

CAPITAL BUDGET OVERVIEW COMMITTEE

Legislative Office Building, Room 201

Concord, NH

Monday, January 13, 2020

MEMBERS PRESENT:

Rep. John Cloutier, Chair

Rep. John Graham

Rep. Thomas Buco

Rep. David Danielson

Rep. Mary Beth Walz

Sen. Regina Birdsell

Sen. David Watters

(The meeting convened at 10:32 a.m.)

JOHN CLOUTIER, State Representative, Sullivan County,
District #10: Okay. I want to call this meeting of the Capital
Budget Overview Committee to order. And so the first item on our
agenda --

****** JOHN GRAHAM, State Representative, Hillsborough County,
District #07: Move acceptance of the minutes of the November
meeting.

DAVID WATTERS, State Senator, Senate District #04: Second.

CHAIRMAN CLOUTIER: Okay. A motion by Representative Graham,
a second by Senator Watters to accept the minutes of the
November 6th, 2019, minutes meeting. Any other questions,
comments? Ready for the vote? All those in favor signify by
saying aye? All those opposed say nay? The ayes have it. The
meeting minutes are accepted.

***** {MOTION ADOPTED}**

(2) Old Business:

CHAIRMAN CLOUTIER: I don't see anything under Old Business.

(3) New Business:

CHAIRMAN CLOUTIER: New Business. We have Harbor Dredging and Pier Maintenance Fund. So welcome back, Mr. Geno Marconi. This is under the Pease Development Authority, Item 20-002.

GENO MARCONI, Director, Division of Ports and Harbors, Pease Development Authority: Good morning, sir. For the record, I'm Geno Marconi. I'm the Director of the Division of Ports and Harbors of the Pease Development Authority. And this request I have before you we kind of got put into a box. Over the years when we've done partially dredging with the Corps of Engineers, the Corps has done sampling and sometimes core borings in the Federal Anchorage in the federal channels. And because our anchorage is -- abuts it, and is so small, everybody's gone on the assumption the core samples would be the same. It has been fine. All of a sudden the rabbit came out of the hat.

The Corps notified us that the EPA wanted us to do three samples in the State Anchorage in Rye Harbor. To what extent we are trying to find out. We thought at first it was going to be just doing grab samples off the surface of the bottom. And then it was suggested that some core samples might need to be done, and also suggested the possibility of extensive lab work on the core samples. So because of the timing we don't want to be an impediment for this project to go ahead. We're asking for these funds, not to exceed these funds, if and when the EPA notifies the Corps exactly what sampling we want to do because it's getting so late, you know, the Corps usually wants to go out to bid in the spring for a project that's going to start the middle to the end of October.

So I'm just covering -- I'm covering my bets here. Hopefully, they won't ask for the full boat, and we won't be spending all of that money.

CHAIRMAN CLOUTIER: Okay. Thank you. Questions from the Committee of Mr. Marconi? Are there any questions? All right.

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Seeing none. I will entertain a motion. I don't know what the Committee's pleasure is to accept this item.

****** SEN. WATTERS: Move to approve.

REP. GRAHAM: Second.

CHAIRMAN CLOUTIER: Senator Watters made the motion. Representative Graham seconded. Any other questions, comments? Ready for the vote? All those in favor of Item 20-002, signify by saying aye? All those opposed say nay? The ayes have it. And the item carries.

***** {MOTION ADOPTED}**

MR. MARCONI: Thank you.

CHAIRMAN CLOUTIER: Next item this will be under Duties and this is Item 20-004 under the Department of Transportation. And basically this is seek the concurrence of the Capital Budget Overview Committee that a public/ private partnership, better known as a P3 approach, is appropriate for the long-term lease and maintenance of the Portsmouth and Dover bus terminals, and that the Department should develop a request for proposals to select an operator as specified in the request dated January 2nd, 2020. Is someone from the Department of Transportation here to speak to this item? Please.

CHRISTOPHER WASZCZUK, Deputy Commissioner, Department of Transportation: Yes.

CHAIRMAN CLOUTIER: Welcome. For the record, could you please identify yourself.

MR. WASZCZUK: For the record, Chris Waszczuk, Deputy Commissioner with the Department of Transportation. And good morning.

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So this item, in essence, as the Chair stated seeks Capital Budget Overview approval to be able to continue with the next steps in the P3 approach and to be able to begin drafting a Request for Proposal. There's several meetings held with the P3 Commission that was established under the RSA. In addition, we held two public hearings, one in Concord and one in Dover relative to this concept of privatizing the transit facilities in Dover and Portsmouth. The feedback received generally concurred with moving forward with a P3 approach to those two facilities.

There's still several steps that need to be taken. Those steps were outlined in the letter. For example, we still need to receive Governor and Council approval after receiving concurrence from this Committee, and then we need to hold a public hearing, either in Portsmouth or Dover. We'll hold that public hearing on the draft RFP to solicit public comments on that document. And then we'll need to get Governor and Council approval prior to releasing the RFP.

We did release an RFQ, Request for Qualifications, and we do have two interested teams that are interested in this. But before we move forward with the RFP phase, Request for Proposal phase, we do need to secure approval and hold that public hearing to solicit comments.

CHAIRMAN CLOUTIER: Okay. Thank you, Mr. Deputy Commissioner. Questions of the Deputy Commissioner? Yes, Representative Graham, followed by Representative Danielson.

REP. GRAHAM: It's actually a two-part question. You said the RFP and then it comes out you get the contract. That then, also, that has to come back to I think it's Long Range Planning and Utilization prior to going back to Governor and Council.

MR. WASZCZUK: Yes. Before we release, yes, the contract.

REP. GRAHAM: Yeah. Okay. So we'll get another -- if I may?

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CHAIRMAN CLOUTIER: Okay, yes, please continue.

REP. GRAHAM: We'll get another look by this legislative body before it goes for final approval of the contract.

MR. WASZCZUK: Correct. Yes.

CHAIRMAN CLOUTIER: Thank you, Representative Graham. Representative Dan -- okay. You have another one?

REP. GRAHAM: Then a follow-up. You managed to list all the benefits of doing this. What are the downsides -- potential downsides or risks of doing it?

MR. WASZCZUK: Well, I mean, some of the risks are that we're relinquishing some control to the private entity. Right now the Department has total control over the, you know, primarily the operations. There is a five-year agreement that's in place that the operator does -- does need to follow. So this would be a longer term lease. So we were looking at 30 or 35-year term. So with that you're relinquishing some control of the facilities.

The contract will have protections in place just like, you know, the Hooksett Welcome Centers had, you know, some real strong requirements, protections in place. This contract will have the same to make sure that we're getting the quality of service out of those facilities and that the goals that the State seeks out of those facilities that they're met.

CHAIRMAN CLOUTIER: Representative Danielson, please.

DAVID DANIELSON, State Representative, Hillsborough County, District #07: Thank you, Chair. Clarification. My first question was going to be how long a term is the lease. And I think I heard you say it's going to be 30 to 35 years?

MR. WASZCZUK: Yes.

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REP. DANIELSON: You think that's a little extraordinary?

MR. WASZCZUK: No. The Hooksett Welcome Center lease is a 35-year ground lease. In order for the -- the developer/operator, in essence, to make any kind of investment in the facilities, they're going to need a long-term arrangement. So, typically, the industry uses roughly 30, 30-year plus.

CHAIRMAN CLOUTIER: Follow-up. Please continue.

REP. DANIELSON: I think we are talking apples and oranges though. The contract for out on the highway those folks had to make a major investment in that particular property for them to bring it up to speed as to where they are. These properties are already done for all intents and purposes and so they're on a maintenance basis as opposed to a development basis. Again, I'm going to come back with concerns that I think 30 to 35 years is a little extraordinary for the time commitment that we want to make on behalf of the State. I'm not sure I'm there. I just wanted to make that clear.

MR. WASZCZUK: If it might?

CHAIRMAN CLOUTIER: Thank you, Representative. You want to respond to that?

MR. WASZCZUK: Can I respond to that? Hum -- I guess I'd like to disagree that they're totally built up and in maintenance mode. The facilities are at capacity. One of the reasons that we're moving forward with this is that in order to have expansion of the facilities at that location, there's going to need to be some private investment. So one of the goals is that there is some sort of potential expansion opportunity that the private entity would pursue. That may be expansion, you know, on the site itself or may be off-site.

Right now there is a lot of valet servicing being done because the parking -- particularly at Portsmouth, is at

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capacity on a daily basis. And if we looked out in the future, if we want to grow transit, we're going to need to grow the parking aspects at that location. So there will be some investment there we think is going to be necessary at those locations.

REP. DANIELSON: Thank you, Chair.

CHAIRMAN CLOUTIER: Okay. Thank you. Yes, Senator Watters, please.

SEN. WATTERS: To follow-up because I was at the public hearing on this. Wouldn't it be fair to say that given the -- if you visited either of these sites, you know they are maxed out and -- and particularly in the Dover one there's no opportunity for expanding it there. There's no valet available so there may be another site that could be developed and the same thing in Portsmouth. So, I mean, isn't -- isn't it fair to say the point of P3 was to recognize that the State is not going to have the capacity to make these substantial investments and that there are some limitations of what the State can actually do in terms of regulating parking? And, I mean, they can't even -- 'cause right now they can't even put an electric vehicle charging station on one of these things because they charge for electricity and that's prohibited. So, I mean, isn't that the point of these is that -

MR. WASZCZUK: Yes.

SEN. WATTERS: -- these companies are going to be making substantial investment and they need to know that for 30 years or so that we're not going to come and pull the land out from under their -- their capital investment.

MR. WASZCZUK: Yes, that's actually true.

CHAIRMAN CLOUTIER: Thank you. Yes, Representative Walz, please, followed by Representative Buco.

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MARY BETH WALZ, State Representative, Merrimack County, District #23: So is this similar to what happens in Concord with the bus station there?

MR. WASZCZUK: Hum -- similar to what happens in Concord? Right now Concord -- that was -- that was built with Federal Congestion Mitigation Air Quality Funds. So although the -- the Department does own the sites and Federal funds were used to build the sites, we do have an agreement with the private operator to run service out of the site. And the agreement basically allows that private operator to utilize the site to operate their bus -- bus business and then pay for the operation and maintenance costs associated with that with some level of subsidy that goes back into the site from the State.

REP. WALZ: Follow-up.

CHAIRMAN CLOUTIER: Yes, please continue.

REP. WALZ: So the -- hearing that there's a lack of capacity, is the expectation that parking garages will be built in Portsmouth or Dover to accommodate more cars?

MR. WASZCZUK: That -- that is not precluded. That could be one of the concepts. At Portsmouth you have the -- the airport that has height restrictions. So there are limitations on what could be done vertically at that location; but that's not being precluded. You know, in essence, one of the -- one of the benefits of utilizing a P3 approach is that we let the industry determine what is the most cost-effective solution. There would be a major investment necessary in building a structure, maintain that structure. That may not be as cost-effective as buying a satellite, you know, parking area and using that as a satellite facility to park and do it like a mini bus shuttle. So there could be many different approaches.

REP. WALZ: Follow-up.

CHAIRMAN CLOUTIER: Okay. Yes.

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MS. WALZ: Is there any requirement that they expand parking to meet need -- meet the needs? I mean, what's to stop them from continuing to live with the limited number of parking places now?

MR. WASZCZUK: There is no specific requirement for them to expand. I think there were five goals listed of the project. Ensure the facilities are operated to a high standard that will promote the growth of public transportation, carpooling, and vanpooling in New Hampshire's Seacoast region. Ensure the facilities are operated and maintained to a high standard that will provide a positive user/customer experience. Efficient and effective parking management at the facilities to control capacity and prevent abuse. Provide a fair return to DOT. Provide for the transfer of the Dover-Portsmouth facilities at the termination of the lease/concession agreement term.

So, in essence, you know, right now what we're hearing from the individual that operates those facilities is there's a -- there's a high level of parking abuse. You know, people park there for weeks, months at a time to take up a valuable space. And there's really nothing -- nothing that really can be done right now about that. So some sort of parking controls, you know, what is being talked about is a pay for parking type of approach. And how that is all -- all structured is going to be weighed, you know, relative to the benefits and drawbacks.

REP. WALZ: So follow-up.

CHAIRMAN CLOUTIER: You have another question?

REP. WALZ: So, what I'm hearing you say is that we have public property and a public thing, that we have no guarantee that they're going to expand parking and they may start charging for parking. We have no control on the rates of what they're going to charge for parking. So we really know that we have a need here, the hope is they're going to do this, but we have no controls over how they're going to do this in terms of whether

they're going to expand parking, whether they're going to charge for it.

And, you know, in Concord people do the same thing. They'll come in and park and maybe leave their car for long-term if they're on a long trip. They may leave the car for a couple of weeks while they're travelling, come back and the car's waiting for them when they get off the bus coming up from the airport. That has proved to be a really huge asset to the region to have this really free parking so that you can get to and from the Boston airport. It would seem to me we have got similar congestion over in Portsmouth and Dover that could be a similar kind of asset to the community, yet we have no control over what's going to happen. Am I correct in this?

MR. WASZCZUK: No. I guess when I started saying early on in response to a question that some of the things that the State would lose, one of the drawbacks is we'd lose some control. Doesn't necessarily mean we have no control.

One of the -- one of the -- we haven't received proposals. In the proposals, in the Request for Proposal we're going to be, you know, present some explicit criteria that needs to be met, and the goals are going to be listed. The two entities that submitted to the RFQ, Request for Qualification Stage, they will be submitting their proposal to determine, you know, how they're going to address, you know, the problems on-site, what are they going to do. Are they going to build expansion, you know, facilities? Are they, you know, what rates are they proposing to charge? What kind of controls on a price escalation over the term of the contract are going to be in place and those proposals are going to be rated in terms of, you know, best management practices and what they're bringing to the table?

So once they -- you know, once those are, you know, we identify an entity that puts forth the best approach, then we'll draft a contract that holds them to what they -- what they promised to bring to the table. You know, so we will have those controls in place; but, in essence, we may be losing anything

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over and above that that we may feel is necessary. Did that answer your question?

REP. WALZ: I just didn't understand your last sentence, we may be losing over and above that.

MR. WASZCZUK: Anything -- anything over and above what they propose. Those are the type of things that we may be losing in the future.

CHAIRMAN CLOUTIER: Representative Buco, followed by Representative Graham.

THOMAS BUCO, State Representative, Carroll County, District #02: Thank you, Mr. Chairman. Commissioner, is there any -- since -- since there's such a problem with available parking and use of parking, is there additional land available tangent to this -- this site or that's State-owned?

MR. WASZCZUK: Not State-owned. It's owned by the Portsmouth Development Authority and the FAA, Federal Aviation Administration. So there's no -- there's no State -- there's no real sizeable State land. There may be small portions within the site. But, in essence, I think we've built out the Portsmouth site to its full extent with two or three projects back in 2000's. And the Dover site is pretty much also built out. So they would have to find, you know, private land and possibly acquire private land and develop private land to serve as any kind of satellite parking facilities.

REP. BUCO: Thank you.

MR. WASZCZUK: And that's -- and that's -- that has some potential.

CHAIRMAN CLOUTIER: Representative Graham, followed by Representative Danielson.

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REP. GRAHAM: Thank you, Mr. Chairman. We're sitting here talking about a lot of what if. Right now you just want permission to go out and ask for a proposal that may turn into a contract which we don't have to accept any contract proposal that comes in.

MR. WASZCZUK: That's correct.

REP. GRAHAM: Thank you.

CHAIRMAN CLOUTIER: Okay. Representative Danielson, please.

REP. DANIELSON: Thank you, Chair. And following on Representative Graham's question. It's also -- we're also talking about today for all intents and purposes. The status quo that we're talking about, this is the way it's going to be forever and ever. Some of us who disagree and think that maybe mass transportation might be a solution for the Seacoast. It might not be tomorrow or today, but is there any anticipation that you've allowed for the possibilities of mass transportation? One could consider -- one could consider that buses are mass transportation. I'll accept that. But what I'm thinking of is more rail types of transportation. Have you considered that at all in the plan?

MR. WASZCZUK: Not in this approach.

REP. DANIELSON: Would you consider it in the development of the RFQ or RFP?

MR. WASZCZUK: I mean, in essence, we're talking about two fixed sites that, you know, you'd have to bring a rail to those sites and we haven't -- we haven't, you know.

REP. DANIELSON: My only issue is that we tend to talk about things today as if we're going to be like this for the rest of our lifetimes. It's not true.

MR. WASZCZUK: Correct.

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REP. DANIELSON: If we don't anticipate we just incur costs, greater costs, and what we're supposed to be doing is trying to anticipate.

CHAIRMAN CLOUTIER: That's a would you believe question.

REP. DANIELSON: Chairman, thank you.

CHAIRMAN CLOUTIER: Yes, Senator Watters.

SEN. WATTERS: Kind of would you believe or not. But just to follow-up. Isn't it true that there's no other available land at the current Dover site?

MR. WASZCZUK: That is true.

SEN. WATTERS: And that so isn't it true that part of the discussion there, you know, I had the advantage of being at the public hearing and it's too bad we don't have those materials to share with folks here which might have been helpful. But this is -- this is just a baby step today. But, therefore, part of the major development plan might be an ancillary site that private investment would have to pay for for Dover.

MR. WASZCZUK: That is true.

SEN. WATTERS: And wouldn't it be also true to say that part of the whole impetus of this is the recognition from these people who came in with the RFQs that the growth and demand in the Seacoast area for this kind of transportation down into Boston and Logan Airport is growing and it's going to continue to grow, and they want as businesses be able to fulfill that capacity, whether it's through dealing with what they have or adding more stations. And what we have seen in the last few months is that one of these companies has opened a new facility down -- has gotten approval from the Planning Board to establish a new facility down in Seabrook which will be another major

transportation. So the growth here and also wouldn't it be fair to say in terms of rail discussion, we have the Downeaster now.

MR. WASZCZUK: Yes.

SEN. WATTERS: And that, you know, there really is not potential conversation at this point in terms of funding everything else, about rail to Portsmouth. That's just really not something that's foreseeable; is that fair to say?

MR. WASZCZUK: That is fair to say. And I would say that from a travelers perspective options are what's preferred. You know, so if there is rail available, that's an option. If there are buses available to serve a mass transit facility, that's an option. If there's carpooling or vanpooling. I think people are looking for options and I think this is -- this is fulfilling maybe one of those, you know, kind of choices.

Transit -- the other thing from the Department's perspective, you know, we have major investments that we're making on the Spaulding Turnpike, major investments we made on the I-95 corridor. Bus service protects some of that investment by allowing, you know, more people to be able to travel on buses and remove potential vehicles off the highways. You know, so we see one of the goals here is to need to, hopefully, expand transit in the region. You know, so that's -- that's one of the things that we're going to evaluate closely with the proposals when they submit their proposals.

CHAIRMAN CLOUTIER: Any further questions of the Deputy Commissioner from the Committee? Are there any other questions? I will now entertain a motion.

****** SEN. WATTERS: Move approval.

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

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CHAIRMAN CLOUTIER: Senator Watters made the motion. Do I have a second?

REP. GRAHAM: Second.

CHAIRMAN CLOUTIER: Second by Representative Graham. Are we ready for the vote? All those in favor of adopting Item 20-004, first of all, signify by saying aye. Now is this -- I want to be clear. Is the House -- everybody in the House is voting for it, right? And everybody in the Senate? Okay. So I just want to be sure here. Okay. It's unanimous. Thank you very much and the motion is adopted. Thank you very much, Mr. Deputy Commissioner.

***** {MOTION ADOPTED}**

SEN. WATTERS: Chairman, I'm sorry. I have to leave, but you still have a quorum.

CHAIRMAN CLOUTIER: Okay. Thank you very much, Senator Watters.

(4) Miscellaneous:

(5) Informational:

CHAIRMAN CLOUTIER: Miscellaneous, Informational. The only thing is setting the date of the next meeting and adjournment. Probably I'm looking at something in March. I'm wondering maybe I think Mondays or Tuesdays are probably better. I want to stay definitely away from Thursday and prefer not Wednesdays and Fridays. Mrs. Ellis, did Senator D'Allesandro say that Mondays are bad for him usually?

PAM ELLIS, Administrative Assistant, Budget Division, Office of Legislative Budget Assistant: She just said this Monday was.

CHAIRMAN CLOUTIER: Monday was, okay. I just want to be sure. So I was thinking of because of our schedule, and I think

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we wouldn't be having a session either probably the second or third of March or maybe the 16th and 17th of March. I mean, how is that? Any preferences? We want to meet -- on Monday we can meet later. On Tuesday, because I know we all have a lot of stuff to do meet, earlier in the morning. Like, you know, usually Monday we meet at 10:30 for Capital Budget. I'm going to obviously talk to Long Range and when they convene in a few minutes at 11 o'clock. So anybody have any preferences? Otherwise, I'm going to tentatively set the date probably for Monday, March 2nd, maybe at 10:30 for this Committee and 11 for Long Range, although, as I said, Long Range will meet in a few minutes. Any objection?

REP. WALZ: I'm going to suggest we not do the 2nd. That's the end of the week off for the Legislature. If people want to extend into another day or so, the 2nd's probably not a good one. Either the 9th or 16th, whatever.

CHAIRMAN CLOUTIER: 16th might be better?

REP. WALZ: Yeah. I would not do the 2nd just because I think people may still be away for travelling.

CHAIRMAN CLOUTIER: Okay, your point is well taken, Representative Walz. So why don't we tentatively say for Monday the 16th at 10:30 with Long Range maybe meeting at 11. If there's a problem, as I said, necessary Tuesday would have to be early in the morning. But I understand probably Mondays might be better for a lot of especially those on Finance, the Senators, but --

SEN. BIRDSELL: We're talking about Capital?

CHAIRMAN CLOUTIER: Yeah, Capital Budget Overview. I don't -- as I said -- is there any objection and we can -- I can always change it if I get a lot of concerns from -- especially members who aren't here or something comes up. Tentatively March 16th.

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REP. WALZ: 10:30 you're thinking?

CHAIRMAN CLOUTIER: 10:30, yeah, is that okay?

REP. WALZ: Sure.

CHAIRMAN CLOUTIER: And that way if you've got a weekend -- coming back from a weekend you don't have to get down here too early. Okay. And I also, before I adjourn, I want to say that there was a little confusion the other day that Representative Buco noticed in the elevator some wrong information that we're having a meeting last Thursday afternoon. And I regret any confusion and errors; but Mrs. Ellis said she found out that Doug Dolcino put those in and from now on we're going to include him in the loop when we schedule these meetings. So, hopefully, we will not have any inaccurate notices put in the elevators in the future. So just for your information. Yes, Representative Graham.

REP. GRAHAM: I would just like to thank Mr. Marconi for the informational -- information about the -- the turning basin and that you provided that we asked for. It is helpful for clarification of some things.

CHAIRMAN CLOUTIER: Okay. Your point is well taken, Representative Graham. And, again, thank you, Mr. Marconi. Big help that information and I know it was a big help to me, and I think I can speak for every Member of the Committee. But I appreciate you pointing that out, Representative Graham. Thank you. So unless there's any objection, I will now adjourn this -- or entertain a motion to adjourn.

** SEN. BIRDSELL: So move.

CHAIRMAN CLOUTIER: Senator Birdsell moved. Anybody second?

REP. BUCO: Second.

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CHAIRMAN CLOUTIER: Representative Buco seconded. Okay.
Thank you. Meeting is adjourned. Thank you.

(The meeting adjourned at 11:01 a.m.)

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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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