

CAPITAL BUDGET OVERVIEW COMMITTEE

Legislative Office Building, Room 201

Concord, NH

Tuesday, September 19, 2017

COMMITTEE MEMBERS

Rep. Gene Chandler, Chair

Rep. John Cloutier

Rep. David Danielson

Rep. Frank Byron

Rep. Marjorie Smith (Alt.)

Sen. Gary Daniels

Sen. Regina Birdsell

Sen. William Gannon (Alt.)

(Meeting convened at 11:00 o'clock a.m.)

(1) Acceptance of Minutes of the June 21, 2017 meeting.

GENE CHANDLER, State Representative, Carroll County, District #01 and Chairman: Okay. Time being 11 o'clock, we will open the meeting of the Capital Budget Overview Committee. First up, acceptance of minutes of the June 21st meeting.

****** FRANK BYRON, State Representative, Hillsborough County, District #20: Mr. Chairman, I'll make a motion to accept the motion as written.

DAVID DANIELSON, State Representative, Hillsborough County, District #07: Second.

REGINA BIRDSELL, State Senator, Senate District #19:
Second.

CHAIRMAN CHANDLER: Representative Byron moves, second by Senator Birdsell to approve the minutes of June 21st. Who -- I'm sorry, was that Dave?

REP. DANIELSON: No, give the Senator her credit.

CHAIRMAN CHANDLER: Okay. Any questions or discussion on the minutes? If not, all those in favor say aye? Any opposed no?

*** {**MOTION ADOPTED**}

(2) **Old Business**:

CHAIRMAN CHANDLER: Let's see. No Old Business.

(3) **New Business**:

CHAIRMAN CHANDLER: New Business. Dredging. Harbor Dredging and Pier Maintenance Fund, item number 17-027, Pease Development Authority, request to authorize to spend up to 50 from the Harbor Dredging Pier Maintenance Fund for the purpose, et cetera, et cetera, et cetera. Someone here from the Board?

(Senator Gary Daniels enters the committee room.)

CHAIRMAN CHANDLER: Announce your name if you would, please.

TRACY SHATTUCK, Chief Harbormaster, Division of Ports and Harbors, Pease Development Authority: Tracy Shattuck from New Hampshire Port Authority. I'm the Chief Harbormaster and Geno is unable to be here and sent me in his stead.

CHAIRMAN CHANDLER: Okay. Does anyone have any questions on this item? No.

** SEN. BIRDSELL: I move to approve.

CHAIRMAN CHANDLER: Senator Birdsell moves we approve item number 17-027. Is there a second?

REP BYRON: I second.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

CHAIRMAN CHANDLER: Seconded by Representative Byron. Any questions or discussions? If not, all those in favor of the item signify by saying aye? Any opposed? Motion carries.

*** {MOTION ADOPTED}

CHAIRMAN CHANDLER: Next item 17-028, Pease Development Authority, Division of Ports and Harbors.

Mr. Marconi called me originally to set up and then he called me to apologize to say that -- he does say he is unable to attend. I told him to put the reason. He's actually up in Canada, right?

MR. SHATTUCK: Yes, sir. He's in Halifax trying to get some business.

CHAIRMAN CHANDLER: Trying to get some business for the port.

MR. SHATTUCK: Correct.

CHAIRMAN CHANDLER: I said, look, I appreciate that. You better go. But I did recommend, and this was nothing personal to you 'cause he said you'd be here, but I said he should also -- it would be helpful if he himself since we usually deal with him send a letter which is what you have before you. And I don't know if you have any questions or need time to read it or whether you're ready to go or have questions, whatever.

** REP. DANIELSON: Chairman, I make a motion to approve that item.

CHAIRMAN CHANDLER: Okay.

SEN. BIRDSELL: Second.

CHAIRMAN CHANDLER: Representative Danielson moves, second by Senator Birdsell to approve 17-028.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

REP. BYRON: Mr. Chairman.

CHAIRMAN CHANDLER: And questions. Yes, Representative Byron.

REP. BYRON: I just want to be sure. Contained within 17-028 is really two requests. So I want to make it explicit in the minutes that we're approving request one and request two.

CHAIRMAN CHANDLER: Your motion would cover that, correct? I think that's what you meant.

REP. DANIELSON: Yes.

REP. BYRON: Okay, thank you.

CHAIRMAN CHANDLER: So there's two items in that, yes. Senator Daniels.

GARY DANIELS, State Senator, Senate District #11: Thank you. Just a question on the second page. I just wanted to verify that after this is approved that would mean that the Port Expansion Fund balance would be 431,322? I think I read 5 million.

MR. SHATTUCK: I believe that's correct, sir.

SEN. DANIELS: And follow-up.

CHAIRMAN CHANDLER: Further question.

SEN. DANIELS: Is that going to be enough to take you through the rest of the Fiscal Year?

MR. SHATTUCK: We believe so, yes.

SEN. DANIELS: Thank you.

CHAIRMAN CHANDLER: Any other questions? Yes, Representative Byron.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

REP. BYRON: Yeah. I'm trying to find my numbers here. The estimated, if you look at the information that was provided, written testimony submitted by Captain Geno Marconi, on the second page he says the total estimated cost is 18.55. But if you go to 17-028, you total it up, I think it comes out, if I'm not mistaken, to 17.5. So I'm wondering is the 1 million where? And I know this is a numbers question, but I'm not sure whether our witness could answer that or not?

MR. SHATTUCK: I don't believe I can. Chris. Gentleman here from DOT that might be able to help me with that.

CHAIRMAN CHANDLER: Mr. Waszczuk.

CHRISTOPHER WASZCZUK, Deputy Commissioner, Department of Transportation: Yes. So the question is relative to the information submitted by Captain Marconi. Is that the letter dated August 15th?

REP. BYRON: We just received a letter just at the start of this meeting that says September 19th.

MR. WASZCZUK: Okay, I have it here.

REP. BRYON: And he mentions 18.55.

MR. WASZCZUK: Yes.

REP. BYRON: And I was just trying to piece this together on the fly. So when I went back to the application you have, 17-028, you mention the total project cost estimated at 12.5.

MR. WASZCZUK: I believe the updated estimate has -- has five items and they total 18,000 -- excuse me -- eighteen million five hundred fifty thousand. The total cost of -- frankly, I'm not -- I think that's -- that's for separate -- I think that item is for separate request. They're requesting to apply for a discretionary grant and that twelve million five hundred is for separate work effort.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

Representative, you're referring to request number two, expend funds for preparation of INFRA Grant Application. Is that where you're finding that 12?

REP. BYRON: So I'll walk you through and tell you where I'm getting the numbers from. On the letter dated September 19, 2017 --

MR. WASZCZUK: Yes.

REP. BYRON: -- if you look at what I have as Page 2.

MR. WASZCZUK: Yes.

REP. BYRON: He's got some bullet points at the top and says the estimated cost of these functional replacement items is 18.5.

MR. WASZCZUK: Correct.

REP. BYRON: 18.55.

MR. WASZCZUK: Yes.

REP. BYRON: Then if I go to what we have as CAP 17-028 and you go to the second page of the cover letter that was put together by Director Marconi.

MR. WASZCZUK: Yes.

REP. BYRON: He's got halfway down the last paragraph a number of twelve five.

MR. WASZCZUK: Yes.

REP. BYRON: 12.5 million.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

MR. WASZCZUK: Again, I think that is a separate work effort. If you look at the previous page, it talks about request number one, Use of Funds for Reimbursable Project.

REP. BYRON: Yeah.

MR. WASZCZUK: That there is for the \$18.55 million effort, was requesting is the engineer cost associated with that \$18.55 million effort. And then request number two is to expend funds for preparing INFRA Grant. That's a Federal grant. It's a discretionary grant and what he's asking for is \$10,800 for services to prepare that grant.

REP. BYRON: Okay.

MR. WASZCZUK: And they are going to be applying for 12.5 million.

REP. BYRON: Thank you. I'm straight now. Thank you very much.

CHAIRMAN CHANDLER: Good. Any other questions? Do we have a motion?

REP. CLOUTIER: Yes, we do.

CHAIRMAN CHANDLER: We have a motion made and seconded. So ready for the vote? All those in favor of the motion to accept the article say aye? Any opposed? The motion carries. Thank you both for coming. That's it.

*** {**MOTION ADOPTED**}

(4) Miscellaneous:

(5) Informational:

CHAIRMAN CHANDLER: We have Miscellaneous. We have a bunch of informational items there. Are there any questions? Yes, Representative Byron.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

REP. BYRON: I'm sorry to be so gabby. I thought we were going to have a presentation today or some information, are we going to get that from the Women's Prison? There's a report I know, but that's a standard report.

CHAIRMAN CHANDLER: We can --

JONATHAN HANSON, Administrator, Division of Administration, Department of Corrections: We are here.

CHAIRMAN CHANDLER: They're here so we can listen. And we also have some dates of a visit, too, so.

REP. BYRON: I was looking at the minutes of our meeting on Old Business. We were going to try and get some information, so.

CHAIRMAN CHANDLER: Okay. Bring up any chairs you need there. As I said, I will when they finish, I have some suggested dates when they're available for a tour. If anyone is interested, we'll arrange that afterwards. Go ahead.

HELEN HANKS, Assistant Commissioner, Department of Corrections: So good morning, Members of the Committee. My name is Helen Hanks. I'm the Assistant Commissioner with the Department of Corrections, and with me is our Administrator of Logistics, Jon Hanson. We're happy to answer any questions and apologize we didn't have a presentation but we're here.

CHAIRMAN CHANDLER: Can you give us a brief opinion, I guess.

MS. HANKS: I will turn to Jon to give you a facilities construction briefing, and I can certainly, if the Committee has questions on staffing, respond to those inquiries as well.

CHAIRMAN CHANDLER: I think there might be.

MS. HANKS: I thought you might.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

MR. HANSON: Good morning, Mr. Chairman. John Hanson. Yes, we're still continuing on track on budget. I was at the facility just before arriving here this morning. We are doing some moisture mitigation for the concrete so the flooring will go down. And as we discussed, we'll set up a tour with you folks at your discretion and bring you through the facility.

Of late, since we met last time, we are doing a lot of landscaping. On October 2nd we bring in the paving machines and start to pave sidewalks and courtyard areas. Fence, the perimeter fence is being installed as we speak, along with fence detection systems and security components. That's a big part of -- that's very time consuming for us at Corrections because we have to be there right hand in hand while they put in the system so that we can have home control positions of cameras and understand what everything is that's going in that we paid for.

There is a couple of areas which we're watching very closely because they're just on schedule. They're not behind yet but they're close. Possibly a little behind on the masonry work, the concrete block contractor. As we've seen with some current bids that are going out on some of our new capital projects, contractors are very busy right now. So they are being pulled in many directions and prices are going up, unfortunately for us; but this project is -- is on time, on schedule.

CHAIRMAN CHANDLER: Thank you. And just address briefly the staffing and any changes or opening, whatever.

MS. HANKS: So we met last Tuesday to look at the positions that were allocated for the facility. There were 17 additional corrections officers new to add to our complement of existing and what would that look like at a bare minimum of taking the residents out of Goffstown and transferring up to the Concord Campus. So we wouldn't be expanding services, but we could get into the building with very minimum staffing and use of over time once we fill those 17 new positions. We put out a request for procurement for a marketing advertising firm to help us draw candidates in so we could fill those positions. We are evaluating those three proposals and should have a

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

recommendation put forward in the next two weeks to help us fulfill our mission of getting out of our lease facility and into our new facility. We won't be moving into that facility in November when the Certificate of Occupancy is intended to be granted; but our goal is to get in as soon as possible.

So we have to hire those 17. We will be opening with use of overtime from day one even with the 17. That may look differently in '19 because we have additional officers that were allocated in '19 so we're watching. And, also, in FY19 we have additional positions funded on the programmatic side so we can start to begin to fulfill the equity and parity of service for women at that point.

CHAIRMAN CHANDLER: Okay. Any questions? Representative Byron.

REP. BYRON: So what is your anticipated date as to when you will be removing the women prisoners that are currently housed in the Hillsborough County facility in Goffstown?

MS. HANKS: So I wish I could answer you with a defined date, but it really is contingent on whether having this marketing firm on board helps us fill those 17 vacant -- 17 vacant new positions. And once we have some pattern of recruitment and we reduce our vacancy rate, I can better answer that question.

REP. BYRON: Will you be moving any prisoners in prior to the staffing of those 17 additional positions?

MS. HANKS: We are not able to do that because we don't have enough security staff to both put at that prison and the Goffstown leased facility. So our goal is really get as many people on board and make one swift move to the new facility so we're not operating two. Because the other confounding issues are we still have to provide food, laundry, health care services, the bare minimum behavioral health services to both facilities if we went in that model. We have evaluated it because we had some thoughts on could we move C-2's and help

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

them run the facility; but we don't have enough physical security staff in order to make something like that happen right now.

CHAIRMAN CHANDLER: Representative Smith.

MARJORIE SMITH, State Representative, Strafford County, District #06: Thank you. I apologize because I should know this answer. How many vacancies do you have currently, and then how many additional people do you propose to have in this Fiscal Year?

MS. HANKS: So vacancies of the agency or vacancies for the Women's Prison now?

REP. SMITH: For the Women's Prison.

MS. HANKS: So at this point my understanding is we have actually filled all security positions for the Women's Prison that are existing prior to the new positions, and we have 17 new that we need to fill in order to move to the new facility.

REP. SMITH: Could I follow-up?

CHAIRMAN CHANDLER: Further question.

REP. SMITH: I might be confused in my memory, but one of the important purposes of the new Women's Prison was not to create lots more beds but to, in fact, move for constitutional and legal requirements for equity in the services available. I've noticed you talked only about security people. You have not talked about anything other than security people. So do you intend for this entire Fiscal Year to have nothing but food, a bed, and security for the women prisoners?

MS. HANKS: Let me clarify. Our existing staff assigned for programmatic and treatment services at our Goffstown leased facility, they will move and those existing services will be rendered. But the services that are part of the litigation through New Hampshire Legal Assistance won't be enhanced until

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

FY19. Those positions are, the new, are funded. So we'll have some nursing staff. We'll have behavioral health staff, including licensed alcohol drug counselors that we have now and we'll continue with the current educational model where we share teachers with the Concord Men's Prison when we move in FY18, but we won't be able to expand those services until FY19.

REP. SMITH: Just one more question, if you wouldn't mind.

CHAIRMAN CHANDLER: Further question.

REP. SMITH: Do you -- could you assess what you anticipate the vulnerability of the State in terms of continued litigation against the State?

MS. HANKS: I think that's a challenging question.

REP. SMITH: I meant it to be.

MS. HANKS: I know.

CHAIRMAN CHANDLER: You don't need to go there.

MS. HANKS: I don't --

CHAIRMAN CHANDLER: You asked the question.

REP. SMITH: Okay, thank you.

MS. HANKS: I hear your concern.

REP. DANIELSON: Chairman.

CHAIRMAN CHANDLER: Okay, yes.

REP. DANIELSON: I'm curious on staffing. If I could follow on the staffing issue. Have you looked at any kind of creative ways to make sure that you do have staffing?

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

MS. HANKS: That's part of -- thank you for that question. That's part of why we put out that request for proposal to have a third party help us get more candidates or groups of people we're not drawing ourselves into through recruitment. And I can tell you the preliminary bids look very promising, at least from the commitments of those organizations that they think that in one year they'll be able to help us resolve our vacancy rate. And all of them independent of each other didn't suggest that we'd need them in the second year.

REP. DANIELSON: Is there anything -- follow-up.

CHAIRMAN CHANDLER: Further question.

REP. DANIELSON: Thank you, Chair. Is there anything in our regulations that permits you from going to the County Corrections facilities and asking them if they could TDY some folks over to you so that they could help out?

MS. HANKS: There's nothing that prohibits us looking at contracting for those types of positions. But the County facilities have expressed to us their struggles with getting people employed in their facilities so we haven't tried to establish those relationships. We hadn't asked them to see if they have extra staff that might be able to -- I liken it to when a police department hires out their police officers for special duty. I can check into that.

REP. DANIELSON: Chair.

CHAIRMAN CHANDLER: Further question.

REP. DANIELSON: Thank you, Chair. Just clarification. Colleagues from the Finance Committee, we were concerned about this two years ago, three years ago I think when I first went on Finance on Division I. Division I we were concerned about the amount of staffing that they're going to get. So it's a problem we've looked at for three years and it hasn't been resolved.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

CHAIRMAN CHANDLER: Fortunately, we build them. We build them here. We don't staff them.

REP. SMITH: But, Mr. Chairman, it's supposed to be if you build it, they will come.

CHAIRMAN CHANDLER: We are going to do our part. Someone else can do theirs.

MS. HANKS: Mr. Chairman, what I would say in fairness to the Legislature in looking at the Department of Corrections, we owe it to show the Legislature that we can reduce that vacancy rate. And showing that we can reduce that vacancy rate, regardless of the women's facility, doesn't mean I'm not vested in that facility but we have issues in all of our sites. I would expect if we show a major dent in our vacancy rate and enhance recruitment that we come before you with new positions or questions around staffing that we would be demonstrating some successes that would show potential for support later on.

CHAIRMAN CHANDLER: Yes, Representative Byron.

REP. BYRON: So I have a question. When will the facility be physically complete, including the punch list complete or anything like that?

MR. HANSON: That's a good question. It's not a set firm date because it depends on when the Fire Marshal gives our Certificate of Occupancy when everything is completed obviously. So, for instance, today the Fire Marshal is scheduled to be there at 9 o'clock. He was called to some emergency in Berlin so he did not come. He comes on a regular basis and looks at the systems we have in place. So as when you come through when you tour, you'll see we haven't completed everything. You know, it's still a work in progress. It changes every day.

MS. HANKS: But in respect to the time line, we are looking to seek that Certificate of Occupancy in November.

MR. HANSON: Correct.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

CHAIRMAN CHANDLER: Further question.

REP. BYRON: Have -- and maybe --

MS. HANKS: Of this year. Of this year.

REP. BYRON: Okay, thank you for the clarity. There's going to be a carrying cost I'm going to call that, I don't know how else to phrase that, that we are going to incur as a state. Have you budgeted for that carrying cost?

MR. HANSON: Carrying?

REP. BYRON: In other words, carrying cost where the facility is unoccupied, yet you're still paying Hillsborough County for housing and taking care of those prisoners as an additional cost. Have we estimated that?

MS. HANKS: Yes. We budgeted for it and I think it's two Governor and Councils ago the contract was approved to carry us to I believe it's July 1 of 2018. So we've by nature of expanding that contract to July 1, 2018, giving ourselves, the Department, that's our "Get in the building no later than that" date and be running.

REP. BYRON: But I'm also --

CHAIRMAN CHANDLER: Further question.

REP. BYRON: I'm also referring to the cost you're going to have to heat that facility, maintain the facility, and there's a lot of costs associated with that. Basically, you're going to have an empty facility, nobody in it. Have you -- do you have money for that?

MS. HANKS: So we have been working with our Director of Administration to really try to forecast what those costs are to see if we can balance those in our existing budget. I think it's a challenge we're trying to figure out.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

CHAIRMAN CHANDLER: Just think, the Federal Prison in Berlin was open for three years before they ever moved inmates to the Federal Prison so we're way ahead of that.

MS. HANKS: We don't want to be that.

CHAIRMAN CHANDLER: You know, it could be worse. Okay, thank you very much.

MS. HANKS: Thank you.

CHAIRMAN CHANDLER: We have some dates here which -- Wednesday, September 27th -- two Wednesdays and two Fridays. I'm assuming Wednesdays would work better. Wednesday, October 4th. People expressed interest in going on a visit. So the question is does anyone still want to go on a visit? And, if so, when? We have Wednesday, October 4th, and Wednesday, September 27th. Two Wednesday dates. If Friday is better, we can go to that, too. Any preference?

REP. BYRON: What's the second date?

CHAIRMAN CHANDLER: We have Wednesday, September 27th and Wednesday, October 4th. And also two Fridays, the 29th and the 6th of October, so. I may have made an assumption that Wednesdays would be better for people, but --

SEN. BIRDSELL: I'm good on the 27th or the 4th.

REP. BYRON: I'm better on the 4th.

CHAIRMAN CHANDLER: 4th.

REP. BYRON: Not the 27th.

CHAIRMAN CHANDLER: Okay, two. Anyone else want to go?

REP. CLOUTIER: I've been once before, Mr. Chairman. I'd like to wait until it's open.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

REP. DANIELSON: 4th.

CHAIRMAN CHANDLER: 4th, okay. 4th work for you?

SEN. DANIELS: The 4th as long as it's not between 11 and 1.

REP. DANIELSON: Wow!

CHAIRMAN CHANDLER: Is this like two hours?

MR. HANSON: At most. It's entirely up to you. We could take you through it in one hour.

CHAIRMAN CHANDLER: Oh, so we could do it at nine in the morning?

MR. HANSON: True.

CHAIRMAN CHANDLER: Or maybe one. Most committees meeting that day, they meet in the morning. You want to do it 1 o'clock? Could you be free to go up at one?

SEN. DANIELS: I have a Committee meeting from 11 to 1.

CHAIRMAN CHANDLER: So would you -- why don't you go at one?

SEN. DANIELS: Could I go at one?

CHAIRMAN CHANDLER: Yes.

SEN. DANIELS: Not if I get out at one.

SEN. BIRDSELL: Why don't we do two?

CHAIRMAN CHANDLER: Okay. How about 1:30?

SEN. DANIELS: Probably.

CHAIRMAN CHANDLER: 1:30. How about that? 1:30. Does that work for you, afternoon 1:30?

CAPITAL BUDGET OVERVIEW COMMITTEE

September 19, 2017

MR. HANSON: It appears that that is clear. Yes, sir.

CHAIRMAN CHANDLER: Okay. 1:30 on October 4th. And you'll have a van?

MR. HANSON: At this point because the facility's nearing completion you could park right out front. So I suggest you drive up to the front door. We'll set up parking spots for everyone, suit you up with hard hats and take you through.

REP. BYRON: Will they give us directions?

CHAIRMAN CHANDLER: Yes, could you e-mail the directions and everything? And they can send it out. And I'll have Thursday Public Works Committee is meeting so I'll check and see how many more we'll have.

Okay. Any other business? I don't think so. That concludes our meeting. Thank you very much. We'll recess to the call of the Chair. Thank you.

(The meeting recessed to the call of the Chair at 11:25 a.m.)

CERTIFICATION

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcript from my shorthand notes taken on said date to the best of my ability, skill, knowledge and judgment.

Cecelia A. Trask

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