

**CAPITAL BUDGET OVERVIEW COMMITTEE**

Legislative Office Building, Room 201

Concord, NH

Tuesday, March 5, 2013

**MEMBERS PRESENT:**

Rep. David Campbell (Chairman)

Rep. John Graham

Rep. John Cloutier

Rep. Dan Eaton

Rep. Ken Weyler

Sen. David Boutin

Sen. Jim Rausch

Sen. Sylvia Larsen

Sen. Nancy Stiles

(Convened at 3:05 p.m.)

**1. Acceptance of Minutes of the January 9, 2013 meeting**

CHAIRMAN CAMPBELL: We are going to call the Capital Budget Overview Committee together.

**\*\*** REP. GRAHAM: Move acceptance of the minutes from the previous meeting.

SEN. BOUTIN: Second.

CHAIRMAN CAMPBELL: Representative Graham moves and Senator Boutin seconds acceptance of the minutes of January 9, 2013. Is there any discussion? All in favor? Opposed?

**\*\*\*** {MOTION ADOPTED}

**2. Old Business**

CHAIRMAN CAMPBELL: Old Business. Any Old Business? Being none.

### 3. New Business

CHAIRMAN CAMPBELL: New Business. First what we have is CAP item 13-014, Department of Health and Human Services. Anybody here from Health and Humans Services? Here they are. Good afternoon, ladies. Thank you for joining us.

CHRISTINE BEAN, Director, Public Health Laboratories, Department of Health and Human Services: Good afternoon, Chairman Campbell, and Members of the Committee. My name is Christine Bean, and I'm the Director of the Public Health Laboratories in the Department of Health and Human Services.

SALLY HARTMAN, Toxicologist V, Public Health Laboratories, Department of Health and Human Services: Good afternoon. I am Sally Hartman. I am the Program Manager for the chemistry section of the Public Health Laboratories which includes the Radiochemistry Laboratory.

CHAIRMAN CAMPBELL: Go ahead.

MS. BEAN: Okay. What we are requesting is to use unused Capital Budget funds for lab improvement project for our Radiochemistry Laboratory in the Public Health Laboratory at 29 Hazen Drive. These improvements are all having to do with safety features in improving the laboratory facility, which is in the basement of 29 Hazen Drive where radiological testing is performed for surveillance. The items -- there's three items that we're asking for.

One is to remove a rug and seal the floor with industrial grade, non-porous flooring. This would be a safety feature which would prevent spills from seeping into

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rugs. The second is to install a fume hood in one of the rooms. And this would be for preparation and analysis of radioactive samples. And the third is to install a sliding glass window between two rooms. There's an anteroom in the basement where we would receive samples. And the sliding glass window would replace an existing window between those two rooms, which would allow samples to be passed through and would reduce the amount of transporting or walking around with specimens in that laboratory facility, so another safety feature.

We initially had asked for two items in the Capital Budget that we did get completed. So this request is to use unspent funds to finish some capital improvements for safety features with this project.

CHAIRMAN CAMPBELL: Thank you. For the record, the total amount is not to exceed 36,556.73. First item has an estimate of \$3,000. The second item, the fume hood, has an estimated 32,235, and the sliding glass window an estimated \$500. What's the pleasure of the Committee?

REP. GRAHAM: If I could have -- Mr. Chairman, if LBA could just refresh our memories on what the RSA say about moving money from capital projects that have been completed but money is left over? What can it be used for and not be used for?

MICHAEL KANE, Deputy Legislative Budget Assistant, Office of Legislative Budget Assistant: You can transfer the money not to a different purpose. You can transfer for a different location or for a different use. That's 9:26-a, I believe. This is general enough, the appropriation in House Bill 25 is general enough with laboratory improvements that this would be allowable.

CHAIRMAN CAMPBELL: Yeah. That was brought up by LBA

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prior to the meeting when we went over the agenda. We may have a problem, unfortunately, with the Adjutant General on the next item but Representative Weyler.

REP. WEYLER: Thank you. We know that the person preparing this, this isotope, they know that it's dangerous and it's radioactive and they're going to use this hood. And then it's going to take the fumes and it's going to blow them outside where people don't know they're dangerous and aren't wearing any protective gear. How are we trapping these hot fumes or particulate matter that may be --

MS. HARTMAN: You said it right there yourself. There will be a filter in the hood to remove these.

REP. WEYLER: It will trap all these particulates or whatever else there might be?

MS. HARTMAN: Yeah.

REP. WEYLER: How about radon? That's going to keep going.

MS. HARTMAN: Radon is a gas.

REP. WEYLER: Yeah.

MS. HARTMAN: Radon is absorbed into a carbon filter.

REP. WEYLER: You're not working with anything that's gases?

MS. HARTMAN: No.

REP. WEYLER: Thank you. Thank you, Mr. Chairman.

CHAIRMAN CAMPBELL: Thank you.

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\*\* SEN. BOUTIN: Mr. Chairman, I move approval of 13-014.

REP. CLOUTIER: I second that motion.

CHAIRMAN CAMPBELL: Senator Boutin moves and Representative Cloutier seconds that we adopt the item, CAP 13-014. Any discussion? Ready for the vote? All those in favor? Opposed?

\*\* {**MOTION ADOPTED**}

CHAIRMAN CAMPBELL: We'll go to the next item, CAP 13-017. Now, before you -- please sit down. Please join us, General. I hate to do this to you, but we did talk to the LBA prior to that. And the same RSA that Representative Graham's bringing up, 9:26-a, Prohibited Changes, which applies to the Capital Budget Committee here, no change shall be made in the plan, location, or design of a project in the capital budget after the project has been approved and funds appropriated, unless the change is ratified by the Capital Budget Overview Committee.

The problem is -- why don't you articulate what you see as an issue here on this, Mr. Kane.

MR. KANE: Well, there's two items. I think the second item, the Statewide Auxiliary Power, I think that's similar to what HHS just replied. That's just a change in the plan location or design of the project. What we did have a question on is the D&E Storage Building, specifically located buildings and that's what the appropriation states. Usually in that instance we'd recommend to go through the legislative process to strike out the original language of the appropriation and replace it with what you want to use it for, as opposed to coming to Capital Budget Overview Committee and having them approve that change. So that's

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just our recommendation to the Committee.

DEPUTY ADJUTANT GENERAL CAROLYN PROTZMANN, Office of Adjutant General: Okay.

CHAIRMAN CAMPBELL: That's the bad news. The good news is that we're in the middle of the Capital Budget process. Representative Graham is the head of the lapse subcommittee of the Public Works and Highways and it's appropriate to ask that Committee to extend the appropriation which would delay you only a couple months on that item. Representative Graham.

REP. GRAHAM: But I think I just heard Mr. Kane say that if we extended the lapse, we would have to change the purpose thereof.

CHAIRMAN CAMPBELL: And change the purpose which we can do.

REP. GRAHAM: And we have done that before.

CHAIRMAN CAMPBELL: Does that meet your schedule?

DEPUTY ADJUTANT GENERAL PROTZMANN: That meets my schedule, Representative Chairman. I appreciate that.

CHAIRMAN CAMPBELL: Yes.

SEN. RAUSCH: So if I'm understanding this, we can approve today the 609,000. We can't approve the 151,000 without a change in the Capital Budget wording; is that correct?

CHAIRMAN CAMPBELL: Right. I would say probably table the first item and we're able to act if the Committee so wishes on the second item.

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\*\* SEN. BOUTIN: I move the second item, Mr. Chairman.

SEN. STILES: Second.

CHAIRMAN CAMPBELL: Senator Boutin moves and Senator Stiles -- Senator Stiles seconds the second item for 609,243. Does this need to be read for the record for you? Okay with just doing this? Good. Thank you. So we are voting on the second item, Armory Statewide Auxiliary Power. All those in favor? Opposed?

\*\*\* {MOTION ADOPTED}

CHAIRMAN CAMPBELL: So we don't have anything dangling here, I'll accept a motion to table Item 1 from CAP 13-017.

\*\* REP. CLOUTIER: Mr. Chairman, I move we table Item 1 under item 13-017.

SEN. BOUTIN: Second.

CHAIRMAN CAMPBELL: Representative Cloutier moves and Senator Boutin seconds Item 1 of 13-017. Any discussion? All those in favor? Opposed?

\*\*\* {MOTION ADOPTED}

CHAIRMAN CAMPBELL: Thank you. We will go on. Thank you very much. Yeah. Any questions?

REP. GRAHAM: Just one comment, if I may, Mr. Chairman? If when you come in on the 15<sup>th</sup> to talk about lapses, if you would bring the language you would like to have that's in here so that we can change it and get it into the Capital Budget. And I think Senator Boutin having heard it, we shouldn't have a problem.

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(Representative Eaton enters the committee room.)

DEPUTY ADJUTANT GENERAL PROTZMANN: Will do. Thank you.

CHAIRMAN CAMPBELL: The next item is RSA 12-G:46, the Harbor Dredging and Pier Maintenance Fund, CAP 13-016, Pease Development Authority. Gentlemen, welcome.

GENO MARCONI, Director, Division of Ports and Harbors, Pease Development Authority: Mr. Chairman, if it is all right with the Chair, I'd like to have these handouts, please.

CHAIRMAN CAMPBELL: Please do.

MR. MARCONI: I have enough. I have 25.

CHAIRMAN CAMPBELL: What are the handouts?

MR. MARCONI: What these are -- well, for the record

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CHAIRMAN CAMPBELL: Right.

MR. MARCONI: For the record, I'm Geno Marconi and I'm the Director of the Division of Ports and Harbors, and with me today is Tracy Shattuck, who is the Chief Harbormaster for the Division. And what I'm -- what I'm giving to the Committee is a recently published economic impact study that was done for the Piscataqua River and the industries along the river. And I'm bringing this to your attention because it ties in with our -- with part of our request today. And what this study will show you, Mr. Chairman, is that the Port of New Hampshire, there are 987 paying jobs and there's 90 million -- \$90.2 million in wages and benefits that are directly employed by the 16 businesses

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that operate along the Piscataqua River and depend on the river for those businesses. And the regional impact of the Port-related activities include 2,357 jobs and 2,078 of those jobs are in New Hampshire. And there's \$156 million in income and \$274 million in value added. And approximately 90% of the economic impacts of the river are experienced in New Hampshire. So that segues me in to talk about the navigation project of the Piscataqua River of Portsmouth Harbor.

The project is a Federal project and it's designed and maintained by the U.S. Army Corp of Engineers. And in 1984, the Army Corp of Engineers did a Navigation Improvement Study, and it identified five goals for improving the navigation. Three of those have been completed and there are two remaining recommendations for navigation improvement. One of them is widening the horizontal opening of the Sarah Long Bridge, which is a project which is already under way through DOT. And the fifth one was lengthening and widening the uppermost turning basin on the Piscataqua River.

The navigation project was designed for ships up to 750 feet in length and that's what the depth and the length of the -- and the width of the river was designed for. The uppermost turning basin that we are discussing is only 800 feet and they're turning 750-foot ships in a turning base of 800 feet wide. The New Hampshire licensed pilots are the ones that bring these ships in and see to their safe navigation 'cause every single ship that comes in is a foreign flag with a foreign master, and they have absolutely no experience here. And our pilots are exemplary in their performance.

The Federal Navigation Improvement Projects require a local sponsor, and the State of New Hampshire is that local sponsor. And by statute, the Division of Ports and Harbors

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was given the responsibility for cooperating with the Federal agencies in doing these dredging projects and seeing to the safe navigation.

The -- as I wrote in my letter of request, back in 2004 we entered into a cost-sharing agreement with the Army Corp of Engineers to do a feasibility study of expanding this turning basin. The cost of that study at the time was \$375,000 -- excuse me -- was -- yeah, \$750,000 and our cost share was \$375,000.

(Senator Larsen enters the committee room.)

MR. MARCONI: That study so far in the cost and benefit analysis of the study, the Army Corp of Engineers has projected that the cost and benefit analysis was \$2.82 for every dollar spent. Because this process of doing the design and engineering was so lengthy, there were some additional environmental studies that needed to be done. And we were notified by the Corp of Engineers that there was an additional \$180,000 cost, of which our cost share would be \$90,000. The importance of this project, Mr. Chairman, as obviously previously stated there's economic importance to it, but we want to maintain our future competitiveness in the global market.

In 2015, the Panama Canal Expansion will be completed and the ships that are currently transiting the Canal will be displaced by the larger ships and they'll be looking for alternative ports of call. We'll be fitting into that market. The smaller ships will be retiring and these Panamax class vessels that are operating now we'll be looking at those, and there's a safety issue. In 2011, there was 3.1 million tons of cargo that transited the Piscataqua River in Portsmouth Harbor. There was 162 inbound vessels. These products that they carry is home heating oil, kerosene, propane, and coal, and they account

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for approximately 55% of the total cargo that comes into the harbor.

CHAIRMAN CAMPBELL: How about gasoline?

MR. MARCONI: We don't do gasoline anymore, Representative. There was a small market for gasoline and about five years ago, I believe, that was -- that was moved up to a port with those products.

CHAIRMAN CAMPBELL: So home heating oil comes in and gasoline doesn't.

MR. MARCONI: Home heating oil, kerosene, propane, coal for the power plant but no gasoline. So this request today is to expend \$90,000 out of the Harbor Dredge Pier Maintenance Fund to do the additional studies that the environmental regulators required the Corp of Engineers to do. And, basically, what that was is to survey and complete the permitting process for disposal site for this project when it finally comes to the construction phases.

CHAIRMAN CAMPBELL: Thank you very much. What's the balance in that fund? Does LBA have any idea?

MR. KANE: I don't.

MR. MARCONI: I can -

CHAIRMAN CAMPBELL: Approximately.

MR. MARCONI: 347,897.

CHAIRMAN CAMPBELL: Okay.

\*\* SEN. BOUTIN: I move it, Mr. Chairman.

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CHAIRMAN CAMPBELL: Senator Boutin moves it.

SEN. STILES: I'll second.

CHAIRMAN CAMPBELL: Senator Stiles seconds it. Any discussion?

SEN. BOUTIN: Mr. Chair, will you swap that?

CHAIRMAN CAMPBELL: Yep. Senator Stiles moves and Senator Boutin seconds the item 13-016 for the Pease Development Authority for the dredging at a cost of \$90,000. Any discussion? Get to the question. All those in favor? Opposed?

\*\*\* {MOTION ADOPTED}

CHAIRMAN CAMPBELL: Thank you, gentlemen.

MR. MARCONI: Thank you.

CHAIRMAN CAMPBELL: Thanks for the study. Very helpful.

MR. MARCONI: It's pretty interesting.

CHAIRMAN CAMPBELL: You'll bring copies to the Committee as appropriate, I'm sure.

All right. Next is CAP item 13-019, Department of Transportation requesting approval to use \$104,880.80 of Turnpike Credits for the Route 33 portion of Transportation Enhancement Project in the City of Portsmouth.

WILLIAM WATSON, Administrator, Bureau of Planning and Community Assistance, Department of Transportation: Good afternoon, Representative Campbell. How are you?

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CHAIRMAN CAMPBELL: Good.

MR. WATSON: This request under RSA 228:12-a requires us to -- as an agency to come forward and request approval of the use of Toll Credits for non-highway, non-bridge projects. This Transportation Enhancement Project in the City of Portsmouth actually extends out into 33 towards Greenland and with the completion of the project will allow a multi-use path be connected along New Hampshire 33 into the Pease Development Authority property to the Transportation Center there on Pease.

When the original -- when the project was initially applied for, the 20% match that would come with the project would have come from the Pease Development Authority. As the project progressed, there was a recognition that they're not allowed to use their match off of or along the Route 33 corridor. In the interest of the project, the Department felt that this was a very necessary connection to make the project successful and therefore is asking for permission to use the -- to use the Turnpike Toll Credits to match the portion of construction of this path along the New Hampshire 33 corridor.

CHAIRMAN CAMPBELL: Thank you. Any questions? Any questions of the Committee?

\*\* SEN. STILES: If no one has questions, I will move.

CHAIRMAN CAMPBELL: Senator Stiles moves item CAP 13-019. Is there a second?

REP. CLOUTIER: Second that motion.

CHAIRMAN CAMPBELL: Seconded by Representative Cloutier. Any discussion? Ready for the question? All those in favor? Opposed? The item passes. Thank you.

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MR. WATSON: Thank you very much.

**\*\*\* {MOTION ADOPTED}**

CHAIRMAN CAMPBELL: Ready? CAP 13-020, DOT item.  
Request the use of \$131,800 Turnpike Toll Credits, based on a cost not to exceed \$659,000 in Federal funds for funding match for Plaistow Commuter Rail Extension Study.

PATRICK HERLIHY, Director of Aeronautics, Rail and Transit, Department of Transportation: Thank you, Mr. Chair. For the record, my name is Patrick Herlihy. I'm the Director of Aeronautics, Rail, and Transit at the Department of Transportation. The Department is requesting the use of \$131,800 in Turnpike Toll Credits to match \$659,000 of Congestion Mitigation Air Quality Funding that was awarded for this project to look at studying the extension of commuter rail to the Town of Plaistow by the MBTA. The CMAQ Project was approved back in February of 2011. Again, this would be a study which would include an environmental finding, the design of a layover facility which is desirous of the MBTA, a passenger station and track facilities. The study would look at the potential layover facility and sites for that potential layover facility and sites for the passenger station, ridership forecasting, capital and operating costs estimation, funding options, and public and stakeholder involvement.

Also in your packet, as you can see, an agreement has been established between the Department, the Rockingham Planning Commission, and the Towns of Plaistow and Atkinson. The Town of Atkinson has some concerns over one of the sites that was going to be possibly reviewed for that layover facility, that being the Westville home site which bordered the Town of Atkinson. The Town of -- Town of Plaistow also had an issue with a property, a site called

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the Pen Box Property. Some agreement was struck that those sites would not be reviewed as part of this study. That led to an agreement by the Towns of Plaistow and Atkinson to come forward and support the study, as well as some representatives from the House that represent both the Towns of Plaistow and Atkinson. I'm willing to take any questions.

CHAIRMAN CAMPBELL: Thank you. Any questions? Yes.

\*\* REP. WEYLER: I'm ready to make a motion having been involved in the study for many years on the Regional Planning Commission.

CHAIRMAN CAMPBELL: We have a motion and discuss it afterwards. Representative Weyler moves. Is there a second?

SEN. STILES: I'll second.

CHAIRMAN CAMPBELL: And Senator Stiles seconds the approval of this item. Is there any discussion? Seeing none; ready for the vote? All those in favor say aye? Opposed?

\*\*\* {MOTION ADOPTED}

CHAIRMAN CAMPBELL: Thank you.

MR. HERLIHY: Thank you.

#### 4. Miscellaneous

CHAIRMAN CAMPBELL: With that, we got through the items fairly quickly, which is good because we have another meeting in five minutes. I know there's some people here from the University System that want to talk about KEEP. I

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hate to do this to you, but we are going to ask you to be brief. Just kind of give us an overview, if you don't mind, today. We'll go through it deeper some other time but give you time to address for five minutes or so.

TODD LEACH Interim Chancellor University System of New Hampshire: I will cut it down. I've been at a couple hearings myself today so I feel some empathy for you, particularly today, with all the hearings you have, so.

CHAIRMAN CAMPBELL: Thank you.

MR. LEACH: First, I just want to say good afternoon. And I'm happy to be here to speak to KEEP initiatives that we had in the past and what we are looking for in the future. I am the Interim Chancellor, Todd Leach, and here on behalf of the four institutions. I do have a number of people with me.

CHAIRMAN CAMPBELL: Excuse me a second. Please, let's try to keep it down in the back, please. We are still conducting a meeting here.

MR. LEACH: I do have a number of colleagues with me who can answer some questions a little more in-depth given the complexity and the history of the capital projects we've had, including President Steen of Plymouth State University.

I'll just try to hit some of the highlights of what KEEP is. I know many of you have been involved in the past somewhat the initial KEEP, and then the KEEP II plans that we had. But KEEP was a fairly unique partnership and I think an excellent example of a very successful partnership with the Legislature and the University System. With the initial KEEP proposal and plan, there was a hundred million dollar block multi-biennium commitment to the University

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System to help in building new facilities and particularly focused on academic facilities and repairs and renovations as well.

KEEP II followed that up a few years later to really add to that another \$109.5 million. And that was targeted also to some specific projects, again, in a block grant, multi-biennium format. The partnership really involved an exchange, if you will, in that for that block grant approach and the multi-biennium approach, the University System agreed that the costs of those buildings that were included in KEEP I, KEEP II, were at a fixed cost. So any kind of overage beyond what was committed to by the Legislature would be absorbed by the University System.

So we have finished the projects of KEEP I, KEEP II. The Parsons Hall Project just recently finished. That was the one of the last of six buildings at UNH Academic Facilities that were part of the replacement with McDermott Hall, James Hall. Parsons Hall was a \$49 million project. And Parsons Hall was focused primarily on chemistry programs. And most of these buildings and the investment that was made in KEEP I, KEEP II, really helped expand our ability to serve students and build capacity so that we could take on additional students, primarily in the STEM areas is where we had the biggest impact. But the University System has also expended dollars on projects outside of KEEP that are in the Academic Facilities Area, including the new Peter T. Paul Business School and that was a \$50 million investment, 25 million of that was a gift from Peter T. Paul. Another \$5 million was additional private donations and the remainder was UNH -- through UNH Business School Reserves and through internal borrowing.

We also just finished a project at Keene State College, the Technology Design and Safety Center, and that just opened August 2012 was when that was completed. It's

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home for the regional advance manufacturing partnership and is really also focused on STEM areas.

Plymouth State University just completed a major project with the Museum of the White Mountains. And we have -- we have a number of deferred maintenance issues and this brings us to the next phase, if you will, of what we had been proposing as part of the extension of KEEP, which was KEEP-UP. And the idea behind KEEP-UP was to address some of the most pressing of the deferred maintenance issues and some of the high-need areas that we have. KEEP-UP is also seeking to create a multi-biennium partnership around these deferred maintenance issues. We have between 600 million and a billion dollars' worth of deferred maintenance issues that was based on a study done by VFA a few years back and we are looking at some of those needs, actually extending beyond just maintenance and some of them really needing to involve complete replacement or renovations. So just KEEP-UP is to also partner and we are looking to do it one-to-one match, dollar for dollar, USNH dollars with State dollars to address some of those highest needs.

Our request that is in the larger report that you received a copy of, I'm not going to go through all of the report, but just to sum up, the amounts we were looking in this biennium were for \$50 million, the next biennium 60 and then \$70 million so across three bienniums. Those requests are really comparative to what we received for KEEP I, KEEP II, in terms of the investment we have received on the capital side since 2001.

The other point that I want to emphasize that I think is really important to make here is that the University System facilities have a replacement value of approximately two and a half billion dollars. So maintaining them is not a small feat. It's about half of the State's facility infrastructure, in fact, that is overseen by the University

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System so this proposal that we are putting forward doesn't -- doesn't completely address all of the needs that we have for deferred maintenance or for replacement restoration, and we would still be taking on the majority of that. In fact, since the KEEP initiatives, the University System of New Hampshire has spent about \$1.1 billion itself on its facilities.

CHAIRMAN CAMPBELL: Thank you, Chancellor Leach. You did that in record time. Thank you. Appreciate it.

DR. LEACH: Wanted to be respectful.

CHAIRMAN CAMPBELL: We understand the request.

DR. LEACH: I'd like to invite also others I brought with me if there's any questions that are particularly focused on our deferred maintenance.

CHAIRMAN CAMPBELL: Any questions at this time? I know you're going to be meeting with standing committees in the House and Senate as well. Seeing no questions. Thank you very much for coming in today and giving us an overview. Appreciate it very much.

MR. LEACH: You're welcome.

## **5. Informational**

CHAIRMAN CAMPBELL: Any other items to come before us today? We have some informational items, but those are in the packet. I don't think we need to discuss any of them. We can talk about them at a later date when we are a little less pressed for time. So with that, we will --

\*\* REP. EATON: Move to adjourn.

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CHAIRMAN CAMPBELL: Representative Eaton moves to adjourn.

REP. CLOUTIER: Second it.

SEN. STILES: Second.

CHAIRMAN CAMPBELL: Second. All in favor? Okay. We are adjourned and we'll set up a meeting at the call of the chair through the LBA as we normally do. We'll do it consulting the Senate as well. So thank you. That's the end of Capital Budget Overview.

(Concluded at 3:34 p.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  
Cecelia A. Trask, LSR, RMR, CRR  
State of New Hampshire  
License No. 47

