

**CAPITAL BUDGET OVERVIEW COMMITTEE**

Legislative Office Building, Room 201

Concord, NH

Tuesday, April 15, 2014

**MEMBERS PRESENT:**

Rep. David Campbell, Chairman

Rep. John Cloutier, Clerk

Rep. Bernard Benn

Rep. Daniel Eaton

Rep. Ken Weyler

Rep. John Graham

Sen. David Boutin

Sen. James Rausch

Sen. Nancy Stiles

(Meeting convened at 2:36 p.m.)

(1) **Acceptance of Minutes of the minutes of the March 4, 2014 meeting.**

CHAIRMAN CAMPBELL: Call the Capital Budget Overview Committee to order for this meeting of Tuesday, April 15th, 2014. First item is acceptance of minutes. Moved by --

\*\* REP. EATON: So move.

CHAIRMAN CAMPBELL: -- Representative Eaton.

REP. WEYLER: Second.

CHAIRMAN CAMPBELL: And seconded by Representative Weyler. Ready for the question? All those in favor of acceptance of the minutes say aye? Opposed? And the minutes are accepted.

\*\*\* {MOTION ADOPTED}

(2) **Old Business:**

CHAIRMAN CAMPBELL: Next order is New Business. We've got the item here of Harbor Dredging and Pier Maintenance. That time again. How do you do?

GENO MARCONI, Director, Division of Ports and Harbors, Pease Development Authority: I'm doing well, Mr. Chairman. Thank you.

CHAIRMAN CAMPBELL: Welcome.

MR. MARCONI: For the record my, name is Geno Marconi, and I'm the Director of the Division of Ports and Harbors. And this request we have before you today is the ongoing advancement of our dredging project that we're working with the Army Corp of Engineers on for the uppermost turning basin for the big ships in the Piscataqua River.

As was pointed out to me earlier today, this has been a long ongoing process. The first -- the first release of funds goes back to 2006, but this actually is the result of a Harbor and Navigation Improvement Study that was issued by the Army Corps of Engineers in 1985 -- '87, excuse me. It identified five projects within the deep water shipping channel in Portsmouth Harbor and the Piscataqua River. Three of those projects have been completed. Removing some ledge in two areas in the river and widening -- establishment of a turning basin between the Memorial Bridge and the Sarah Long Bridge.

The fourth project which is under way with New Hampshire/Maine DOT is the replacement of the Sarah Long Bridge. And the fifth project identified in the study was the uppermost turning basin. I can sum this all up in one sentence that our pilots are turning 750-foot ships around in an 800-foot turning basin.

So this -- this -- this request was -- was not something that we anticipated. Because of the process of the Corps of Engineers is controlling the whole process of the study and the

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geo-technical studies, et cetera, during this process some additional information was needed. For example, since we moved on this, the Federal Government put the Atlantic sturgeon on the endangered species list so now they have to go back and redo their environmental assessment to assess any potential for the Atlantic sturgeon to migrate up the Piscataqua River. So right now, they're requesting an additional \$98,000. We have it in the account, the dredging account, and per the statute we have to come here and ask the release of the funds for this project.

CHAIRMAN CAMPBELL: Questions? Yes, Senator Stiles.

SEN. STILES: Thank you, Mr. Chairman. Thank you for coming and it's great to see you again. Do we have any idea when the study will be concluded and when the actual work can begin?

MR. MARCONI: We are actually working with the Corps of Engineers right now, and we will be submitting a Capital Budget request for the next biennium. I believe we have to have that submitted by the end of this month. So we just Monday I got a letter from the Corps with their draft environmental assessment. We -- I just got it yesterday so I haven't had a chance to, you know, really go through it. But we are looking at starting -- actually starting the construction and whatnot sometime in 2016.

SEN. STILES: Thank you.

CHAIRMAN CAMPBELL: Representative Graham.

REP. GRAHAM: Thank you, Mr. Chairman. Will the design, engineering, et cetera, of the new bridge going across the river, the new Sarah Long, have any impact on timing or what needs to be done with the Corps as we go forward? Since we are moving the piers.

MR. MARCONI: Correct. Again, this goes back to, Representative, this goes back to the navigation safety study

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that was published in '87. Once the Sarah Long Bridge is completed and the horizontal opening is modified to the new width, the turning basin will actually become the chokepoint in the northeast shipping corridor in the United States.

REP. GRAHAM: Okay.

CHAIRMAN CAMPBELL: So it shouldn't have any impact. So the widening of the piers should have no impact is what you're saying. The chokepoint is further south.

MR. MARCONI: The chokepoint is further inland. So, basically, if I may? Making the horizontal opening of the Sarah Long Bridge larger is going to mean that we need to do the turning basin even more, so.

CHAIRMAN CAMPBELL: Representative Benn.

REP. BENN: Thank you, Mr. Chairman. Geno.

MR. MARCONI: Yes, sir.

REP. BENN: The proposal right now you're turning 750-foot ships in an 800-foot area.

MR. MARCONI: Yes, sir.

REP. BENN: How big will it be when the project's completed?

MR. MARCONI: The original plan was to make it a thousand foot turning basin which is, you know, goes along with the other turning basins we have. When they went in and did the geo-technical surveys, they -- the result of the survey showed that it was almost 90% of hard-packed glacial till. There was very little ledge there. So the cost of removal of ledge is high and so what they're now is they're modifying the plan to make it a 1200-foot turning basin and then elongating it a little bit so that as the ships come off the berth and they're turning and

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they're drifting down a little bit, they have a little bit more leeway on the lower side of the turning basin.

CHAIRMAN CAMPBELL: Further question.

REP. BENN: Will the improvements when they're constructed, will it allow long, bigger ships?

MR. MARCONI: It will allow some larger ships in and some wider ships. Majority of the ships that we're looking at in the next few years are going to be longer and wider. And what's really driving -- driving this, and this isn't just in our area, this is nationwide on the East Coast, anyway, is when the Panama Canal is completed, a lot of the ships that are currently on routes going into these larger ports are going to be -- they're going to shift into secondary ports, and we're going to be looking at some of those larger ships coming in here. Yes, sir.

REP. BENN: And final?

CHAIRMAN CAMPBELL: Go ahead.

REP. BENN: And you're looking for, what is it, \$98,000 now?

MR. MARCONI: Yes, sir.

REP. BENN: But I look at some of the -- oh, maybe this is old. It said you spend up to \$375,000. That was a previous?

MR. MARCONI: That was the original one, yes. We originally spent 375,000 and then an additional 90,000, and now the Corps is requesting 98,000. And then the actual cost of construction, the non-Federal share, is estimated at around 7.5 to \$7.8 million.

REP. BENN: Thank you.

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CHAIRMAN CAMPBELL: I have one question. HB 2014 which passed the House and is over in the Senate makes provisions to make the piers wider to accommodate the generation ships that you mentioned. So they're wider and I guess the height isn't a problem. What about drafting? I mean, do new generation draft deeper?

MR. MARCONI: This is what the engineers are telling us is that the naval architects that design the ships are finding that making the ship wider and not necessarily longer they can load a higher percentage of cargo on the ship, yet still maintain the draft. And, currently, we have been turning away ships in the last four or five years, especially propane ships, the next -- this new generation of LPG ships that have come on-line are larger than 106 feet which is the maximum width that we can take through the Sarah Long Bridge right now.

CHAIRMAN CAMPBELL: Thank you. Any further questions?

\*\* REP. EATON: Move approval.

SEN. BOUTIN: Move approval.

CHAIRMAN CAMPBELL: Sorry?

REP. EATON: Move approval.

SEN. BOUTIN: Move approval.

CHAIRMAN CAMPBELL: Only need one person. Representative Eaton moves and Representative Boutin seconds approval of the item. Is there any debate? Questions? All those in favor say aye? Opposed?

\*\*\* {MOTION ADOPTED}

MR. MARCONI: Thank you, Mr. Chairman, and Members of the Committee. It's always a pleasure to be here.

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CHAIRMAN CAMPBELL: Next item, Department of Transportation, CAP 14-012, requesting approval of Turnpike Toll Credits, and I'll let Mr. McKenna explain it. Thank you.

PATRICK MCKENNA, Deputy Commissioner, Department of Transportation: Mr. Chairman, Members of the Committee, my name is Patrick McKenna, Deputy Commissioner of the Department of Transportation. Uh -- yes, this first item is per RSA 228:12-a, use of toll credits for non-bridge and road work.

We're here before you to request funding to utilize the Department's share or the State Match on a -- on work we're doing with the U.S. Geological Survey to investigate sources of nitrates in wells near blasting sites. The long and the short of this is this gives us the ability to differentiate between blasting related causes and other potential sources of these nitrates so that we can understand better whether it's a result of blasting on projects like I-93 or -- or whether it's from existing sources, such as septic systems and animal waste and fertilizers and otherwise. So we're asking permission for the use of these Turnpike Toll Credits to match the grant money.

CHAIRMAN CAMPBELL: You're saying this grant and study will help us with the I-93 Project which is being held up now from three lanes to four lanes because of -- because of the sodium situation? Will this study, hopefully, help us with that differentiation of what's public and what's private and what's natural?

MR. MCKENNA: That's the idea, yes.

CHAIRMAN CAMPBELL: Thank you.

\*\* SEN. RAUSCH: Move to approve.

REP. GRAHAM: Second.

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CHAIRMAN CAMPBELL: Senator Rausch moves. Do you have a question? I'm sorry.

REP. WEYLER: Question.

CHAIRMAN CAMPBELL: I'll take a second from Graham.

REP. WEYLER: Thank you, Mr. Chairman. Both this and the second item kind of push the limit on what we've been using credits for. We've used them almost as if they were Highway Funds. Now, maybe some Highway Funds would have been used to investigate nitrate loading, but we would not have been allowed to use Highway Funds for buses. So this kind of cuts the edge, and the other one doesn't have my support. But I am wondering what's the limits and who allows for the limits on using --

CHAIRMAN CAMPBELL: I think this Committee decides, you know, in its, hopefully, infinite wisdom how this is done. That's why we put legislative oversight in. I will say that, you know, both of these, I think, two items that we are talking about have great nexus to I-93. This one because of the fact that the job is being -- the widening project is being compromised by the fact they're building it for four, but they're only going to be allowed to use three because the sodium levels are so high.

The second part, the buses are all part of the mitigation that was part of the original permit. We're not on that item yet. All I'm saying there are, I believe, highway nexuses to these. I think it's important to bring them up. I think you raise a good question and I think those questions should be asked; but, ultimately, it's up to this Committee to decide what is -- what is related and what isn't. Representative Benn.

REP. BENN: Thank you, Mr. Chairman. Just take a couple seconds on I'm interested in the technical nature. We are going to spend \$17,000 to do these tests. What is the nature of the

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tests? How do you determine the nitrates? How do you -- what do you actually do?

MR. MCKENNA: You know, Representative, thank you for the question. Actually, my father worked for the U.S. Geological Survey for 35 years, but I'm afraid that I do not have that technical expertise.

CHAIRMAN CAMPBELL: Not genetic, huh?

MR. MCKENNA: I can certainly get some details on the plan for this and make that available to you.

REP. BENN: I'd personally be interested.

MR. MCKENNA: Sure.

CHAIRMAN CAMPBELL: Representative Benn, just to be clear, we are not spending \$17,000. We are using \$17,000 worth of toll credits, then 80% is Federal.

REP. BENN: Right.

\*\* REP. EATON: Move approval.

CHAIRMAN CAMPBELL: Representative Eaton moves approval of Item 14-012. Is there a second?

REP. WEYLER: We already have a motion.

CHAIRMAN CAMPBELL: No, there's one on the floor. I'm sorry. Boutin moved, Graham second. I'm sorry. We already have a motion on the floor.

SEN. RAUSCH: Rausch moved.

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CHAIRMAN CAMPBELL: Rausch moved, Graham seconded. Been a long day already. Okay. Is there any further discussion? All those in favor say aye? Opposed? None. Thank you.

\*\*\* {MOTION ADOPTED}

CHAIRMAN CAMPBELL: We are now on CAP 14-018, and Mr. Herlihy, you going to join Deputy Commissioner McKenna?

PATRICK HERLIHY, Director, Division of Aeronautics, Rail, and Transit, Department of Transportation: I am.

CHAIRMAN CAMPBELL: Go ahead, please. Welcome.

MR. HERLIHY: Thank you, Mr. Chairman. For the record, my name is Patrick Herlihy. I'm Director of Aeronautics, Rail, and Transit at the Department of Transportation.

MR. MCKENNA: Again, second request for Turnpike Toll Credit use, as this is to help fund the State's share on the Boston Express Project and the bus service that we have in place. We're seeking to -- we're making -- seeking to make contract amendments to extend the service that's in place. We are actually aligning this to our -- our budget cycle so that you'll see this contract ends at the end of Fiscal Year 17. So that will align with the 16-17 budget coming up. This is a project, as Chairman Campbell mentioned, that is in large part of the -- of the approval of the I-93 Project by having a Congestion Mitigation and Air Quality Funds utilized at the Federal level, utilizing Federal Highway Administration Funds for this, and this is the match, the 20% match requirement on top of that.

CHAIRMAN CAMPBELL: Any questions?

REP. WEYLER: Yes.

CHAIRMAN CAMPBELL: Representative Weyler.

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REP. WEYLER: I see the revenues. It's coming pretty well and it said that the service is successful. It's carrying a lot of passengers. The Everett even made a little money one year. And, again, this is a stretch for me to vote for Turnpike Credits for passenger buses, even if there was CMAQ money, maybe they can get more CMAQ money. CMAQ money has been used before for buses but not Highway Funds and we have been sued for trying to use Highway Funds for passenger services; and I just fear it might happen again.

CHAIRMAN CAMPBELL: Understood. I would just say that, you know, the Turnpike Credits, again, our credits are generated because the State maintains the Turnpikes over the, you know, over the interstate system. And the fact that the interstate system is being widened and part of the permits that were gotten at great cost and time delay, as you remember, had a mitigation package in it. And one key part of the mitigation package was the bus service, which as you point out is doing remarkably well. I mean -- and I just see this as an integral part of the whole thing, as integrated really to the --

MR. HERHILY: Mr. Chairman, could I address Representative Weyler's concern?

CHAIRMAN CAMPBELL: Yes, please.

MR. HERLIHY: We can't use CMAQ money to match this other Federal funding. These toll credits -- can only use Toll Credits or state cash to match the Federal funding that these Toll Credits would be matching.

REP. WEYLER: Thank you.

MR. MCKENNA: Yeah, it has the force and effect of 100% Federal funds by using the toll credits.

CHAIRMAN CAMPBELL: Representative Rausch -- Senator Rausch.

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SEN. RAUSCH: Thank you. And yes, I just note that, you know, we are getting over -- well, getting 4.4 million and 912,000 in the two different contracts and this was part of the I-93, the widening. And on just a very personal note I will say that I utilize this bus service and it's wonderful. Park at Exit 2 and they take me right to my airplane terminal. Heavy ridership in the morning, a ton of people go all the way into South Station which a train can't get you there but the bus will. And I, too, am, I guess, becoming more and more frugal about using Toll Credits, but this is one particular area where I believe it is a direct relationship to the usage of the highway system so I would support this one.

CHAIRMAN CAMPBELL: Representative Graham.

REP. GRAHAM: Thank you, Mr. Chairman. This is a request of to the Department. If we could at some point at a future meeting get a chart of how much we have left in Toll Credits, how much is being used to match Federal Highway, how much is being used to match transit, how much -- just on and on so that everybody around here as we go forward with these future requests, and I'm sure we're not going to see any fewer.

CHAIRMAN CAMPBELL: That's a good suggestion. If you could put something together for maybe our next agenda. The Commissioner calls it the burn rate, I think.

MR. MCKENNA: That's right.

CHAIRMAN CAMPBELL: So let's get the burn rate of that. Would you not only give it to us but to the Chair of Transportation, Chair of Public Works and Highways so all the members can look at it. Be probably a good thing to notice Capital Budget as well.

MR. MCKENNA: Certainly. We'll make that available at the next meeting. Just for your current information, we have a balance of approximately \$148 million at present.

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CHAIRMAN CAMPBELL: Excuse me?

MR. MCKENNA: One hundred and forty-eight million of Toll Credits.

CHAIRMAN CAMPBELL: Representative Weyler.

REP. WEYLER: Also the history. I know this was only approved maybe two years ago.

MR. MCKENNA: No, this goes back probably 15 years. We have been applying for toll credits for work being done on the Turnpike System. They haven't always been utilized. But the Department saw that provision long ago and was banking these credits for some period of time.

CHAIRMAN CAMPBELL: This was for 2009 we started using it for Federal funds and now we are hooked. That's all we do. All our Federal funds and highways now and other things all come from -- come from -- which as a result, remember, is 20% -- 20% match 'cause we're not putting cash in it, it results in 20% less work going out the door which is a whole nother subject.

MR. MCKENNA: We burn between 28 and \$30 million a year.

\*\* REP. EATON: Move approval.

CHAIRMAN CAMPBELL: Representative Eaton moves approval.

REP. BENN: I'll second, but I have another question.

CHAIRMAN CAMPBELL: Representative Benn seconds and Representative Benn has a question.

REP. BENN: Thank you. The nature of the mitigation in the permitting process, I wasn't here during that whole permitting process, that I totally support buses and, you know, public

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transportation; but I don't quite understand why did they require buses for mitigation for a widening of the highway? Or did you get one lane less on the highway because you are going to supply buses?

CHAIRMAN CAMPBELL: I think the idea you have one lane more because you're reducing congestion and by having mass transit, more people, there's less cars on the road.

REP. BENN: Right, so get one lane less.

CHAIRMAN CAMPBELL: That allows you more capacity. I mean, it's, you know -- is that right, Representative Graham?

MR. MCKENNA: Also during construction --

CHAIRMAN CAMPBELL: Allows more capacity.

REP. EATON: One more question, Patrick. When you do that study for Capital Budget and Transportation, would you add Division II of Finance?

CHAIRMAN CAMPBELL: Yes, sure, both Finance Committees.

REP. BENN: Patrick, you were saying something else?

MR. MCKENNA: Mitigation component also during the active construction as well. So there's congestion mitigation during construction when there's some disruptions as well.

REP. BENN: Thank you.

SEN. RAUSCH: Oh.

CHAIRMAN CAMPBELL: Yes, Senator Rausch.

SEN. RAUSCH: Thank you. Question on -- are we going to do -- because a big part of my life was in Salem, New Hampshire, and I used that Exit 2, I'm still amazed the number of people

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that don't know what that bus service does. Are we going to have anything available to do more advertising? When I tell people what I do, they're amazed 'cause they didn't realize that the buses went to the airport.

MR. HERLIHY: Yes.

MR. MCKENNA: Go ahead.

MR. HERLIHY: In fact, part of the Toll Credits that will be matching the Federal funding will be going towards marketing, so that Boston Express will do a marketing plan and come up with how to market the system for more ridership and more awareness.

SEN. RAUSCH: Great. Thank you.

CHAIRMAN CAMPBELL: I'd like to echo what Senator Rausch said. I'm in Nashua but the same thing. We have two choices, two exits, eight and New Hampshire 35 in Massachusetts, and you get down to Logan Airport to the terminal, it's great. Great service and not enough people know, I agree. People find out they come back.

MR. HERLIHY: It's a great service and we have great partners that make that service operate and run.

CHAIRMAN CAMPBELL: Any other questions, comments? The motion is on the floor. If you're in favor you'll say aye; if you're opposed you'll say no.

REP. WEYLER: No.

CHAIRMAN CAMPBELL: One no, Representative Weyler. Okay. Thank you. Yes, thank you.

\*\*\* {MOTION ADOPTED}

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CHAIRMAN CAMPBELL: We are now to the CTEs. We have Department of Education here today.

REP. EATON: Apparently not.

CHAIRMAN CAMPBELL: Anybody here from Department of Education? Maybe out in the hall. No? To present this. No? Well, we'll have to wing it on our own or table it if you think necessary. Yes.

SEN. BOUTIN: Chairman, in light of that, there's going to be an amendment on a bill we heard on April 23rd, I believe.

CHAIRMAN CAMPBELL: Table it?

SEN. BOUTIN: I think we should table it.

REP. CLOUTIER: Second that motion.

CHAIRMAN CAMPBELL: Senator Boutin moves and Representative Cloutier seconds a motion to table. Ready for the question? All those in favor say aye? Opposed? It is tabled.

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

CHAIRMAN CAMPBELL: How did we want to handle this before we go to this next item?

SEN. RAUSCH: Can I just --

CHAIRMAN CAMPBELL: Yes.

SEN. RAUSCH: Could I just stop one second?

CHAIRMAN CAMPBELL: Yes, absolutely.

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SEN. RAUSCH: I'm not sure why the Department isn't here, but I'm just questioning this now in that the voters approved this.

CHAIRMAN CAMPBELL: Discussing the tabled item?

SEN. RAUSCH: Yes.

CHAIRMAN CAMPBELL: Oh, yes, okay. Go ahead.

SEN. RAUSCH: Hum -- the voters approved it. The warrant article was approved. Why do they have to come back here? Kindly approval of this request to access the Salem Renovation Fund.

REP. WEYLER: Because it's a change in HB 25. HB 25 would have given the money to Plymouth. Plymouth said we want to have it next year.

SEN. RAUSCH: No, Salem was in there. It was given to Salem. They voted on this.

CHAIRMAN CAMPBELL: Can you help us, Mike?

MICHAEL KANE, Deputy Legislative Budget Assistant, Office of Legislative Budget Assistant: House Bill 25, Chapter 195 of 2013, specifically requires before any money is expended, obligated, or used for either CTE project that this Committee approves the action plan first. So DOE -- this is why DOE is submitting before they can actually spend, obligate, or doing anything, they need Capital Budget Overview approval.

CHAIRMAN CAMPBELL: That's why I wish they were here. We have no way of knowing this is going to hold up or delay the project; correct?

MR. KANE: Correct.

SEN. RAUSCH: Well, why in the world wouldn't they be here?

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CHAIRMAN CAMPBELL: Pam, do you mind calling over the Department of Education using the phone? We'll keep it on the table for the time being, but we don't want to foul things up here. Maybe there was an emergency. You never know.

SEN. RAUSCH: They passed that.

CHAIRMAN CAMPBELL: Oh, yeah, I know. Let's go on to other business. We'll come back at the end, just in case. Maybe something happened. You never know. Okay.

SEN. RAUSCH: Okay. Never mind. He knows something I don't know.

CHAIRMAN CAMPBELL: Let's go on with our business. It's on the table. We'll come back if we need to.

Next is under Department of Transportation, request approval to amend Department's Equipment Acquisition Plan. And the Chair welcomes back the Deputy Commissioner.

MR. MCKENNA: Thank you. Yes, this item the -- the Department is bringing forward a request to amend the vehicle acquisition plan for Fiscal Year 2014, by increasing the plan -- the plan amount by approximately \$205,000 and this is to add the purchase of light fleet vehicles for the best use and available funding. We -- we -- in the past several budgets, the Department's equipment needs have been held pretty -- pretty tight due to budget constraints. And the average life of some of the vehicles that we're talking about have extended well beyond their service life.

The Department actually budgeted for -- this is our Bureau of Construction actually budgeted for substantial increase in its reimbursement for mileage because we weren't able to get the vehicles on the original list. We've worked since that time with Administrative Services who when they noticed that we're coming up a little bit in our expense reimbursements, they asked us to

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take a look at that. That was the rationale in our Construction Bureau.

We looked at and went through a pretty substantial look at lease purchases and leases of vehicles, and those came back pretty substantially higher in price than an outright purchase and saving literally about \$115,000 over the life of the lease if we were to look at the five-year period.

Purchasing these vehicles is just under \$200,000, and this seems to be the highest and best use of the funds. And we're -- we've been to Fiscal already for a transfer of funds out of the mileage reimbursement category and into Class 30 in the event that the Committee sees fit to approve this request.

CHAIRMAN CAMPBELL: Fiscal has approved this?

MR. MCKENNA: Yes.

CHAIRMAN CAMPBELL: Approved the transfer to make this happen, you mean?

MR. MCKENNA: Yes.

CHAIRMAN CAMPBELL: Representative Weyler.

REP. WEYLER: That was my question. Is it an equal amount of money? I don't recall.

MR. MCKENNA: The -- the request through to Fiscal was on an estimate. We requested \$205,000 be transferred from Class 70. I believe our pricing came in a little under that. So we are at approximately \$194,000 for these 13. So we would certainly only expend the 194 for the purchase.

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

\*\* REP. EATON: Move approval.

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REP. WEYLER: Second.

CHAIRMAN CAMPBELL: Representative Eaton moves, Representative Weyler seconds approval of item CAP 14-020. Any further discussion? Seeing none. All those in favor say aye? Opposed?

\*\*\* {MOTION ADOPTED}

MR. MCKENNA: Thank you.

(4) Miscellaneous:

CHAIRMAN CAMPBELL: Item is approved. I have one item, New Hampshire Hospital. I don't know if you got this letter.

\*\* REP. WEYLER: Remove from the table.

REP. EATON: Second.

CHAIRMAN CAMPBELL: Representative Weyler --

REP. WEYLER: Old Business.

CHAIRMAN CAMPBELL: Old Business. Should have done it in Old Business, but it's New Hampshire Hospital withdrawing an item. It's been tabled. Representative Weyler moves that it be removed and Representative Eaton seconds. All those in favor removing it from the table say aye? Opposed?

\*\*\* {MOTION ADOPTED removing the item from the table.}

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

CHAIRMAN CAMPBELL: Representative Eaton moves to --

REP. EATON: Deny.

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CHAIRMAN CAMPBELL: -- deny the request.

REP. WEYLER: Second.

CHAIRMAN CAMPBELL: Seconded by Representative Weyler. All those in favor of denying the request say aye? Opposed?

\*\*\* {MOTION ADOPTED to deny the request.}

CHAIRMAN CAMPBELL: That's disposed of.

(5) Informational:

CHAIRMAN CAMPBELL: Miscellaneous. I guess that was Miscellaneous. Informational. We have several informational -- important informational items that are in the packet and we want to discuss. I guess we'll take them in order. The first is the Monthly Equipment Action Plan. Is there any questions from the Committee on that? I don't think there is.

The next is Administrative Services Public Works and Designs Capital Budget Maintenance Report. Any questions from the Committee on that? No.

The third one we'd like to hear from the Department of Information Technology on the Business One Stop Quarterly Status Report. See we have the Commissioner and One Stop here. Hi. Good morning -- good afternoon.

PETER HASTINGS, Commissioner, Department of Information Technology: For the record, I'm Commissioner Hastings, Department of Information Technology.

THERESA PARÉ CURTIS, Director Web Support Division Department of Information Technology: I'm Theresa Paré- Curtis, the Director of the Web Support Division.

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CHAIRMAN CAMPBELL: So can you give us a verbal on the written report, please.

MS. PARÉ-CURTIS: Certainly. We are -- luckily, we are making some really good progress now. We do have our person on hand, hired and has started. The work on the form submittal application is ongoing. We are in the quiet phase of that RFP that was released a couple of months ago. And we are working with looking at the different products that are produced by the vendors with a target date of being before G & C in May to get that project moving forward. And -- but the Business Intelligence Layer will then wait until that one has been handed out to the contractor and then we'll start working on that piece.

CHAIRMAN CAMPBELL: So this relates back to that one employee that you needed to fill the position. That clog has been removed?

MS. PARÉ-CURTIS: Hm-hum.

CHAIRMAN CAMPBELL: The clog has been removed.

MS. PARÉ-CURTIS: The clog has been removed.

CHAIRMAN CAMPBELL: And may even go to G & C?

MS. PARÉ-CURTIS: As long as we can keep to the schedule we have got on the RFP evaluations, the plan is to be there in May.

CHAIRMAN CAMPBELL: I guess the question is then how long is this -- how long have you been delayed by this? How long has the overall budget been delayed by --

MS. PARÉ-CURTIS: At least six months.

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CHAIRMAN CAMPBELL: How will that reflect in the next Capital Budget round in terms of you're going to have money you're going to want to lapse; is that correct?

MS. PARÉ-CURTIS: We are hoping not to lapse any money.

CHAIRMAN CAMPBELL: You still think you can get the money --

MS. PARÉ-CURTIS: We are hopeful we will be able to have everything encumbered, but I will probably be able to give you a better sense of that at the next quarterly meeting.

CHAIRMAN CAMPBELL: Fair enough. Representative Weyler.

REP. WEYLER: Thank you, Mr. Chairman. How many departments are going to be involved in this? I've heard from people opening a restaurant as many as eight different permits, Health and Human Services, Transportation, Tax, DRA, so on, so forth. Is there any agency that -- I think even maybe DMV. Is there any agency that has not cooperated?

MS. PARÉ-CURTIS: No, there is not an agency that has not cooperated.

REP. WEYLER: Are they all going to be tied in? A person that fills out one form and it's populated with all the other agencies?

MS. PARÉ-CURTIS: In this first component that we are -- we've got the RFP out for right now, it still will be several forms. It's the Business Intelligence Layer where we'll actually get to being able to have a common bit of information that gets shared across everything.

This form submittal piece isn't necessarily still changing. It's going to pre-populate the information based on what people know about it. But it will still be if there are eight forms, there will still be eight submissions to those agencies.

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REP. WEYLER: But it only goes to things that are unique to that agency --

MS. PARÉ-CURTIS: Correct.

REP. WEYLER: -- rather than where's the driveway permit or what's the temperature -- one agency needs to know that kind of thing but they don't all need to have the name, address, et cetera, et cetera.

MS. PARÉ-CURTIS: They do in their current back end systems. The individual should not have to enter it eight times. They will be able to have that information pre-populated based on their registration in the system.

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

CHAIRMAN CAMPBELL: Further questions? So when will -- so the current round of funding will get you to what point? What point does it integrate into one stop?

MS. PARÉ-CURTIS: That everything gets integrated? Hopefully, with the round of funding that we have that I'm hoping in three months we can tell you how much we'll have spent or at least been able to encumber before the end of this year. We should have actually the full road map. We may not have the end user, the business users all coordinated, but the plan is to still have enough information about all of the internal systems and how they all have to be data mapped across one another so that we can have that under way and working within the agencies.

CHAIRMAN CAMPBELL: Do you anticipate an additional Capital request for the next round?

MS. PARÉ-CURTIS: Probably --

MR. HASTINGS: Probably.

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MS. PARE-CURTIS: We have not decided to put in a Capital Budget request for the next round because we think we will still be -- while we'll have encumbered the money, we won't have completed all the spending.

MR. HASTINGS: At this point we are not planning.

CHAIRMAN CAMPBELL: Remember, she's typing it all.

MS. PARÉ-CURTIS: Yes.

REP. GRAHAM: Some of us have long memories.

MR. HASTINGS: We have had many discussions on this internally as to at some point we need time to, you know, make sure it's stable.

CHAIRMAN CAMPBELL: Okay. We appreciate that. Thank you. Any other questions? Thank you very much for coming in.

MR. HASTINGS: Thank you.

MS. PARÉ-CURTIS: Thank you.

CHAIRMAN CAMPBELL: Next we have Department of Corrections and Department of Administrative Services to discuss the Women's Prison, part of the quarterly report.

MICHAEL CONNOR, Deputy Commissioner, Department of Administrative Services: Thank you, Mr. Chairman, Members of the Committee. Mike Connor from Administrative Services where I serve as Deputy Commissioner. With me today is Assistant Commissioner of Corrections, Bill McGonagle. I also have a few other people behind me. Commissioner Hodgdon is here, I believe.

CHAIRMAN CAMPBELL: Yes, she is.

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MR. CONNOR: I'd also like to introduce Ted Kupper who's our Administrator for Clerks, if you could stand up, and Tim Smith, our project manager, depending how deep the questions you render today.

In accordance with Laws of 2013, Chapter 195, i.e., the Capital Budget, we were required to submit a design plan to you folks for review and approval by April 1st, 2014, and as such we did so. Unfortunately, we are only about 15% of the way through our construction management process so it's still early. Some people might refer we are in the second inning of a nine inning game here. But we did provide you with the information that we had as of April 1st to where we stood in the process. We were, obviously, extremely disappointed in the estimates that we received. They was significantly over budget. I think you have all the information in front you, somewhere around 58 million.

As a result of that information, there was a meeting held between Commissioner Wrenn and Commissioner Hodgdon with our principles from SMRT and Gilbane. SMRT meaning the architect/engineering firm and Gilbane the construction manager to express our concerns and get their commitment to work together to make -- get some numbers back in line with where we are with the budget. We have instructed them as of that date to do that, and they have been working collaboratively. We have asked them to consolidate the footprint and reduce the square footage from a high of 136,000 back down to about 112 or so. We've asked them to review methods to reduce cost of the current site in the rear of the Men's Prison and review the feasibility and cost of locating the Women's Prison across the street in what we call the hay field. Their price estimate for the site came in at about \$7 million, as compared to what we carried which was about three. We have got a disparity there.

We asked them to review the type of building construction and mechanical systems and look for ways to reduce cost. The initial price estimate from Gilbane was an average cost of \$424 per square foot, a far cry from our initial budget and our

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estimates of 310 and \$326 that SMRT, our architect and engineering firm, has been carrying through this project and even with Gilbane it started in January.

We asked them to review the current mechanical systems and identify cost savings of initial prices. Basically, have mechanical and electrical at 33% of the total cost, which is just too much. We need to get that down under 20. Also, the soft costs as detailed are about \$11 million, which have too many contingencies and need to be whittled down to get us back down to the target.

We do have some positive things that we'd like to report. Working with SMRT, they hired a consultant by the name of Pulitzer/Bogard. They did a great job putting together a very good, detailed architectural program, detailing all the programs we need to be in compliance and meet the parity issues that we have, an operational narrative and a staffing plan that will be key to Commissioner McGonagle and their Department as they put forward during the budgeting process.

We also held three public sessions which was very well-received. We got a lot of positive feedback from all of that. We have made some significant progress since then, and Commissioner McGonagle can talk a little bit about what we have done so far since that date.

CHAIRMAN CAMPBELL: Please.

(Senator Rausch left the Committee room.)

WILLIAM MCGONAGLE, Assistant Commissioner, Department of Corrections: Well, last Thursday we held a meeting at Gilbane's corporate office in Bedford where SMRT and Gilbane came with a significantly changed footprint of the building. And they did some -- also some work on trimming the costs for the site prep, came down from 6.9 million on the site, back down to 5.3. So it's -- it's getting closer to where we thought it would be. The

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estimate for the revised building still isn't where we need it to be. The revised building plus site came down from the 58 million to 47 million so we still have a good ways to go.

CHAIRMAN CAMPBELL: That's cutting square footage, is that not right,

MR MCGONAGLE: Huh?

CHAIRMAN CAMPBELL: That's cutting square footage as well.

MR. MCGONAGLE: Well, there a number of things that are being done. If -- if you look at the -- the site plan that we provided in the report, it had the primary building with three satellite housing units. At this point, we've brought two of those housing units into the primary facility leaving the C-2 structure separate. We've authorized them to design that as a stick-built building rather than CMU or other kind of manufactured process.

Couple things that that does is it reduces the length of all of the service lines, steam, hot water, electric, that was going around the -- the campus style and so a lot of that brought those costs in. And one of the things they have been looking at is to utilize individual gas-fired heating plants in the buildings, rather than try to utilize the steam off of the -- off of the boiler house. We always thought that was going to be one of the benefits, you know, but it turns out that that was going to be more expensive than doing individualized gas-fired heating.

Some of the spaces certainly been squeezed. All of the critical spaces still exist. And so we have got the building that -- that we made some comments to the architects about and they're going to go back and, hopefully, tomorrow we'll see a revised schematic or sketch of the building that would stack some of the program spaces on top of each other further

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collapsing the size of the footprint and the amount of roof that's there.

The two sites that we've got, one is the hill, obviously, and that's the one we know most about at this point. We've done test pits on the -- in the hay field. That site will be tight to fit the facility. We've got one sketch that kind of tells us that we might be able to fit it there. But the most critical thing is to find out the quality of the soils and how well they'll support footings and foundations for the structures.

We've asked the Gilbane and SMRT to continue looking at and having soils engineers look at the soils in both places. One of the things that we found on the hillside is that the ledge is much deeper than we thought so it means less blasting. A lot of it is kind of the glacial till that we heard about in the harbor conversation. But that's -- we found that that was also mixed with a certain amount of clay so it may not be suitable for foundations. We'll have to go down, all the way down to bedrock there. We've found clay on the other side as well and that's what you would expect on towards the river. So we are just hoping to further refine it tomorrow. We'll get -- we'll be able to give the principals of both firms our reaction to what they've proposed.

One of the key issues is, oddly enough, the -- being able to fit both the facility and a ball field, 'cause that's a parity issue with the men. So, you know, we'll see how that goes. If the footprint can be squeezed a bit, then we may be able to do that.

CHAIRMAN CAMPBELL: Can't schedule home and away games at the ball field? Can't share the same ball field?

MR. MCGONAGLE: Well, we thought about, you know, having Friday afternoon mixers, but we nixed that idea.

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CHAIRMAN CAMPBELL: Well, there's one up on the Supreme Court building, but I think they're going to put a new courthouse there. So I guess we can't use that one.

I wanted to, you know, I know it's way over and it's not your fault, and you guys are going to be pounding on Gilbane, but the one thing that Gilbane came back which I think is the most shocking on here is the soft costs of almost \$11 million.

MR. CONNOR: We agree.

CHAIRMAN CAMPBELL: I mean, soft costs when you make a bid that's supposed to be factored and that's inflation that's, you know, help me. What other things are soft costs?

MR. CONNOR: There's almost -- there's almost \$4 million in contingencies there alone that they have --

CHAIRMAN CAMPBELL: Yeah.

MR. CONNOR: -- both in escalation and in just fudge factor that needs to be reduced. And we've asked them to do that and they're supposed to look at that and get back to us tomorrow.

CHAIRMAN CAMPBELL: As you proceed, you'll continue to keep Senator Boutin and myself informed as you have and we'll let the House and Senate side know.

MR. CONNOR: Actually, what we requested, although this was an informational item, the law required your review and approval, and we asked in here we actually be delayed to the end of this month to provide you another update to that, if we could, if that's allowable. I mean, but anyways, we'd like to have till April 30th to submit yet a revision where we are at.

CHAIRMAN CAMPBELL: Why don't we -- someone make a motion to accept the report and not approving it but accept.

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

SEN. STILES: Second.

CHAIRMAN CAMPBELL: Representative Eaton moves to accept and Senator Stiles seconds the acceptance of the report. We are not approving what's in it.

MR. CONNOR: Good.

REP. BENN: Request them coming back.

CHAIRMAN CAMPBELL: And request you come back at the next meeting with an update.

MR. CONNOR: We will.

CHAIRMAN CAMPBELL: With that contingency, let's vote on that. All in favor of the motion say aye? Opposed? Okay. You can keep talking.

\*\*\* **{MOTION ADOPTED to accept the report.}**

REP. EATON: Do you, Mike, you need to have a meeting before May 1st?

MR. CONNOR: No, I don't think so. We anticipate submitting that by the end of the month and then you have a couple weeks' lead time to publicize that. So whenever you folks meet again. It's not going to hold us up. It's really more letting you know. Our goal, 'cause this is primarily driven on the site, you folks wanted to know where it's going to be and if it doesn't work, we're out. So our goal within the next week or so, get some really good definition of where that's going to be and report back.

REP. EATON: Follow-up question.

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CHAIRMAN CAMPBELL: Yes.

REP. EATON: Have you -- did you do any look at geothermal? You're talking about now changing the heating system and I know in Cheshire County we built a new House of Corrections and it's done substantial savings over the course of time, and although there is an upfront. Has anyone looked at geothermal?

MR. CONNOR: I mean, we can. That tends to be, to your point, it tends to be more expensive upfront and what we're having them look at is actually decentralized system where you would have roof mounted units that would provide heating and cooling as opposed to that. I mean, we can certainly look at that. But yes, there are savings down the road from an operational sense, but we can certainly look at that, too.

CHAIRMAN CAMPBELL: Representative Graham.

REP. GRAHAM: Thank you, Mr. Chairman. Mike or anybody back there that might be able to, at what point do we keep going forward and consolidating, compromising? Do we throw up our hands like you said about the site and go we have got to go back to square one?

CHAIRMAN CAMPBELL: My question, too.

MR. CONNOR: I think very soon, within the next week or so, we should have enough information regarding the hay field to be able to see. If you look in your packet, we did a preliminary estimate. We think there's a premium of about \$3 million to be on the rear of the Men's Prison as opposed to the hay field. As Commissioner McGonagle said, we need to make sure that what we are going to build will actually fit there. We have some concerns. It's going to be a very tight site and may require that we buy a piece of property the City would love us to buy any way.

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REP. GRAHAM: I know that Senator Rausch was going to ask this question. If at some point it doesn't look like it, what about either Laconia or Berlin?

MR. MCGONAGLE: I can -- well, I will say categorically that Berlin won't be a site that we go, 'cause -- just because of the nature of the -- of women and their families being largely in the southern tier.

REP. GRAHAM: If I may? You can't say that categorically because it's up to us to say where it's going to be.

MR. MCGONAGLE: Our position would be --

REP. GRAHAM: Thank you.

MR. MCGONAGLE: -- that you should not.

CHAIRMAN CAMPBELL: He does raise a good point I was going to raise as well. We come back in a month, you know, we should -- there should be a Gantt Chart or decision tree or something that says if we get to this point we are going to have to stop and reload.

MR. CONNOR: I agree.

CHAIRMAN CAMPBELL: This Committee is receiving information, but we haven't any power to do anything.

MR. CONNOR: I agree.

CHAIRMAN CAMPBELL: As far as the appropriation goes.

MR. CONNOR: By the end of the month we'll be able to see. We provided to the architect and engineer to say as you design this thing, you need to make sure that it will fit in either one behind the Men's Prison. That was the guidance we gave them.

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CHAIRMAN CAMPBELL: If it helps with Gilbane, you can tell them that this Committee would expect you at some point to pull the plug.

MR. CONNOR: We have been. We will. Thank you.

CHAIRMAN CAMPBELL: I didn't think you needed encouragement but thanks.

REP. BENN: Thank you, Mr. Chairman. Just so I can get oriented here on this map or this plan. Down in front here, the dot, is this the Men's Prison?

MR. MCGONAGLE: Yes. The light -- yeah. The light lines that are here kind of show the serrated edges of Medium North and Medium South and Secure Psychiatric Unit.

REP. BENN: And where is the hay field? Is that --

MR. MCGONAGLE: Right there.

REP. BENN: Right there on the other side. Okay. I see.

CHAIRMAN CAMPBELL: Room for a ball field on the other side?

MR. MCGONAGLE: On the other side of what?

SEN. BOUTIN: The hay field.

CHAIRMAN CAMPBELL: You build the prison on the hay field, can't you put the ball field on back of the Men's Prison?

MR. MCGONAGLE: And walk the women all the way up the hill past all the men?

CHAIRMAN CAMPBELL: I'm asking you, is it practical or not.

MR. MCGONAGLE: I wouldn't think so.

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CHAIRMAN CAMPBELL: Okay.

MR. MCGONAGLE: There are a number of things that we've made some decisions about that we -- that will help with the -- what we think are the cost estimates when we see them tomorrow. We have gone from wet cells to dry cells in C-3 and Wellness so that it reduces the amount of plumbing fixtures, plumbing runs, ventilation, circulation of air. And it always -- it requires us to leave the cell doors where the inmates can freely come and go from their cell to be locked into their pod. Very similar to what we -- you would find if you went and looked at Medium North or South in the Men's Prison. And that has a real impact on the nature of the locking mechanisms that we'll use, too. So that's a significant give-away that we think we can still live with, so.

CHAIRMAN CAMPBELL: Any other questions? Thank you. Good luck and we'll see you in a month.

MR. CONNOR: Thank you.

CHAIRMAN CAMPBELL: I did get word that Commissioner Barry was detained because of -- he was at a funeral.

REP. EATON: She.

CHAIRMAN CAMPBELL: She, I'm sorry. She was detained. Regina Fiske is here. Let's take care of the last item on the agenda. Is there any questions on the last report? Seeing none.

Regina Fiske is here from Department of Education. Hi, good afternoon. Thank you for pitch hitting.

REGINA FISKE, Division of Career Tech and Adult Learning, Department of Education: I apologize for not stepping forward earlier.

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CHAIRMAN CAMPBELL: That's all right. I'm glad you're here. I guess our question is do we need to act on this -- on this item? Will it delay anything going on in Salem if we wait until the legislation's going through the Senate?

MS. FISKE: If you wait until the legislation going through the Senate?

CHAIRMAN CAMPBELL: There's legislation coming through the Senate that's going to augment this appropriation; but do we need to act on this item?

MS. FISKE: This was for us was, I believe, a formality. My understanding was that the monies were, in fact, appropriated in this current biennium for Salem, 10.775 million this biennium. But then in order for Salem to even have access to get started on their project that they would need to have permission from this Committee and that's what this was asking for was permission to move forward.

CHAIRMAN CAMPBELL: Okay. Thank you. Thank you for that.

MS. FISKE: Okay.

CHAIRMAN CAMPBELL: We need take it off the table.

\*\* REP. EATON: Take it off the table.

SEN. STILES: Second.

SEN. BOUTIN: May I ask a question?

CHAIRMAN CAMPBELL: Yes. Sure.

SEN. BOUTIN: So if this other bill passes, they're going to have to come back again for that balance?

REP. EATON: Yep.

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MR. KANE: Yes.

CHAIRMAN CAMPBELL: All these appropriations need to come back just for a formal release; correct?

MR. KANE: Based on current law, the Committee can approve them to move forward on this in the amount the 10.775. If there is a bill that amends it and increases it, we request to come back to release the further amount.

CHAIRMAN CAMPBELL: So Representative Eaton and Senator Stiles seconds taking the item, which is item number 14-021, off the table. All those in favor say aye? Opposed? Okay. It's off the table.

**\*\*\* {MOTION ADOPTED to take the item off the table.}**

**\*\*** SEN. STILES: Move approval.

REP. EATON: Move to approve.

CHAIRMAN CAMPBELL: Senator Stiles moves and Representative Eaton seconds approval of the Item 14-021. Is there any discussion? All those in favor say aye? Opposed?

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

CHAIRMAN CAMPBELL: One thing we have to do before we leave, we have to pick a date -- pick a date for our next meeting and then we can go.

MS. FISKE: Thank you very much.

CHAIRMAN CAMPBELL: Thank you. Thanks for coming in. Senator, a month from now we should be through with legislative calendar. Let's take a look. I haven't got my calendar, left in the other room.

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REP. GRAHAM: Sixth, 13th or 20th.

CHAIRMAN CAMPBELL: Sixth, 13th or 20th. Any preferences on your side? We are in good shape, right, on our side?

(Representative Eaton nods his head.)

CHAIRMAN CAMPBELL: Thirteenth?

SEN. BOUTIN: Yeah.

REP. WEYLER: Friday the 13th?

REP. EATON: It's safer for --

REP. GRAHAM: We are looking at May, right? Go back to May.

CHAIRMAN CAMPBELL: We will probably do Long Range after it. So what time should we -- 1:30, 2 o'clock? Leave it up to --

SEN. STILES: Yeah, we should be through.

SEN. BOUTIN: 1:30 would be better than two.

CHAIRMAN CAMPBELL: 1:30 on Friday the 13th it is.

MR. KANE: It's a Tuesday.

CHAIRMAN CAMPBELL: Tuesday the 13th, yeah. 1:30. Motion to adjourn?

REP. CLOUTIER: So move.

SEN. STILES: Second.

CHAIRMAN CAMPBELL: All those in favor say aye?

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(Meeting adjourned at 3:33 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*

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