



# STATE OF NEW HAMPSHIRE

## Executive Council

STATE HOUSE ROOM 207

CONCORD, NEW HAMPSHIRE 03301

(603) 271-3632 FAX: 271-3633



TO: All District Three Constituents  
FROM: Executive Councilor Janet Stevens

DATE: February 20, 2024

### **DISTRICT THREE STORM DAMAGE - JANUARY 10, 2024 and JANUARY 13, 2024 NH HOMELAND SECURITY EMERGENCY MANAGEMENT - FEMA RESPONSE**

I was in transit to Concord for the Executive Council meeting at 5:30 a.m. on Wednesday January 10, 2024. I was forced to take an alternative route due to downed trees and power lines on Route 1B caused by high winds. When I returned home from Concord at 6 pm on the 10th - the magnitude of damage was alarming.

The next day I met with the New Hampshire Department of Transportation and traveled throughout the district assessing damage - primarily flood damage on coastal routes and communities - entire streets and neighborhoods in Hampton were underwater. Route 1A from Rye to Seabrook sustained significant flood damage, road closures and unprecedented damage to the seawall and revetments along the route.

On Saturday, January 13, 2024 - another storm surge resulted in unprecedented flooding within most of my District Three coastal communities. New Castle residents were unable to safely exit or enter the island due to the 1B Causeway Closure and flooding in Rye along 1B. Portsmouth sustained unprecedented flooding at Marcy Street and New Castle Avenue.

#### **New Hampshire's Department of Homeland Security Emergency Management (HSEM) - Disaster Declaration**

Initial Impact surveys, necessary for the Initial Draft Assessment, were available beginning on January 16, 2024 to accumulate estimated damages to state, local, small businesses and associated non-profits. **Damage reports can still be submitted - dial 211.**

The State of New Hampshire's financial indicator for a **Disaster Declaration is \$2,534,653 in validated damages (\$1.84 per capita)**. **The Rockingham County financial indicator is \$1,445,210.**

**Both the State of New Hampshire and Rockingham County will meet the threshold for Disaster Declaration. Preliminary estimates indicate \$2.2 million in Statewide damages as of 2/19/24 and \$1.1 million in damages for Rockingham County.** These initial estimates do not include damage costs from New Hampshire State agencies, multiple seacoast communities, NH Electric Coop, non-profit entities etc. *Potential costs from New Hampshire state agencies alone are anticipated to reach \$1 million dollars.*

Robert Buxton, New Hampshire HSEM Director has requested the Federal Emergency Management Agency (FEMA) Region I to start the Preliminary Damage Assessment. The process will start on Tuesday, January 20, 2024 and will take approximately one week to 10 days with FEMA personnel reviewing damages and expenditures. The Preliminary Draft Assessment will estimate the extent of damages and impact to residents, public facilities and is necessary for the Governor to request an Emergency Declaration from the President.

As of Tuesday, January 19, 2024 six communities have submitted Preliminary Draft Assessments - which quantify current expenditures and anticipated expenditures related to recent storm impact. Five of these communities are within District Three - Hampton, Hampton Falls, North Hampton, Portsmouth and Rye have all submitted documentation.

Once the Disaster Declaration has been made, HSEM will proceed with a **Scope of Work for hazard mitigation** "which identifies the eligible activity, describes what will be accomplished and explains how the mitigation activities will be implemented. The mitigation activity must be described in sufficient detail to verify the cost estimate. All activities for which funding is requested must be identified in the SOW prior to the close of the application period".

Initial damage assessments can be submitted following the Disaster Declaration and during the Scope of Work process. **I encourage all entities to submit Damage Assessments to HSEM immediately and contact the agency at 211.** [FEMA - Disaster Declaration Process](#)

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## **NH STATE RETIREE MEDICARE ADVANTAGE CONTRACT - ANTHEM**

At the January 31, 2024 Executive Council meeting - I raised concern over the recent launch of the NH State Retiree Medicare Advantage & Pharmacy benefit program, awarded to Anthem New Hampshire in July 2023, which has been marred by failures, causing a crisis for many of the 11,000 eligible state retirees in New Hampshire. CarelonRX, an Anthem subsidiary responsible for pharmacy benefits, is failing to meet contract terms, resulting in 2–4-hour long customer service waits, deleted medication orders and copayment information, and delays in receiving essential medications. More than 86 percent of New Hampshire state retirees are utilizing mail order prescriptions and Anthem's failure to comply with the 48-hour delivery terms – unconscionable. Many retirees are now turning to their physicians for assistance.

**At the July 19, 2023, Executive Council meeting** I denounced the nearly \$70 million-dollar multi-year contract due to the United States Department of Justice lawsuit filed in 2020 against Anthem New Hampshire and 17 nationwide affiliates and subsidiaries. The lawsuit is currently in active litigation.

**"A False Claims Act lawsuit brought by the United States in the Southern District of New York based on accusations that Anthem knowingly failed to correct inaccurate risk adjustment diagnosis on claims that were submitted to and paid by the federal government Centers for Medicare and Medicaid Services. The case has only recently entered discovery and I will be closely monitoring this lawsuit", added Stevens who was the sole Councilor aware of the pending lawsuit.**

Judge Andrew Judge Andrew Carter of the U.S. District Court for the Southern District of New York in denying Anthem Inc.'s motion to dismiss the government lawsuit stated in 2022:

*By ignoring its duty to delete thousands of inaccurate diagnoses, Anthem unlawfully obtained and retained from CMS millions of dollars in payments under the risk adjustment payment system for Medicare Advantage Plans*

**NEW HAMPSHIRE STATE RETIREES EXPERIENCING DIFFICULTIES WITH RECEIPT OF THEIR MAIL ORDER PRESCRIPTIONS - CALL THE RETIREE HEALTH BENEFIT OFFICE (603.271.1432) OR EMAIL [retireehealth@das.nh.gov](mailto:retireehealth@das.nh.gov).**

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## **TEN YEAR TRANSPORTATION IMPROVEMENT PLAN HEARINGS - LEGISLATIVE PHASE**

The New Hampshire House of Representatives Public Works and Highways Committee held the first public hearing on the Ten-Year Transportation Improvement Plan (TYP) on Wednesday, February 14, 2024, at 10:00 a.m. in Room 201 of the Legislative Office Building, Concord

**The Public Works and Highways Committee meetings for the week of February 18, 2024:**

2/21/24: Full Committee Work Session 10:00 am LOB room 201

2/23/24: Full Committee Work Session 10:00 am LOB room 201

2/23/24: Executive Session 11:00 am LOB room 201

<https://www.gencourt.state.nh.us/house/legislation/billinfo.aspx?id=2241&sy=>

The New Hampshire Department of Transportation "continues to encourage all communities to be as involved with the Legislature as they are with the Governor's Advisory Commission on Intermodal Transportation". I encourage District Three residents to stay involved with the TYP process by either attending the hearing or writing/emailing the Public Works Committee. Written testimony can be submitted to the House of Representatives Online Testimony Submission portal. I have included the link for that below.

<https://gencourt.state.nh.us/house/committees/remotetestimony/default.aspx>

Public Works and Highways Committee (Admin): Clerk: [David Milz](mailto:David.Milz): [david.milz@leg.state.nh.us](mailto:david.milz@leg.state.nh.us)  
Rep. John Clouthier: [jocloutier@comcast.net](mailto:jocloutier@comcast.net)

The Public Works and Highways Committee can modify the Ten-Year Transportation Improvement Plan. According to New Hampshire State Representative David Milz, who serves on the House Public Works and Highway Committee, "as a matter of habit – projects are not deleted yet occasionally project timelines/order are adjusted". I will be following the hearing and if necessary, reach out to members of the Public Works and Highway Committee.

The tentative timeline for the Ten-Year Transportation Improvement Plan, HB 2024 is as follows:

1. Bill is in House Public Works now. 1<sup>st</sup> Public Works and Highway Hearing 2/14/2024
2. Monday, February 26, 2024 – Friday, March 01, 2024 - SENATE & HOUSE Winter Recess.
3. Thursday, April 11, 2024, CROSSOVER - Last day to act on all House and Senate Bills.
4. Thursday, June 13, 2024, House and Senate - Last day to act on committee of conference reports
5. June 2024 - Final TYP (2025-2034) Adopted into Law

## GOVERNOR SUNUNU'S SUBMISSION OF THE TYP TO LEGISLATURE

Governor Sununu made several changes to the plan approved by the Executive Council. Please note District Three specific changes.

**New Castle, NH 1B Causeway 44493** Advance the **preliminary engineering design phase from 2028 to 2025 (Governor approved accelerated schedule)**

**Hampton Branch Rail Rail Various Add Project Funding - Add \$2.5M to three projects that are underfunded to further the completion of the Hampton Branch rail trail.** Hampton-Portsmouth 26485A (\$650K), Hampton- Hampton Falls 43537 (\$1.5M) & Seabrook 42609 (\$350k).

**FTA 5339 Program Add Program Funding - Add \$3.8M to capital projects primarily for vehicles for public transit providers, and COAST Maint. Facility.**

**FTA 5310 Program Add Program Funding - Add \$2.2 M to support to regional mobility management and service trips (purchase of service) enhancing the mobility of seniors and individuals with disabilities.**

**FTA 5310 Program Add Program Funding - Add \$1.0 M to Statewide Transportation Demand Management to facilitate, support and promote shared ride activities.**

**Corridor Study Program Various Corridor studies - 10 - DOT Recommend Studies.**

**Portsmouth 44359 Remove Project - Upgrade sidewalk to multi-use path along Market Street, from Kearsarge Way to Woodbury Ave.**

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The Executive Council met on **Wednesday, January 31, 2024 to review and vote on 154 agenda items** and to approve Civil Commissions, Nominations and Confirmations as well as Department of Military Affairs and Veterans Services Nomination, Confirmations and Appointments.

Following the Executive Council meeting a hearing for Circuit Court Judge nominee Attorney Sarah Christie was conducted.

## REGULAR AGENDA

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Division of Public Health Services

A. Authorized to enter into a sole source amendment to an existing contract with **Community Health Access Network, Newmarket, NH** (originally approved by G&C on 1/23/19, Item #29) to reduce the scope of work and align funding with federal requirements for the prevention and management of chronic diseases, by decreasing the price limitation by \$763,000 from \$4,358,078 to \$3,595,078 with no change to the completion date of June 30, 2024. Effective upon G&C approval. **97% Federal Funds, 3% General Funds**

## Division of Medicaid Services

[#23](#) Authorized to amend an existing contract with **Stephen Francis Caldwell, DDS, MS, Derry, NH (originally approved by G&C on 4/20/22, Item #14), for continuation of orthodontic dental consulting services**, by extending the completion date from June 30, 2024 to June 30, 2026 and increasing the price limitation by \$191,360 from \$191,360 to \$382,720. Effective July 1, 2024, upon G&C approval. 50% Federal Funds, 50% General Funds

## DEPARTMENT OF TRANSPORTATION

[#33](#) Authorized the Bureau of Planning & Community Assistance to accept and place on file the status report of all active and federally funded locally administered projects.

**CHESTER 44322** Replace Shephard Home Road Bridge over Exeter River (BR#169/122) Draft Ten Year Plan 2031 MOBRR, SAB \$ 1,760,500.00

**DERRY 43736** Const. 1,900 LF of Rail Trail imp. from the existing Derry Rail Trail to the Londonderry town line Enrolled 2029 TAP \$ 865,316.00

**EXETER 41372** Construct sidewalks on Epping Road, Brentwood Road, Winter Street, and Spring Street Complete 2023 TAP s 745,839.61

**EXETER 40436** Widen shoulders to 5' on Kingston Road (NH Route 111) for approximately 1.1 miles. (14-26TAP) Design 2025 TAP, HSIP \$ 1,609,609.37

**HAMPTON 42606** Complete Streets Improvements Winnacunnet Road and also High St between Tobey Rd and Five Corners Enrolled 2031 Federal-Aid-LPA \$ 1,049,784.55

**NEW CASTLE 42517** Construct bicycle shoulders and sw along Wentworth Rd, NH IB from Beach Hill Rd. To Neals Pit Ln Design 2027 TAP \$ 464,810.91

**NEWTON 44287** Replace Wilders Grove Rd bridge over Country Pond (Brg#053/105) Draft Ten Year Plan 2029 MOBRR, SAB \$ 664,900.00

**PELHAM 41751** Intersection improvements at the intersection of NH128 & Sherburne Rd Design 2026 CMAQ s 1,624,606.00

**PELHAM 29450** BRIDGE REHABILITATION-OLD BRIDGE ST OVER BEAVER BROOK-BR. #109/081 Design 2027 MOBIL, SAB s 1,828,526.00

**PELHAM 41751A** Intersection Improvements (roundabout) at Mammoth (NH 128) and Marsh Rd (NH11A) Design 2027 CMAQ s 1,489,500.00

**PORTSMOUTH 42350** Realign Lang Rd-connect to Longmeadow Rd Close Out 2023 HSIP \$ 1,601,203.0

**PORTSMOUTH 20258** Const, new sidewalk and striped bicycle shoulders and associated drainage along Peverly Hill Road. Design 2027 CMAQ, Federal-Aid-LPA \$ 7,419,000.00

**PORTSMOUTH 41752** Add a multi-use path for bike/ped along Elwyn Rd extending from Rtl to Harding Rd. Design 2027 CMAQ \$ 1,260,480.00

**PORTSMOUTH 42874** Purchase & install 8 e-charging stations for EVs (2 @ Pease Tradeport 2@Pease GC 4 @ Pease Airport) Enrolled 2027 CMAQ s 51,260.00

**PORTSMOUTH 42608** Market St / Russell St Intersection Improvements Enrolled 2031 Federal-Aid-LPA \$ 1,234,055.00

**PORTSMOUTH 42611** Intersection improvements on Grafton Drive by Portsmouth Transportation Center & Pease Golf Course Enrolled 2032 Federal-Aid-LPA s 558,396.00

**PORTSMOUTH 42612** Signalization of Intersection - International Drive / Manchester Square / Corporate Drive Enrolled 2032 Federal-Aid-LPA \$ 335,038.00

**PORTSMOUTH 443S8** Remove traffic signal,install median, const a connector Rd&Cons multi use path to reduce emissions Draft Ten Year Plan 2033 CMAQ \$ 2,200,000.00

**PORTSMOUTH 44386** Replace Cate Street bridge over Hodgdon Brook (Br#198/107) Draft Ten Year Plan 2030 MOBRR, SAB S 1,155,000.00

**RYE 4373S** construct sidewalk, widen roadway shoulders for bike lanes and evaluate crosswalks on Washington Rd Enrolled 2029 TAP \$ 972,096.46

**SALEM 44309** Replace Bridge St Bridge over Spicket River (Brg #115/097) Draft Ten Year Plan 2029 MOBRR, SAB \$ 2,638,800.00

**SALEM 12334** RECONSTRUCT DEPOT INTERSECTION NH28 (BROADWAY) AND NH 97 (MAIN STREET) ADD TURN LANES ON NH28 MUPCA Construction 2022 Federal-Aid-LPA \$ 13,206,501.77

**SALEM 12334A** Phase 1 roadway and building demo for Salem #12334 Depot Project at Intersection of NH28 & NH97 Complete 2022 Federal-Aid-LPA \$ 353,000.79

**SALEM 41750** 0.3 miles of Bike-Ped trail along abandoned M&L rail line from Cluff Crossing to Rockingham Park Blvd Design 2026 CMAQ \$ 985,843.00

**SALEM 42884** Improve signal operation at 28 Intersections to Identify hardware and software upgrades needed. Design 2026 CMAA HSIP S 1,675,000.00

**SALEM 43790** NHill / Ermer Road Intersection Safety Improvements- (HSIP)(LPA Managed) Design 2027 HSIP \$ 1,004,038.74

**SALEM 42885** Construct Rail Trail parallel to NH 28 for approx 1 mile - Main St south to Rockingham Park Blvd Design 2031 CMAQ \$ 1,056,784.00

**SANDOWN 41412** Bridge Replacement-Phillips Road over Exeter River-Br. #093/109 Enrolled 2029 SAB S 948,493.00

[#34](#) Authorized the Bureau of Right-of-Way to pay property owners, tenants, and/or claimants \$124,814 as documented in the Contemplated Awards list, for amounts greater than \$5,000 for the period extending from December 9, 2023 through December 15, 2023. Effective upon G&C approval.

**Plaistow-Kingston/Route 125 ROW (\$20,000), Exit 4A Derry ROW (\$104,814)**

[#35](#) Authorized the Bureau of Finance & Contracts to accept and place on file the paid Small Claims in Fiscal Year 2023 totaling \$13,908.98 for individuals amounts less than \$2,000 submitted under the provision of RSA 228:29.

**Claimant:** Joseph Roherge Amount: \$1,339.96 **Mr. Roherge's property was damaged on Ocean Rd in Portsmouth on October 31".** The claimant's property was damaged as a result of repaving work.

**Claimant:** Michael Parsons Amount: \$406.00 **Mr. Parsons' vehicle was damaged while traveling on I-95 in Hampton Falls on March 8".** The claimant's vehicle sustained damage while the Department was involved in bridge construction.

[#37](#) Authorized the Bureau of Materials & Research to enter into an agreement with **John Turner Consulting, Inc., North Hampton, NH, for total fees not to exceed \$400,000** for the purpose of providing materials testing and construction inspection services. Effective upon G&C approval through December 31, 2027. **100% Federal Funds**

[#40](#) 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, on the basis of a low bid of \$772,240 for replacement and upgrade of lesser performing EAGRT and X-Lite guardrail terminals to meet MASH standards in various locations within south central and southeastern regions of the State. (2) Further authorize a contingency in the amount of \$38,612 for payment of latent conditions, which may appear during the construction of the project. Effective upon G&C approval through October 18, 2024. **65% Federal Funds, 35% Turnpike Funds**

**US 1 in Hampton, & NH 28 in Salem and Deny:** NH 114 In New Boston and Goffstown, NH 101 in Hampton: Maintain two-way traffic via a lane shift into opposite shoulder. b) Center Road in Weare, **Enterprise Drive in Windham, NH 28 in Deny,**

Islington Street and Maplewood Ave in Portsmouth: One-lane of alternating two-way traffic can be utilized for this work; Exit 3 off ramp to NH 111 in Windham.

#### FISH AND GAME DEPARTMENT

**#71** Authorized the transfer of \$55,650 from the New Hampshire Fish and Game Fund Reserve to the Fish and Game Fiscal Year 2024 Operating Budget. Effective upon G&C approval through June 30, 2024. Fiscal Committee approved on January 19, 2024. **New Castle - dock improvements.**

#### DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

**#80** Authorized the Division of Historical Resources to award a Certified Local Government grant to the **Town of Exeter, NH in the amount of \$20,000 to complete a survey of the city's Pine Street neighborhood.** Effective upon G&C approval through September 30, 2025. **100% Federal Funds**

#### DEPARTMENT OF ENVIRONMENTAL SERVICES

**#90** Authorized to accept and expend \$2,557,158 in federal funds from the United States Environmental Protection Agency to support NHDES's Brownfields State Response Program and fund the cleanup of contaminated properties throughout New Hampshire. (2) Further authorize to transfer funds in the amount of \$200,800. (3) Further authorize the funds to be allocated as detailed in the letter dated December 22, 2023. Effective upon G&C approval through June 30, 2025. **100% Federal Funds.** Fiscal Committee approved on January 19, 2024.

**#91** Authorized to transfer MtBE Settlement Funds of \$2,000,000 in between classes to continue providing municipalities with reimbursement for remediation of MtBE impacted groundwater. Effective upon G&C approval through June 30, 2025. **100% MtBE Settlement Funds.** Fiscal Committee approved on January 19, 2024.

**Active remediation projects in Plaistow, Derry, Lee, Rochester, and Epping will be substantially completed in FY24. T**

**#95** Authorized to enter into a grant agreement with the **Town of Kingston, NH totaling \$2,500** for the purpose of used oil collections. Effective upon G&C approval through July 31, 2025. **100% Hazardous Waste Cleanup Funds**

**#96** Authorized to enter into a retroactive grant agreement with the **Town of Exeter, NH totaling \$7,150** to fund a Household Hazardous Waste collections project. Effective as of October 21, 2023, upon G&C approval through June 30, 2024. **100% Hazardous Waste Funds**

**#97** Authorized to enter into a grant agreement with **Jalbert Leasing, LLC d/b/a C&J Bus Lines, Portsmouth, NH totaling \$171,250 for partial funding of one motorcoach replacement.** Effective upon G&C approval through September 30, 2024. **45% Federal Funds, 55% VW Settlement Funds**

#### DEPARTMENT OF SAFETY

**#129** Authorized the Division of State Police to enter into a contract with **CORVUS PM, LLC, Hampton Falls, NH, in an amount of \$502,728 for the provision of counterterrorism consulting services.** Effective upon G&C approval through June 30, 2029, with an option to renew for one two-year period. **100% Federal Funds**

#### CONFIRMATIONS:

Agricultural Lands Preservation Committee

**Board of Dental Examiners (Dentist)**

Board of Licensing for Alcohol and Other Drug Use Professionals

(Master Licensed Alcohol and Drug Counselor)

Board of Septic System Evaluators (Septage Hauler)

**Boxing and Wrestling Commission**

Commissioner, Department of Health and Human Services

Compensation Appeals Board (Labor)

Compensation Appeals Board (Labor)

Compensation Appeals Board (Attorney)

Juvenile Parole Board (Alternate Member)

**New Motor Vehicle Arbitration Board (Rep. Consumers)**

Public Water Access Advisory Board (Hunting)

Paula S. Bellemore, Goffstown

**Daniel H. DeTolla, Portsmouth**

Thomas Deel, Manchester

John W. Vlk, Wentworth

**David George, Hampstead**

Lori Weaver, Concord

Daniel LeClerc, Amherst

Brian Mitchell, Hooksett

Stephen Schulthess, Manchester

Dorothy Thrush, Alton

**Aleksandar Mitov, Exeter**

Richard J. Tichko, Canterbury

**NOMINATIONS:**

Board of Nursing (RN)  
Board of Nursing (Public Member)  
Board of Septic System Evaluators (Sewage Disposal System Installer)  
Director of the Div of Travel & Tourism Development,  
    Depart of Business & Economic Affairs  
Fish and Game Commission (Belknap County)  
Justice, New Hampshire Superior Court  
New Hampshire Motor Vehicle Industry Board  
Pharmacist II, Department of Corrections  
State Fire Marshal, Department of Safety  
Volunteer New Hampshire Board of Directors (Religious Community)

Matthew Kitsis, Bow  
Samantha L. O'Neil, Merrimack  
Mark E. McConkey, Freedom  
Lori Harnois, Concord  
  
Patrick McGonagle, Gilford  
Andrew B. Livernois, New Hampton  
Paula M. Hiuser, Laconia  
Brenda Bailey, Hopkinton  
Sean Toomey, Warner  
Joanne Randall, Epsom