governor and Council on motion of Councilor Kenney, seconded by Councilor Wheeler acted as follows:

#33 Authorized to accept and place on file the report for State Fiscal Years 2020 and 2021 on the Milfoil and Other Exotic Plants Prevention and Research Grant Program.

#34 Authorized to **retroactively** pay annual membership dues to the New England Interstate Water Pollution Control Commission, Lowell, MA, in the amount of \$16,181. Effective July 1, 2021 through June 30, 2022. **100% Clean Water Revolving Management Funds.**

#35 Authorized to **retroactive** pay the 2022 membership dues to The Environmental Council of the States, Washington, DC, in the amount of \$13,000. Effective October 1, 2021 through September 30, 2022. **100% Federal Funds.**

#36 Authorized to enter into a Water User Contract with Great River Hydro LLC to compensate NHDES for water stored and delivered from the Connecticut-Coos Project. Effective upon G&C approval and shall remain in effect for 25 years from that date.

#37 Authorized to enter into an agreement with GZA GeoEnvironmental Inc., Norwood, MA, to provide engineering services for a condition assessment of the measuring flume at the Lakeport Dame in Laconia, NH, in an amount not to exceed \$78,345.51. Effective upon G&C approval through June 30, 2023. **100% Capital (General) Funds.**

#38 Authorized to award a Brownfields cleanup grant to the City of Concord, NH, in the amount of \$200,000 to perform environmental site remediation work. Effective upon G&C approval through December 31, 2022. **100% Brownfields Repayment Funds.**

#39 Authorized a Clean Water State Revolving Fund loan agreement with the Town of Nottingham, 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.**

#40 Authorized a Clean Water State Revolving Fund loan agreement with the Winnepesaukee River Basin Program in an amount not to exceed \$400,000 to finance the Wastewater Treatment Facility Energy Efficiency Upgrades project. Effective upon G&C approval. **100% CWSRF Repayment Funds.**

#41 Authorized a Clean Water State Revolving Fund loan agreement with the Town of Newmarket, in an amount not to exceed \$1,000,000 to finance the New Road Stormwater Improvements project. Effective upon G&C approval. **100% CWSRF Repayment Funds.**

#42 Authorized a Clean Water State Revolving Fund loan agreement with the City of Rochester, in an amount not to exceed \$75,000 to finance the Sewer System Master Plan project. Effective upon G&C approval. **100% CWSRF Repayment Funds.**

#43 Authorized Chaney and William Fisher's request to perform work on Little Bay in Dover.

#44 Authorized the NH Department of Safety's request to perform work on Lake Winnepesaukee in Gilford.

#45 NOT USED

DEPARTMENT OF EDUCATION

The Governor and Council on motion of Councilor Wheeler, seconded by Councilor Kenney acted as follows:

#46 Authorized to enter into a **sole source** contract with WestEd, San Francisco, CA, to update training materials, provide Technical Assistance, and oversee the administration of the Desired Results Developmental Profile Online data system, in the amount not to exceed \$389,500. Effective upon G&C approval through June 30, 2023, with an option to renew for an additional 3, 2 year terms. **100% Federal Funds.**

#47 Authorized to grant funds to the NH Higher Education Loan Corporation, a part of the NH Higher Education Assistance Foundation Network, Concord, NH, in the amount of \$50,000 to provide scholarships to public high schools to increase the number of first generation low income students to pursue a college degree. Effective upon G&C approval through June 30, 2023. **100% Other Funds.**

#48 Authorized the Bureau of Vocational Rehabilitation to enter into a contract with Brain Injury Association of NH, Concord, NH, to provide Independent Living, Part B services, in an amount not to exceed \$128,484. Effective upon G&C approval through September 30, 2023. **100% Federal Funds.**

DEPARTMENT OF SAFETY

The Governor and Council on motion of Councilor Stevens, seconded by Councilor Warmington acted as follows:

#49 Authorized the Division of State Police to **retroactively** pay annual membership dues in the amount of \$6,000 to the National Association of State Boating Law Administrators Inc., Lexington, KY. Effective October 1, 2021 through September 30, 2022. **100% Federal Funds.**

#50 Authorized the Division of Homeland Security and Emergency Management to **retroactively** enter into **sole source** contracts with the vendors as detailed in letter dated September 30, 2021, for expanded hospital bed and patient care capacity in the State given the projected COVID-19 case increases and fatality rates during the first and second waves of the pandemic for an amount not to exceed \$2,973,355.82. Effective January 20, 2020 through June 30, 2021. **100% Federal Funds.**

#51 Authorized the Division of State Police to accept and expend an additional \$83,703 of federal pass through funds from the Office of Highway Safety, entitled NH State Police Virtual Private Network Installation to provide assistance to local departments in designing, configuring, and deploying a VPN solution. Effective upon G&C approval through September 30, 2022. **100% Intra Agency Transfers.**

#52 Authorized the Division of Motor Vehicles to **retroactively** continue participation in the Social Security Online Verification System Information Exchange Agreement with the Social Security Administration, Arlington, VA, for the purpose of verifying social security number information for applicants applying for a NH driver license and commercial motor vehicle driver licenses. Effective October 1, 2021 through September 30, 2026.

#53 Authorized the Division of State Police to accept and expend \$16,999 of federal funds from the Department of Safety, Office of Highway Safety, entitled DOS Data Analyst to pay for overtime related costs for the State Police Data Analyst. Effective upon G&C approval through September 30, 2022. **100% Intra Agency Transfer.**

#54 Authorized to accept and expend \$30,000 of federal funds from the Department of Safety, Office of Highway Safety that will be used by the Division of State Police to conduct patrols known as "Pedestrian Bicycle". Effective upon G&C approval through September 30, 2022. **100% Intra Agency Transfers.**

#55 Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the Town of Newbury to purchase and install a generator and equipment to enhance the community's new Emergency Operations Center for a total amount of \$120,000. Effective upon G&C approval through January 26, 2022. **100% Federal Funds.**

#56 Authorized the Division of State Police to **retroactively** amend an agreement with the Department of Justice (originally approved by G&C on 2-3-21, item #35), to add module enhancements to an existing public facing website displaying current and past National Incident-Based Reporting System statistics, by extending the end date only, with no increase in funding, from September 30, 2021 to September 30, 2022. **100% Agency Income.**

#57 Authorized the Division of Emergency Services and Communications to **retroactively** enter into a contract with Mary Hitchcock Memorial Hospital, Keene, NH, to procure an experienced NH licensed Physician Consultant to perform the duties and act as Medical Director for the Division of Emergency Services and Communications, in the amount of \$52,800. Effective July 1, 2021 through June 30, 2024. **100% Agency Income.**

#58 Authorized the Division of Motor Vehicles to enter into a contract amendment with Idemia Identity & Security USA LLC., Billerica, MA (originally approved by G&C on 6-6-18, item #141), for the Automated Driver License Testing system, to align the initial 5-year contract period with the actual date of implementation and execute the 2-year contract renewal option by increasing the price by \$97,632 from \$1,105,693 to \$1,203,325 and by extending the completion date to August 31, 2026. **100% Other Funds.**

DEPARTMENT OF JUSTICE

#59 The Governor and Council on motion of Councilor Stevens, seconded by Councilor Wheeler, authorized to appoint Thomas D. Palermo as an Attorney at a salary level of \$71,000. Effective upon G&C approval or November 19, 2021, whichever is later.

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council on motion of Councilor Stevens, seconded by Councilor Kenney acted as follows:

#60 Authorized a Working Capital Warrant in the amount of \$850,000,000 to cover the payment of expenditures for the month of December 2021.

#61 Authorized the Division of Plant and Property to enter into a contract with Impact Fire Services, Hudson, NH, for the supply and installation of a new non-proprietary, addressable fire alarm panel, for an amount not to exceed \$41,728.25. Effective upon G&C approval through December 31, 2021. **100% Revolving Funds.**

#62 Authorized the Department of Administrative Services and NH Department of Employment Security, to enter into a contract with Alera Group of Delaware, for Consulting and Actuarial Services for the Granite State Paid Family Leave Plan, for an amount not to exceed \$1,924,230. Effective upon G&C approval through December 31, 2024, with the option to extend for 2 additional one-year terms. **100% General Funds.**

#63 Authorized the Division of Personnel's request for waiver of classification decisions. Effective upon G&C approval.

#64 Authorized to enter into a contract with Solid Roots Construction LLC, Manchester, NH, for Carpentry Services at several state owned buildings managed by the Department of Administrative Services, for a total price not to exceed \$145,430. Effective November 10, 2021 or upon G&C approval, whichever is later, through November 9, 2023, with an option to renew for an additional year.

#65 Authorized to enter into a contract with D.L. King & Associates Inc., Nashua, NH, for Carpentry Services at several state owned buildings managed by the Department of Administrative Services, for a total price not to exceed \$79,875. Effective November 10, 2021 or upon G&C approval, whichever is later, through November 9, 2023, with an option to renew for an additional year.

#66 Authorized the Division of Procurement and Support Services to enter into a **sole source** contract amendment with LexisNexis VitalChek Inc., Brentwood, TN (originally approved by G&C on 6-20-18, item #145), for fully supported payment processing services, by increasing the price by \$400,000 from \$100,000 to \$500,000 and by extending the completion date from December 31, 2021 to June 30, 2024.

#67 Authorized the Division of Public Works Design and Construction to **retroactively** accept and expend \$73,900 from the Department of Health and Human Services, Division of Public Health, to conduct a property line boundary survey of three parcels currently owned by Hampstead Hospital, in Hampstead, NH. Effective October 27, 2021 through June 30, 2022. **100% Transfer from Other Agency.**

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LATE ITEM

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
Division of Public Health**

The Governor and Executive Council on motion of Councilor Kenney, seconded by Councilor Stevens, and further on a roll call vote as follows: Councilor Kenney – yes, Councilor Warmington – yes, Councilor Stevens – yes, Councilors Gatsas – present, and Councilor Wheeler – yes, authorized Late Item A below with the non-binding resolution as follows:

#A #1 Authorized the Department of Health and Human Services, Division of Public Health Services, Bureau of Infectious Disease Control to accept and expend federal funds in the amount of \$22,495,752 from Center for Disease Control (CDC) to fund the Immunization Program as mandated by the American Rescue Plan effective upon approval by the Fiscal Committee and Governor and Executive Council through June 30, 2023, and further authorize the funds to be allocated as follows. **100% Federal Funds.**

#2 Contingent upon approval of requested action #1, pursuant to RSA 124:15, authorized the Department of Health and Human Services, Division of Public Health to create thirteen (13) new positions for Immunization purposes effective upon approval by the Fiscal Committee and Governor and Executive Council through June 30, 2023. **100% Federal Funds**

WHEREAS the state of New Hampshire has been a national leader in combating the spread of COVID-19; and

WHEREAS The Governor and Executive Council are considering approval of COVID-19 grant items that contain the following conditions (the "COVID-19 Grant Conditions"):

Coronavirus Disease 2019 (COVID-19) Funds: A recipient of a grant or cooperative agreement awarded by the Department of Health and Human Services (HHS) with funds made available under the Coronavirus Preparedness and Response Supplemental Appropriation Act, 2020 (P. L. 116-123); the Coronavirus Aid, Relief, and Economic Security Act 2020 (the "CARES Act") (P.L. 116-136); the Paycheck Protection Program and Health Care Enhancement Act (P.L. 116-139); the Consolidated Appropriations Act and the Coronavirus Response and Relief Supplement Appropriations Act, 2021 (P.L. 116-260) and/or the American Rescue Plan of 2021 (P.L. 117-2) agrees, as applicable to the award, to: 1) comply with existing and/or future directives and guidance from the Secretary regarding control of the spread of COVID-19; 2) in consultation and coordination with HHS, provide, commensurate with the condition of the individual, COVID-19 patient care regardless of the individual's home jurisdiction and/or appropriate public health measures (e.g., social distancing, home isolation); and 3) assist the United States Government in the implementation and enforcement of federal orders related to quarantine and isolation.

WHEREAS, the New Hampshire Attorney General has advised the Governor and Executive Council that the COVID-19 Grant Conditions do not bind the State to any broad and sweeping federal mandates because the language only applies to a narrow set of guidance and directives, and the Constitution limits the federal government's ability to use the reference language to bind the State to any broader set of guidance and directives; and

WHEREAS, the Commissioner of the Department of Health and Human Services anticipates that more grants coming before the Governor and Council will contain the COVID-19 Grant Conditions; and WHEREAS, the Governor and Executive Council have determined that it is necessary to make a clear statement as to important issues relating to federal mandates that involve isolation and quarantine enforcement, Immunization Registry, and the maintenance of the State's workforce; and

WHEREAS, the New Hampshire Executive Council fully supports the Governor's decision to join a multi-state lawsuit, filed in U.S. District Court, against U.S. President Joseph Biden, Safer Federal Workforce Task Force and Federal Acquisition Regulatory Council members, to vindicate its sovereign, quasi-sovereign, proprietary, and parens patriae interests, following the September 9, 2021 signing of Executive Order 14042; and

WHEREAS the Executive Council does not support the Safer Federal Task Force requirement that federal contractors and subcontractors mandate "COVID-19 vaccination of covered contractor employees except in limited circumstances where an employee is legally entitled to an accommodation". The mandate's broad scope applies to "any employee of an organization with a federal contract is a covered contractor" and must be vaccinated by January 4, 2021; and

WHEREAS the Executive Council supports the action of New Hampshire Attorney General to prevent the Safer Federal Work Force Task Force ability to "change the Guidance, including the contractor vaccine mandate, at any time," and have that change be binding.

Executive Order 14042 will have a deleterious effect on the residents of the State of New Hampshire, federal contractors/businesses in the state and multiple state agencies. The enforcement of Executive Order 14042 will make it more difficult to retain and attract employees in New Hampshire and the anticipated large-scale resignations from the vaccine mandate, will stress the state's economy; and

WHEREAS, the Governor and Executive Council oppose the Emergency Temporary Standard issued by the Occupational Safety and Health Administration ("OSHA") that would require all United States employers with 100 or more employees to implement a COVID-19 vaccine mandate for all employees (the "COVID-19 ETS"); and

WHEREAS, OSHA's COVID-19 ETS would affect over 750 New Hampshire businesses and over 250,000 New Hampshire employees, causing further strains on New Hampshire's workforce and interfering with the rights of New Hampshire businesses to set their own policies for their workers; and

WHEREAS, the New Hampshire Executive Council supports the action taken by the Governor and Attorney General to join an 11 state coalition in filing a lawsuit against President Joseph Biden and additional officials in his Administration to stop the implementation of the OSHA Covid-19 ETS.

Now, THEREFORE, BE IT RESOLVED by the Governor and Executive Council that:

1. Consistent with the Constitutional principles articulated by the New Hampshire Attorney General in his October 7, 2021. Memorandum to the Executive Council, the Governor and Executive Council's approval of any items containing the COVID-19 Grant Conditions shall not constitute agreement to comply with any guidance and directive other than those contained in Exhibits A and B of the New Hampshire Attorney General's October 7, 2021, Memorandum to the Executive Council, as those are the guidance and directives that are clearly and unambiguously included within the COVID-19 Grant Conditions at this time.
2. In the event that the Federal Government attempts to use the COVID-19 Grant Conditions to bind the State of New Hampshire to any guidance or directives other than those identified by the New Hampshire Attorney General in Exhibits A and B of this Memorandum to the Executive Council on October 7, 2021 that would intrude on the State's sovereignty, then the Governor and Executive Council will (1) take necessary actions as permitted by law to enable the New Hampshire Attorney General to take appropriate legal action to prevent the Federal Government from binding the State to any additional guidance or directives and, (ii) in the event that such legal action does not succeed, take all necessary actions as permitted by law to cause all funds which may be subject to the Covid-19 Grant Conditions to be returned to the Federal Government.
3. The Governor and Executive Council support making the New Hampshire Immunization Registry established in RSA 141-C:20-f an opt in system.
4. The Governor and Executive Council encourage New Hampshire employers to work collaboratively with their employees to develop systems that allow for flexibility and the maintenance of a robust workforce. Further, the Governor and Executive Council encourage New Hampshire employers to work collaboratively with their employees to develop vaccination protocols that accommodate an employee's right to refuse a COVID-19 vaccination. Examples of exemptions from employer mandated vaccinations should include religious and medical objections.

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The Next regular Governor and Executive Council meeting is scheduled for Monday November 22, 2021, at the State House, Concord, NH.

The Honorable Board then Adjourned at 12:30 p.m