

**CAPITAL BUDGET OVERVIEW COMMITTEE**

Legislative Office Building, Room 201

Concord, NH

Tuesday, March 4, 2014

**MEMBERS PRESENT:**

Rep. David Campbell, Chair  
Rep. John Cloutier  
Rep. Bernard Benn  
Rep. Dan Eaton  
Rep. John Graham  
Rep. Ken Weyler  
Sen. David Boutin, Vice-Chair  
Sen. Sylvia Larsen  
Sen. James Rausch  
Sen. Nancy Stiles

(Meeting convened at 2:04 p.m.)

**1. Acceptance of Minutes of the minutes of the January 16, 2014 meeting.**

CHAIRMAN CAMPBELL: Call the Capital Budget Overview Committee to order. Our first order of business is acceptance of the minutes.

\*\* REP. EATON: So move.

REP. WEYLER: Second.

CHAIRMAN CAMPBELL: Moved by Eaton, seconded by Weyler. All those in favor say aye? Opposed?

\*\*\* {MOTION ADOPTED}

**2. Old Business:**

CHAIRMAN CAMPBELL: No Old Business.

**3. New Business:**

CHAIRMAN CAMPBELL: New Business. We have CAP 14-010, New Hampshire Hospital. Who's presenting that? Anybody presenting that? Mr. Connor. Hi.

MICHAEL CONNOR, Deputy Commissioner, Department of Administrative Services: No, that's not me. That's him. Sorry.

PHILIP WRIGHT, Director, Support Services, New Hampshire Hospital, Department of Health and Human Services: Good afternoon.

CHAIRMAN CAMPBELL: Afternoon.

MR. WRIGHT: Philip Wright, Director of Support Services at New Hampshire Hospital.

CHAIRMAN CAMPBELL: Hi. You just want to explain what you're asking for?

MR. WRIGHT: Right. So New Hampshire Hospital is requesting that some unused funds from our sprinkler project that was allocated in budget years '13 and '14, the unused funds be allocated or a portion thereof be allocated towards our Admitting Treatment Center that's due for construction later this year. They're unused funds that we believe are going to be helpful as we renovate that area and would help offset the total cost of the project.

CHAIRMAN CAMPBELL: Does this -- does this amount of money cover the expected overrun or will there be more -- does it exceed that amount?

MR. WRIGHT: No. What you see for numbers here we have an overall budget surplus of about \$105,000. There's a small project remaining, left over from that original sprinkler project that we've already received estimates for in the tune of close to \$48,000. So the 57,000 we're asking for is the true balance that will remain.

CHAIRMAN CAMPBELL: I'm talking around the other end where the 57,000 is going, is that going to be enough to take care of --

MR. WRIGHT: Well, it will certainly go a long way to help offset the expense of the sprinkler project. It will not cover the entire expense.

CHAIRMAN CAMPBELL: Representative Graham.

REP. GRAHAM: Thank you, Mr. Chairman. I have a question may be more for LBA. My understanding of the provisions to waive and move money was after a project was completed, not with anticipated money that may be left over; is that correct? I mean, can we do this?

CHRISTOPHER SHEA, Budget Officer, Office of Legislative Budget Assistant: The practice has been to wait till the project is completed to find out what the surplus is going to be of that project.

MR. WRIGHT: Our issue, as we sit here today, the work that's needed relates to a valve replacement. We cannot access that valve with the ground frozen. We need to wait till spring. Senator Boutin knows that the project that we are working on for this admitting unit is really on the fast-track. There's a great need to get this work done. So we are trying to be prudent in asking for these funds to be released sooner than the project is wrapped up.

CHAIRMAN CAMPBELL: Senator Boutin.

SEN. BOUTIN: Thank you, Mr. Chairman. I guess I'm a little puzzled because I was going to ask you where this money is going. We just appropriated \$375,000 for that project. Why -- I don't understand, now you're coming back for another 57,000.

MR. WRIGHT: No, we did -- we did ask. You folks graciously approved 375,000 for the renovation work of our second floor rehabilitation area. This money we're asking for is specific for

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sprinkler work only in the Admitting Treatment Area of this project coming up.

CHAIRMAN CAMPBELL: Yes, please.

JIM DALL, Chief Financial Officer, New Hampshire Hospital, Department of Health and Human Services: Hi, I'm Jim Dall.

SEN. BOUTIN: With all due respect, I was led to believe and the rest -- and the people that I was working with in the Senate were led to believe that this was the money for that project. Now you're saying no, it's not. The 375 -- what was the 375 for?

CHAIRMAN CAMPBELL: Please help us out.

MR. DALL: Jim Dall, Chief Financial Officer, New Hampshire Hospital. Senator Boutin, the 375,000 that was appropriated was to do the second floor renovations for the Rehabilitation Department to move them out of the current space so we could move everybody in the area with the admissions holding capital project.

SEN. BOUTIN: You got \$2.1 million to do that project.

MR. DALL: That is correct. And in dealing with the architects, the 2.1 for that project for the Admissions Holding Area is going to be tight. So the thinking was that if we could add \$57,000 to go towards the sprinkler project, the section of that project, it would help. But the 375 that was appropriated earlier is for a separate space to get the project rolling.

CHAIRMAN CAMPBELL: Further question.

SEN. BOUTIN: I have a question for Mr. Connor.

CHAIRMAN CAMPBELL: Mike.

MICHAEL CONNOR, Deputy Commissioner, Department of Administrative Services: I'm Mike Connor from Administrative Services. Yes.

SEN. BOUTIN: Good afternoon, Mr. Connor.

MR. CONNOR: Good afternoon.

SEN. BOUTIN: I don't know about anybody else, but I'm a little troubled by a statement that goes like this. It says the architect indicates the funding provided will be very tight because the necessary features make hospital construction more expensive than standard estimating guidelines. What does that mean? Does that mean that they used -- they didn't use the right numbers to come up with the 2.1 million that you needed to do this project?

MR. CONNOR: No. I'm not aware of where that claim comes from. I have to defer to these folks. I haven't seen that item.

SEN. BOUTIN: It's right here. We don't know how to do estimates is what it says.

MR. DALL: If I could help a little. What we did is we used for the capital project originally the high end of the Administrative Services range of square footage for renovating projects. When we had the first meeting with the architects, they came in and they didn't think that the high end of the range, I think it was \$105 a square foot, was going to be enough. And that's when we were working with the clerk of the works for the sprinkler project who recommended that if there was going to be monies left over, if that 2.1 million at \$105 a square foot was going to be a little short, then maybe this 57,000 could go at least towards the sprinkler system. That's why that was put in there.

CHAIRMAN CAMPBELL: There seems to be two questions here. One which Representative Graham raises, which I don't diminish, is the fact that I'm not sure we can approve something

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anticipated until the project is done. Has to be looked into to be certain on that.

MR. SHEA: That's correct.

CHAIRMAN CAMPBELL: Senator Boutin has concerns about the budgeting. I mean, go ahead.

REP. BENN: And sort of combine those two. Is, in fact, the problem is speculation on both numbers. The 375, whether or not that will be enough, you still don't know that.

MR. DALL: Correct.

REP. BENN: And whether or not you'll have 57,000 left and then whether or not the, what, 2.1 million is enough to complete the other project. So it's speculation on both sides.

MR. DALL: Agreed.

REP. BENN: Besides the legal question of whether or not we can do it.

CHAIRMAN CAMPBELL: Representative Graham.

\*\* REP. GRAHAM: Mr. Chairman, based on the confusion in my own mind and probably in several others, I move to table this item.

REP. EATON: I second.

CHAIRMAN CAMPBELL: Moved by Representative Graham to table, seconded by Representative Eaton. Discussion on the motion which is tabling.

REP. WEYLER: Discussion non-debatable.

CHAIRMAN CAMPBELL: Non-debatable on the floor and not all committees. I guess not here. Okay.

SEN. RAUSCH: I do have --

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CHAIRMAN CAMPBELL: Parliamentary inquiry. Yes.

SEN. RAUSCH: I'm okay with tabling, but I'm just wondering are we going to ask them a further -- a follow-up on in order to bring this off the table, when and what additional information do you want. I guess that would be -- I would wonder as my question to you, Mr. Chairman, is do we have to give some directions to why we're tabling it for them to come back at some point?

CHAIRMAN CAMPBELL: I think we need a determination from LBA on the legality of doing it prior to the project being finished. And, secondly, you know, figure out, you know, be tighter on the budgeting numbers, what Senator Boutin's concerned about.

SEN. RAUSCH: Okay. As long as we send them some message.

CHAIRMAN CAMPBELL: Yep. Okay.

SEN. BOUTIN: Mr. Chair.

CHAIRMAN CAMPBELL: Yes.

SEN. BOUTIN: Mr. Chairman, I went way out on the limb on getting this money for that project; and I was assured that that was what was needed, and then we additionally went and got another \$400,000 for staff and equipment. And what I'm hearing today is very disturbing, to hear you say that's not going to be enough money. Does that mean you're going to come back here for more money? And then you wonder why we have trouble doing, you know, approving these projects when we go through this. I just -- it's beyond belief. Mike, I don't understand it.

MR. CONNOR: I'll --

SEN. BOUTIN: I don't understand.

MR. CONNOR: Apparently, this is something that came from one of my staff unbeknownst to me so I will follow up and report back as to the status of the project in general.

CHAIRMAN CAMPBELL: Appreciate that. Motion on the floor is a table. If you're in favor of tabling it, you'll indicate by saying aye and opposed nay. All those in favor say aye? Opposed? We table the item for future consideration. Thank you.

MR. WRIGHT: Thank you.

**\*\*\* {MOTION TO TABLE ADOPTED}**

CHAIRMAN CAMPBELL: CAP 14-007, Department of Administrative Services with the Adjutant General requesting construction management method based on the backup that they provided us. General, good morning. Good afternoon.

MAJOR GENERAL WILLIAM N. REDDEL, III, Adjutant General Adjutant General Department: Good morning.

CHAIRMAN CAMPBELL: Seems like, sir.

MAJOR GENERAL REDDEL: Good morning, sir, whatever day it is.

MR. CONNOR: Good morning. For the record, Mike Connor from Administrative Services. Obviously, General Reddel and Commissioner Hodgdon from Administrative Services. We are here today basically to request your approval to move forward with construction management, bidding and contracting approach for the RTI Barracks and School Building down in Pembroke. In a nutshell, we entered into the contract with TLT back in September of 2011 for \$26,554,143. We ran into several issues and we ended up terminating the contract on May 18th of 2012. We worked with the Department of Justice and arrived at a settlement agreement in October of 2013, and we are approximately 17% complete in the project.

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Due to the complexity of the project, we're requesting permission to utilize construction management approach to bid and contract. This will allow us to go through a different process where we actually pre-qualify the vendors, solicit letters of interest and qualifications, whittle that down to the three best qualified candidates, and then request a guaranteed maximum price from them to complete the work. So we'd really like to have that latitude to ensure we are going to have the quality contractor we are looking for. We are looking to complete our valuation process in April with bids due out in May and complete the project in October of 2015. With that, I'll be glad to answer any questions you may have.

CHAIRMAN CAMPBELL: Commissioner, General, anything to add?

MAJOR GENERAL REDDEL: Only, Ma'am, Sirs, I had a Federal project that was started the same month as this project in Pembroke over at Pease Air National Guard Base. I presently have that building open. We have people living in it. And under the Federal guidelines, we used a similar process and that is for best value, not the lowest bidder. I ask you to look at that. It is costing the State, it is costing me a lot of money in delays and over budget as far as getting a building up. I do not have that problem over on the Federal side.

CHAIRMAN CAMPBELL: Representative Rausch or Senator Rausch.

SEN. RAUSCH: Thank you, Mr. Chairman. I have no problem with this request, but why did you have to stop it or what was the problem that has caused this delay, without going into massive detail.

MR. CONNOR: With permission, sir, I'd like to hand out kind of a summary of the project that kind of gets into those details, if I could?

CHAIRMAN CAMPBELL: Sure.

MR. CONNOR: There are several issues that we had with -- we had issues with the concrete. But we also had issues in regards

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to we had a statement from one of the subcontractors who said they hadn't been paid, hadn't been paid for four invoices. And then when -- and, basically, when the general contractor had signed every one of those pay reqs, in effect, everyone had been paid. So they were basically falsely completing those documents. And based on that, we terminated the contract. That was our actual reason for terminating the contract, for falsifying the documents and not paying subcontractors.

That was one of the items that Governor and Council was really very firm on. Back in September, I'm sure both of the people on both sides of me were there for that meeting. They remember that well. Just to make sure that we held them to the specifications and, two, to make sure that subcontractors were paid. So that's why we terminated the contract.

Subsequent to that, the subcontractor came back and said, oh, we didn't really mean it. We got paid. So although we never got a written confirmation of that, they basically rescinded so we lost a lot of our strength and that was our reason for terminating the contract. We ran into other issues regarding the concrete itself or whether or not we owned it in contract. It was kind of ambiguous. And so working with the Department of Justice, their recommendation through that lengthy process was to reach a settlement, which we did reach, and we have completed that process and we'd like to be able to move forward.

You have a summary there that gets into more details about what the payments were to those particular contractors. The settlement agreement was reached in October of 2013. We paid about 2,000 -- I'm sorry -- \$2 million. Of that, 1.4 million was reimbursed. Because a lot of that settlement amount was actually for work that had been completed and/or products that had been delivered to the site, like steel and equipment. So, basically, the hit to the General Fund was about \$460,000 for that settlement to get out of that.

We do have a few potential costs moving forward. There's some concrete there that needs to be replaced and re-poured which that will be at the cost of the State. There's some steel

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that may require some preparation. The steel has been basically in a yard for a couple of years. So there's been some rust or what have you. So there may be some additional preparation that will need to be paid for. And then there's a potential for some rework that the general contractor that takes responsibility for this project is going to assume full responsibility. There's some water supply lines, sewer lines, electrical lines that have been placed in site. They may or may not take responsibility. They may say I want to do it all over again or I want to do that part over so I can guarantee it's all completely done. We don't know for sure. So there is some potential risk there and I've laid that out what our potential risks are going forward.

After that in your document just kind of lists where the project is and what our future plans are to complete the project.

CHAIRMAN CAMPBELL: Thank you. The Attorney General's Office is represented here today as well.

REP. BENN: I guess my question is why didn't the surety company, the performance bond cover the cost of these things that have to be replaced?

MR. CONNOR: I think I'll defer that question to Senior Attorney Karen Schlitzer, if you can help me. Thank you.

CHAIRMAN CAMPBELL: Hi. Welcome. Thank you.

KAREN SCHLITZER, ESQ., Assistant Attorney General, Department of Justice: Thank you. Good afternoon. The surety, their position was that it was an improper termination and they were not going to cover the cost and they backed TLT on that. In order for us to reach resolution on that issue, had we not mediated we would have had to engage in a lawsuit that probably would have put us at about a year or two of litigation which would have been very expensive and very time consuming.

CHAIRMAN CAMPBELL: Thank you. Any further questions?  
Senator Rausch.

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SEN. RAUSCH: So subcontractors originally made a statement that they reneged on the initial statement. Was there anything in writing? I mean, that seems to me that that would be a legal offense of its own to accuse somebody of not paying and then rescinding that based on the fact that you terminated based on that. But there was no liability on the part of the subcontractor who originally made false statements?

MS. SCHLITZER: The -- the statement was initially the first, quote, unquote, offense was by TLT in that they signed on a requisition certifying that they had paid for all prior -- they had paid their subs for all prior requisitions. BPW, the Bureau of Public Works, received information from Aggregate, that was the subcontractor, that they had not been paid. Some of it was verbal conversation. I don't -- I wasn't in the weeds on that. I don't know what they had in writing. I don't recall at this moment. But there was ample evidence that we believed we had that TLT had not been truthful when they certified that statement by signing the requisition. It was after we issued the letter of termination that sometime after that that Aggregate indicated that they did not prefer for that to happen and did not intend to file claim. But we never did receive evidence that the amount that TLT had certified at that time had actually all been paid.

SEN. RAUSCH: How did we find liability? I mean, how were we found liable for terminating?

CHAIRMAN CAMPBELL: No, it settled. The case was settled.

MS. SCHLITZER: That's correct.

CHAIRMAN CAMPBELL: The case was settled because the cost involved in litigation and the time delay.

REP. EATON: Would have cost more.

SEN. RAUSCH: Okay.

LINDA HODGDON, Commissioner, Department of Administrative Services: And I should mention we have a State employee who was terminated in the process.

CHAIRMAN CAMPBELL: No, I didn't know that. Please, what was that, Commissioner?

MS. HODGDON: State employee was terminated in the process. So there were some steps on the State side that should have been followed differently than the way that they were.

I just would like to add my voice to the General's because I'm guilty of a felony if I don't bring the low bid forward to Governor and Council. And this was a case where the Federal dollars that we received we weren't going to get again. It was very clear from our Federal delegation that this was something that had happened in the past, and it wasn't going to happen in the future. And we were up against a deadline. So -- hum -- I think that there was some recognition on the part of Public Works that this was going to be a challenging vendor to do business with -- contractor to do business with, and that certainly played out. But sometimes I don't have a lot of options available to me. And it sure would be better to kind of learn from this experience and to think about how we can do this better going forward, but it's going to take a change in law.

SEN. RAUSCH: Has that vendor been removed from a status of ever applying again for a contract?

MS. SCHLITZER: I can speak to that. Part of the settlement agreement TLT agreed that they would not apply for pre-qualification status for one year from the date the agreement is signed.

CHAIRMAN CAMPBELL: Yes.

REP. BENN: And the Federal money is all intact, even though we terminated the low bidder?

MS. HODGDON: Yes.

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MR. CONNOR: The remaining funds are still there, yes.

MAJOR GENERAL REDDEL: Construction funds are -- typically we can hold them for five years at the max. We're getting close.

REP. BENN: Close. 2011, was it?

\*\* REP. EATON: Move the item.

CHAIRMAN CAMPBELL: Representative Eaton moves, seconded by Senator Boutin. Further questions? Comments? Seeing none. If you're in favor of the motion you'll say aye; opposed you'll say nay. All those in favor say aye? Opposed? Thank you. Thank you all.

\*\*\* {MOTION ADOPTED}

MS. SCHLITZER: Thank you.

REP. GRAHAM: Is that the last action item?

CHAIRMAN CAMPBELL: Last action item? Yeah.

4. Miscellaneous:

5. Informational:

REP. GRAHAM: As long as they're both sitting there, could we go to 14-008 and talk with them about this, the National Guard and contracting.

CHAIRMAN CAMPBELL: Absolutely, Mr. Chairman, we can do that.

REP. GRAHAM: I'm asking the Chairman.

CHAIRMAN CAMPBELL: Yes, we can. It's a good idea. Thank you. Yes, there is --

REP. GRAHAM: My question was to you.

CHAIRMAN CAMPBELL: Yes, absolutely. Yes. There's another item before us today on the Informational items which is listed as CAP 14-008. Why don't you explain this for us, if you would.

MR. CONNOR: Sure. We have, basically, a situation where two conflicting laws that are preventing us from moving forward and so I wanted to -- I knew there was not too much you can do, but I wanted to make you aware of it and looking for some advice. And I also have some proposed amendments if some of you are willing to help us. Let me tell you a little bit about it.

21-I:80 requires the Bureau of Public Works Design and Construction for any project over 25,000 for construction or renovation of a State facility to oversee that project. 21-I:85 requires that we seek reimbursement for any project that's not Generally funded. In the case of the Littleton Readiness Center, that's a MILCON project. I have people here can define that more, but basically it's a project that I think it's from the Department of Defense; is that correct?

MAJOR GENERAL REDDEL: Correct.

MR. CONNOR: Where they have stipulations in how much money they -- it's capped at how much they can pay for design services and how much they can pay for construction oversight. Typically, it's around 6% or so for design. I think it's three and a half or so percent for actual construction oversight. In most of the other states they have a large -- or at least a contingent of engineers or architects that do that themselves. Here they have a very small group. So the oversight piece is not usually a problem for another group because they're doing the design or what have you in-house, and they're not overspending or they can't overspend the amount of money that is capped.

So in this particular case in Littleton, the Adjutant General actually hired a design firm to do the design work. I think it was Dignard in this particular case to do design work, and they're going to be using up most of the funds in order to

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do that. If we were to go forward with the project, we would be -- we would take -- we would incur about \$70,000 of cost that we would not be reimbursed for to provide the construction oversight 'cause we have to drive basically to Littleton for that project. So I'm at a loss. I have a State law says you need to oversee it. I have another State law that says you need to seek reimbursement. So I have this situation where I'm kind of -- we're at a logjam. They'd like to move forward with the project. I have a couple of -

CHAIRMAN CAMPBELL: It seems to me though a couple choices here. One is we either allow the Department of Public Works to do this for gratis which brings it down or we need more money which does not seem like an option; right? You can't get more money.

MR. CONNOR: Yeah, MILCON's capped at how much they can do. I spoke to the LBA Office, and I'm not going to speak for the young man that's here, but he said that there really wasn't much that you folks could do as a Committee because the law was the law.

CHAIRMAN CAMPBELL: So there's nothing we can do, but except give some guidance. But, General, you want to address the more money issue, please?

MAJOR GENERAL REDDEL: Yes, sir. We have gone back to the National Guard Bureau and DOD to get additional funds. We have been in the recent years okay with doing that, and we have gotten the funds. But they have basically said no more. You know, Federal guidelines says this is the amount that you're going to pay. That's the amount you're going to pay.

MR. CONNOR: So I have a couple of amendments that could actually help us out through this if some of you were interested in supporting that. Maybe attaching it during this session. We, in order to keep the project moving, we -- there's enough funds in the design portion that we could keep going. But when we hit the construction portion, I won't have the funds in order to continue to do the oversight that we're supposed to do by law.

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So you have two pieces in front of you. The first one is 21:85, the actual requirement now that I actually seek full reimbursement for those funds. And I just added some language in there that basically says should the funds be available to do that work, or if we have the luxury of having enough of a budget so I could basically absorb that cost. So it would give us that option. There are two different options here, and that's because Senate Bill 222 is going through. That's doing some restructuring, and it's changing the title of Plant & Property Management to -- to Public Works Design and Construction. So that's why it says if Senate Bill 222 passes we need this. If it doesn't, then we need the other language.

The other Amendment is to a law actually that was -- it's the Adjutant General's law -- provision that was approved during our last session that allowed them some exceptions to the traditional Public Works process. And it was during -- they do a good job of -- of working in Washington to get funds in other agencies or other Federal agencies aren't able to use, and a lot of times they get it at the last minute. They may get it two, three months before their September deadline and we -- it's not enough time for us to go out to bid and take to Governor and Council. So you have granted them in the language under one and two the opportunity under certain situations to bypass the situation, and I'm actually throwing in another one that says in these situations here while sufficient funds aren't available that they can use this process to continue that totally federally funded project.

CHAIRMAN CAMPBELL: Well, I appreciate you coming in and let us know the dilemma. We are a Joint Committee. We really have no power here. Where you're suggesting they're Senate bills, I would hesitate to the point of death to suggest what we do what the Senate does. So I would say you should take this probably up with some of the Senators and see if there's something can be done there.

REP. GRAHAM: But if it passes, it will come to us.

CHAIRMAN CAMPBELL: Then we have a say. But, I mean, we are not in a position here to do anything on this, but I do appreciate letting both sides know because you're letting two standing committees know that deal with us. This information is very helpful, but there's really no action we can take.

SEN. RAUSCH: What Committee is that?

MR. CONNOR: This is not in any committee. This is literally I would need someone to sponsor to attach to an existing bill.

CHAIRMAN CAMPBELL: What is SB 222?

MR. CONNOR: Oh, I'm sorry, that's going to ED&A. Yes, Senate Bill 222 is in ED&A and that's in the Senate so that be Senator Carson and her Committee, if you wanted to attach it to that. But Senate Bill 222 doesn't have anything to do with what I'm proposing to do here.

SEN. RAUSCH: Oh.

MR. CONNOR: The only reason I'm making reference to it is that I have something that affects the language here. If you notice if it doesn't pass, it says Plant Property Management. Senate Bill 222 will change Property Management. It's going to say Public Works Design and Construction so you have a conflicting language in the law.

CHAIRMAN CAMPBELL: All right. Clearly, something that needs to be looked at. And if you can talk to some of the Senators and they're willing to do it. We are beyond the point of doing anything like that in the House, as you know.

MR. CONNOR: Okay.

CHAIRMAN CAMPBELL: If the Senate can do something, they will or can.

SEN. RAUSCH: Senator Carson would probably be a good one to look to.

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CHAIRMAN CAMPBELL: All right. But for here today, thank you for the information and we'll be up to speed if we should see legislation. So thank you.

MR. CONNOR: Thank you.

CHAIRMAN CAMPBELL: Moving along. We will --

SEN. BOUTIN: Mr. Chairman, before Mr. Connor leaves.

CHAIRMAN CAMPBELL: Yes.

SEN. BOUTIN: I think we are about ready to end this.

CHAIRMAN CAMPBELL: We have women's prison.

SEN. BOUTIN: I want to -- when we -- the Capital Budget process last year, we asked that the women's and men's bathrooms be painted.

MR. CONNOR: Okay.

SEN. BOUTIN: We were assured that those would get done in the fall.

MR. CONNOR: Hm-hum.

SEN. BOUTIN: So that our -- particularly our lady Senators would be happy when they came back in January and they're not very happy right now, because the painting hasn't gotten done.

CHAIRMAN CAMPBELL: Sorry.

SEN. BOUTIN: Well, I guess some of our Committee Members --

CHAIRMAN CAMPBELL: They had another meeting. They had to leave.

SEN. BOUTIN: Can you tell us when that is going to get done?

MR. CONNOR: That's up to your Chief of Staff in the Senate.

SEN. BOUTIN: I'm told he said it was okay to go ahead and do it.

MR. CONNOR: Really? Okay. Great. We'd be glad to do it.

SEN. BOUTIN: Do you need a letter from him?

MR. CONNOR: Just approval be great; phone call, e-mail. I sent the information and I never heard back.

SEN. RAUSCH: Ha.

SEN. BOUTIN: All right. Then we will take care of that.

MR. CONNOR: We were asked to coordinate, as we do in all projects for the House and the Senate, to coordinate with the represented Chiefs of Staff, and we told them what the request was and waiting for their approval to go ahead.

SEN. BOUTIN: You need both chambers to do this?

MR. CONNOR: No. But I have other representatives, 400 of them, that like certain things and they have asked me to funnel all requests through their office of their respective offices for approval.

SEN. BOUTIN: So what I'm asking you, Mr. Flanders says okay, then you can go ahead.

MR. CONNOR: I will posthaste get it done. Yes.

SEN. BOUTIN: I thought that was done.

MR. CONNOR: That would be great.

CHAIRMAN CAMPBELL: Thank you. Thank you. Thank you, Senator.

Last item we're going to do is the Women's Prison Quarterly Report. The prison -- so stay where you are, I guess, along with Mr. McGonagle.

We've seen the update. I understand there's a lot more information coming. But so far -- I mean, so far there's quite a few things in here that are kind of disturbing, I guess, and the fact that the site work is -- geotechnicals are showing there is quite a few problems. I see it's looking at longer roads, and now we're uncertain -- one reason we sited this here was we thought there was adequate infrastructure, sewer and water, and we see that may be inadequate. I understand we don't have the numbers yet, but kind of giving us some warning shots in here that I see are coming that could make this number pretty --

MR. MCGONAGLE: I don't believe that the roads are any longer. I mean, there was always going to be a patrol road around that facility and it's --

CHAIRMAN CAMPBELL: Said retaining walls and significant earthwork. I mean, I understand the language, but I guess the topography is such and the subsurface is causing some concerns; is that fair?

MR. MCGONAGLE: That's fair.

MR. CONNOR: Just to kind of give you an update that was the report submitted at the last meeting. You have in front of you a document that's being circulated that kind of gives us a more up-to-date synopsis of where we are. Basically, we're about \$2.7 million short as we sit today and that basically is for three reasons. One, I think as Assistant Commissioner McGonagle said in the past, in the master plan that we based this all on there was -- they had understated the amount of gross -- gross square footage that we needed or circulation space. They had talked about a factor of 1.3 where we actually need about 1.5.

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So that has increased the amount of gross square footage by about 3,000 square feet. That has added into the cost, as well as the ledge that we were talking about earlier. Our original estimates were 3.5. Right now we're sitting at about 5 million. So most of it is in those two areas. Actually, Bill has done a great job with his crew to actually reduce the amount of space that we need. The net amount -- the net amount of square footage has actually been reduced from the master plan. So he's basically pared it down as much as he can without actually getting into program areas where we would run into problems.

CHAIRMAN CAMPBELL: Well, our numbers have diminished because of other meetings but the April meeting it says, you know -- excuse me -- site schematic design documentation and I suppose tighter numbers by then.

MR. CONNOR: We are required by law. We are going to get some revised numbers from -- since that original document we have hired Gilbane Construction to actually be our construction manager. They're working diligently to revise their estimates. So we will have some revised numbers by the end of the month. And we hope -- not hope -- we will have that by the 31<sup>st</sup> to you.

CHAIRMAN CAMPBELL: So when we schedule an April meeting, which is our last order of business, you'll have those numbers available.

MR. CONNOR: We'll have it to you by the 31<sup>st</sup> and you need whatever couple of weeks to publish your document. So we plan on having that by the 31<sup>st</sup> which will be in line with the April 1st requirement by law.

CHAIRMAN CAMPBELL: Very good. All right. Well, we'll wrap it up for today. Appreciate you both coming in. We look forward to that.

MR. MCGONAGLE: At the April meeting we'll also have the latest site design and the schematic where it's not architectural drawings but a very fairly detailed schematic of what the facility will look like and what spaces are there.

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6. Date of Next Meeting and Adjournment:

CHAIRMAN CAMPBELL: With that, thank you. We'll see you in April. Thanks for coming in.

Last thing. Last order of business to pick a meeting date in April. We will have better numbers on the prison, and whatever other items we have to act upon. Either I'll leave it up to the Senators. See if there's anybody else.

SEN. RAUSCH: How much stuff is coming over to Transportation from you guys?

CHAIRMAN CAMPBELL: We killed a lot of bills.

SEN. RAUSCH: That's good.

CHAIRMAN CAMPBELL: Not a lot.

SEN. RAUSCH: What is this, a Tuesday?

CHAIRMAN CAMPBELL: Three to eighteen total. I don't think you're going to get more than five or six bills.

SEN. RAUSCH: Tuesday is Transportation. But just -- you thinking later in the month?

CHAIRMAN CAMPBELL: No, any time. Well, probably not the first week or two. But yeah. I mean mid --

SEN. STILES: 15<sup>th</sup>?

CHAIRMAN CAMPBELL: 15<sup>th</sup>, tax day. That's a Tuesday.

REP. CLOUTIER: Tuesday, April 15<sup>th</sup>.

CHAIRMAN CAMPBELL: Tuesday. Afternoons will be fine. Later in the afternoon? You want to shoot for that?

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SEN. RAUSCH: We would have Transportation at one.

CHAIRMAN CAMPBELL: Probably have Long Range be first just because --

SEN. RAUSCH: Well, we could --

SEN. STILES: Three o'clock?

CHAIRMAN CAMPBELL: Maybe 3:30 for Capital and 3 o'clock for Long Range, something like that. 3:30 for Capital Budget Overview.

SEN. RAUSCH: Yeah. 3:30 and then what, four are you saying?

CHAIRMAN CAMPBELL: No, no, three o'clock for Long Range. I'm going to swap them.

SEN. RAUSCH: You're going to flip them.

CHAIRMAN CAMPBELL: Yeah. That work?

SEN. RAUSCH: Yes.

CHAIRMAN CAMPBELL: Three o'clock.

REP. CLOUTIER: So Tuesday, April 15<sup>th</sup>, at 3:30 for Capital Budget.

CHAIRMAN CAMPBELL: Yes.

REP. CLOUTIER: Preceded by the Long Range meeting.

CHAIRMAN CAMPBELL: Yeah, we'll try that. See if that works for everybody else. Okay. Great. Motion to adjourn.

\*\* REP. CLOUTIER: I'll move we adjourn.

CHAIRMAN CAMPBELL: Cloutier moves and seconded by?

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SEN. STILES: Second.

CHAIRMAN CAMPBELL: Senator Stiles. All those in favor say aye? We're in recess or adjourned. Thank you.

(Meeting adjourned at 2:41 p.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  
Cecelia A. Trask, LSR, RMR, CRR  
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