

**CAPITAL BUDGET OVERVIEW COMMITTEE**

Legislative Office Building, Room 201  
Concord, NH  
Monday, April 22, 2019

**MEMBERS PRESENT:**

Rep. John Cloutier, Chair  
Rep. John Graham  
Rep. Michael Edgar  
Rep. Tom Buco  
Rep. Mary Beth Walz  
Sen. Regina Birdsell  
Sen. David Watters

(The hearing convened at 11:02 a.m.)

**(1) Acceptance of Minutes of the February 11, 2019 meeting.**

JOHN CLOUTIER, State Representative, Sullivan County, District #10 and Chairman: Okay. I think I'm going to get started. I'm sure we all have other things to do. Call this meeting -- just in time.

(Sen. Watters enters the Committee Room.)

CHAIRMAN CLOUTIER: Thank you for coming, Senator. I want to call this meeting of the Capital Budget Overview Committee to order and would like to begin with the first item on the Agenda which is the Acceptance of the Minutes of February 11<sup>th</sup>.

**\*\* JOHN GRAHAM, State Representative, Hillsborough County, District #07:** Move acceptance.

CHAIRMAN CLOUTIER: Okay, Representative Graham.

MARY BETH WALZ, State Representative, Merrimack County, District #23: Second.

CHAIRMAN CLOUITER: Second by Representative Walz. Second. Any questions or comments about these minutes of the February 11<sup>th</sup> meeting? Okay. Are we ready for the vote? And, again, I appreciate Representative Edgar filling in for Representative Danielson as Acting Clerk. All those in favor of approving the minutes signify by saying aye? All those opposed say nay? The ayes have it. The motion is carried. Minutes are accepted.

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

**(2) Old Business:**

CHAIRMAN CLOUTIER: Anything I don't -- there doesn't appear to be anything under Old Business. So we will move on to New Business.

**(3) New Business:**

CHAIRMAN CLOUTIER: And under the Pease Development Authority, Item 19-008, and I would like to welcome the Pease Development Authority and Geno -- Mr. Geno Marconi, welcome. Thank you for coming.

GENO MARCONI, Director, Division of Ports and Harbors, Pease Development Authority: Thank you, Mr. Chairman, Members of the Committee. For the record, Geno Marconi. I'm the Director of the Division of Ports and Harbors of the Pease Development Authority.

This request you have before you has to do with a long-time project that we've applied for 12 times to US-DOT for funding assistance associated with the rehabilitation and modification of the existing ship dock at the port terminal in Portsmouth. We were fortunate in December to be notified that we were awarded \$7.5 million. However, before final issuance of that grant, because it's federal money, we have to meet

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the requirements of the National Environmental Protection Act, also known as NEPA.

So we got a proposal from our on-call marine engineering services and the cost of that is \$74,107. If I may just say that this is a pretty good deal, Mr. Chairman, because if we had to do it from scratch it would be a hundred thirty-five, \$140,000. But through the subcontract from Appledore Engineering, they've hired McFarland Johnson, which is an environmental firm that did the NEPA review on the Memorial Bridge, the NEPA review on the Sarah Long Bridge and the NEPA review at the Albacore Museum which was associated. And they're also in the process of doing the NEPA review for the functional replacement that we got from Federal Highway. So it's a pretty good deal price-wise.

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

\*\* REP. GRAHAM: I move approval of CAP 19-008.

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

CHAIRMAN CLOUTIER: Okay. A motion by Representative Graham. Do I have a second on that?

SEN. BIRDSELL: Second.

CHAIRMAN CLOUTIER: Second by Senator Birdsell. Okay. Are we ready for the vote? Any further questions or comments on the item? I call for a vote on Item 19-008. All those in favor of the item signify by saying aye? All those opposed say nay? The ayes have it. Motion carried, and the item is accepted.

\*\*\* {MOTION ADOPTED}

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MR. MARCONI: Thank you, Mr. Chairman.

CHAIRMAN CLOUTIER: Okay. You're welcome. Again, thank you for coming, Mr. Marconi.

REP. GRAHAM: He's got one more.

CHAIRMAN CLOUTIER: Next item, Item 19-010 from the Cannon Mountain Advisory Commission, which is a part of the Department of Natural and Cultural Resources and want to welcome representatives of the Department and for the record could you please identify yourself.

CHRISTOPHER MARINO, Business Administrator, Department of Natural and Cultural Resources: Hi, my name is Chris Marino. I'm the Business Administrator for the Department of Natural and Cultural Resources.

JOHN DEVIVO, General Manager, Cannon Mountain Ski Area and Franconia Notch State Park, Department of Natural and Cultural Resources: Good morning. For the record, my name is John DeVivo. I'm the General Manager at Cannon Mountain Ski Area and Franconia Notch State Park.

CHAIRMAN CLOUTIER: Okay, thank you for coming. Please proceed.

MR. DEVIVO: Yes, per RSA 12-A:29-b, the Cannon Mountain Advisory Commission did meet on April 5<sup>th</sup> and recommended 1.976 million non-generally funded from the Cannon Mountain Capital Improvement Fund toward the list of capital improvement projects before you. That was concurred by Commissioner Sarah Stewart from the Department of Natural and Cultural Resources. We are here to take and answer any questions.

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CHAIRMAN CLOUTIER: Okay. So -- all right. Any questions for either of these two gentlemen from the Department of Natural and Cultural Resources? Yes, go ahead, please, Representative Walz.

REP. WALZ: So how's the Capital Improvement Fund funded? Is that from gate receipts or how do you get that?

MR. MARINO: The fund itself is -- it's funded -- it's funded through authorization up to \$6 million. The Debt Service is paid from revenue that is earned from the Mount Sunapee lease operations that occur. So there's a direct relationship.

REP. WALZ: Okay. I got the second --

CHAIRMAN CLOUTIER: Continue, go ahead, please.

REP. WALZ: I missed the first half. Can you say the beginning of that again?

MR. MARINO: It's a fund that is authorized per RSA 12-A:29-b, which was established in order to provide capital funding for infrastructure improvements and things of that nature up at the Cannon Mountain.

REP. WALZ: Follow-up.

CHAIRMAN CLOUTIER: Another one. Please continue.

REP. WALZ: Translate this into English.

MR. MARINO: Yes.

REP. WALZ: The Legislature said set up -- take the money from the lease from Sunapee and fund it and use the for Cannon and other things. Is that a succinct explanation of what's going on?

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MR. MARINO: They basically said take the money -- make appropriations available and pay back those appropriations with revenue earned from Mount Sunapee lease operations.

REP. WALZ: Okay. Thank you.

CHAIRMAN CLOUTIER: Answer all your questions?

REP. WALZ: Close enough.

CHAIRMAN CLOUTIER: Okay. Thank you, Representative Walz. Further questions of these gentlemen from Members of the Committee?

**\*\*** REP. GRAHAM: Move approval of CAP 19-010.

CHAIRMAN CLOUTIER: Okay, thank you, Representative Graham. Do I have a second on that motion?

(Sen. Birdsell raises her hand.)

CHAIRMAN CLOUTIER: Second by Senator Birdsell. Any other questions or comments before we vote on this motion? All those in favor of approving Item 19-010 signify by saying aye? All those opposed say nay? The ayes have it. The motion is carried and Item 19-010 is adopted.

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

CHAIRMAN CLOUTIER: Next item under -- again, under the Pease Development Authority, Item 19-003, and welcome back, Mr. Marconi.

MR. MARCONI: Thank you, sir. This item you have before you has to do with dredging in Hampton Harbor. Under RSA 12-G, the Division is responsible for the local sponsor for dredging projects. So we partner with

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the Corp of Engineers. Part of this project the Corp is going to go in and dredge Hampton beginning in October. We are responsible under our agreement with them to dredge the three-acre State anchorage that we're responsible for. However, the Corp of Engineers cannot go out to bid or finalize the project until we sign the project partnership and certify our financial ability to go on with this, and they are beating at my door saying we want to sign it and get this moving or we're going to run out of time. So that's the purpose of the Harbor Dredge Pier Maintenance Fund. So our cost share for that part of the project is what we're asking for today.

CHAIRMAN CLOUTIER: Okay. Thank you. Questions of Mr. Marconi from Members of the Committee, please? Yes, Representative Edgar, please.

**\*\*** MICHAEL EDGAR, State Representative, Rockingham County, District#21: Not a question but I'm ready, unless anybody else has a question, I'm ready to move to approve the 19-003 assuming no one has a question.

CHAIRMAN CLOUTIER: Okay. You're ready to move approval of the item. Okay, he made the motion. Do I have a second?

REP. GRAHAM: I had a question.

CHAIRMAN CLOUTIER: Okay, you had a question. Okay. I'm sorry, go ahead.

REP. GRAHAM: Mr. Marconi, I understand this is also part of the Capital Budget that the House has sent on to the Senate. So if we don't approve this, you can't go forward with -- with the project at all the way I understand it.

MR. MARCONI: Correct. If I may, Mr. Chairman?

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CHAIRMAN CLOUTIER: All right. Please continue.

MR. MARCONI: The budget takes effect -- if it was to remain in the budget takes effect July 1<sup>st</sup> and the Corp -- they said it would booch the project -- excuse me -- it would not allow the project to go ahead. I'm sorry, sir, ladies. It would not allow the project to go ahead unscheduled.

REP. GRAHAM: Yeah.

CHAIRMAN CLOUTIER: Okay. Thank you, Representative Walz.

REP. WALZ: This is separate from the Rye Harbor dredging?

MR. MARCONI: Yes, ma'am.

REP. WALZ: Okay.

CHAIRMAN CLOUTIER: Okay. All right, any other questions or comments? And I will get back up -- I appreciate your patience, Representative Edgar, you'd like to still make your motion to approve this item?

REP. EDGAR: I still would.

CHAIRMAN CLOUTIER: Okay. Do I have a second on that?

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

CHAIRMAN CLOUTIER: Okay, second by Senator Watters. Any other questions or comments on this item? We ready for the vote? All those in favor of approving Item 19-003, signify by saying aye? All those opposed say nay? The ayes have it, and Item 19-003 is adopted.

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

MR. MARCONI: Thank you, Mr. Chairman. Again, my apologies for the slip of the tongue.

CHAIRMAN CLOUTIER: That's all right. Okay. Next item under Department of Transportation, 19-004. I guess there are two items. So I want to welcome representatives of the Department of Transportation, and I'll give you a minute to get settled. Yes.

REP. GRAHAM: Mr. Chairman, we are working off 004 replacement; right?

CHAIRMAN CLOUTIER: Okay, good point. Thank you very much for reminding me, Representative Graham. Everybody have the replacement sheet in front of you? All right. And I don't know if you all had a chance to look at it. I'll give you a minute if you want. Okay. But take your time. Gentlemen, and while you're waiting, please identify both of yourselves for the record, please.

CHRISTOPHER WASZCZUK, Deputy Commissioner, Department of Transportation: For the record, Chris Waszczuk, Deputy Commissioner for the Department of Transportation. And with me is Nick Alexander. He's Administrator of the Asset --

CHAIRMAN CLOUTIER: Thank you for coming.

MR. WASZCZUK: Asset Performance and Management Bureau.

CHAIRMAN CLOUTIER: Did everybody have enough time to read this over, the replacement item? Otherwise, I'll give you another minute or two.

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REP. WALZ: Can they just tell us the difference between the two? They look nearly identical.

MR. WASZCZUK: Yes, I believe the only difference is in the fourth line down where it says that anticipates funding with I think FLAP, F-L-A-P. The only difference is the change that anticipates funding with Federal funds. That Federal Lands Program because this parking is an issue, Federal Highway would not allow use of those funds for this effort.

REP. WALZ: Follow-up.

CHAIRMAN CLOUTIER: Okay. Yes, please continue.

REP. WALZ: I suggest you find another source of Federal funds.

MR. WASZCZUK: We are going to be looking for another source of Federal funds, yes.

CHAIRMAN CLOUTIER: That answer all your questions, Representative?

REP. WALZ: Hum -- no.

CHAIRMAN CLOUTIER: Okay.

REP. WALZ: So the first point you had the federal funds. This one you're looking for them. What's the impact if you don't find them? What does that --

MR. WASZCZUK: Then we won't -- we won't do the study.

REP. WALZ: The project doesn't go forward.

MR. WASZCZUK: Right.

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REP. WALZ: Okay.

CHAIRMAN CLOUTIER: Any other questions of this item, please? Any other questions from the Committee?

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

CHAIRMAN CLOUTIER: Okay, Senator Birdsell, you made the motion. Okay, do I have a second on the motion? Second by Representative Graham. Okay. Any other further questions or comments before we vote? Okay. So all those in favor of approving Item 19-004, signify by saying aye? All those opposed say nay? The ayes have it, and the motion is carried. Item 19-004 is adopted.

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

CHAIRMAN CLOUTIER: Okay. Continue, please. Another item under Department of Transportation.

MR. WASZCZUK: The next item seeks to use \$250,000 worth of toll credits to leverage or match a competitive grant the Department received. To really answer more questions on our road usage fee concept, this grant is part of the Surface Transportation System Funding Alternatives Grant Program the Federal Highway has, in essence, to look at alternatives to the gas tax at the federal level.

This grant, as most may know, there's been three bills relative to the road usage fee over the last three years. The most recent year there's a bill that's been retained, House Bill 478. There's been many questions relative to that road usage fee concept. And what this will allow us to do is possibly answer those questions, as well as get a better sense of what it's going to take to actually develop a database that would tie the DMV database to the EPA fuel efficiency data that exists, as well as answer questions relative to equity, in-state

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versus out-of-state, rural versus urban type of -- type of questions.

CHAIRMAN CLOUTIER: Okay. Thank you, Deputy Commissioner. Representative Graham, please.

REP. GRAHAM: Thank you, Mr. Chairman. Thank you for taking the question. As you mentioned that the House has retained a bill dealing with road usage fees to study over this summer and fall. When do you anticipate at least a preliminary report from this study being done that might be usable by the House Members to make a recommendation to the full House next January?

MR. WASZCZUK: We're hoping that final report may be available by the end of September.

REP. GRAHAM: Thank you.

CHAIRMAN CLOUTIER: Okay. Thank you. Further questions of the Department of Transportation from Members of the Committee, please?

REP. WALZ: Yeah.

CHAIRMAN CLOUTIER: Yes, Representative Walz.

REP. WALZ: I want to clarify. You're hoping by the end of September. You know the Legislature is on deadlines.

MR. WASZCZUK: Yes.

REP. WALZ: I just looked this up. This is another Norm Major bill. Bless him for doing this over and over. But, at any rate, hoping by the end of September is not great for the Legislature, because they've got to have this done earlier. I think the first of November at the latest. Can you give us -- if we give you this

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money -- I mean, if you finish this study the first of December we just wasted a bunch of money to some extent, at least for this biennium. So I'm wondering if you can assure us that it's going to be done by the end of September?

MR. WASZCZUK: The first report, we're pretty confident that the schedule that we laid out with the consultants -- obviously, we cannot move forward until we get the approval to move forward -- but the schedule allows us by the end of September we'll have a solid first draft of the report.

REP. WALZ: Okay.

CHAIRMAN CLOUTIER: Yes, Senator Watters, please.

SEN. WATTERS: Yes. Just for information of the Committee, the Senate is sending the House yet another one of these bills, Senator Starr's bill. So there will be another bill to use a vehicle for whatever you want to do with it.

CHAIRMAN CLOUTIER: All right. Representative Graham, you had another question?

REP. GRAHAM: No.

CHAIRMAN CLOUTIER: Okay. Are we ready to vote on this item? Entertain a motion. Senator Watters, you make that motion?

\*\* SEN. WATTERS: So move.

CHAIRMAN CLOUTIER: Okay, second on that motion?

REP. WALZ: I'll second.

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CHAIRMAN CLOUTIER: Second by Representative Walz. Are we ready for the vote? Any further questions or comments on this item? Okay, I'll call for a vote on Item 19-005. All those in favor of approving the item signify by saying aye? All those opposed say nay? The ayes have it. Motion is carried. Item 19-005 is approved.

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

**(4) Miscellaneous:**

CHAIRMAN CLOUTIER: Okay. Under Miscellaneous. I don't know, there's some information from Department of Administrative Services, as well as the Pease Development Authority. Does anybody have any questions? Especially we have Mr. Marconi here under his report. So anybody while he, you know, especially, he's -- Mr. Marconi is a busy man. I just want to be sure we all had a chance to ask him some questions on his report dated April 1<sup>st</sup> if we want to ask him.

THOMAS BUCO, State Representative, Carroll County, District #02: I have a question.

CHAIRMAN CLOUTIER: Yes, go ahead, please, Representative Buco.

REP. BUCO: Thank you, Mr. Chairman. Mr. Marconi, on this -- this list shows 12,000 plus 32,000, 45,000 in reimbursements for the storm, but only one of them came from FEMA. Where's the other money come from?

MR. MARCONI: Uh -- it's a typo error, sir. It was a FEMA reimbursement, also.

REP. BUCO: It's all from FEMA?

MR. MARCONI: Yes, sir.

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CHAIRMAN CLOUTIER: Okay. Thank you. Further questions of Mr. Marconi from the Committee? Any further questions on his report? I think we're done. Thank you very much, Mr. Marconi.

MR. MARCONI: Thank you, sir.

**(5) Informational:**

CHAIRMAN CLOUTIER: Now, unfortunately, I don't see anybody from the Department of Administrative Services here to talk about the reports they submitted Items 19-006 and Item 19-007. Does anybody have any questions so maybe for our next meeting I could relay them or if you wanted you could get them in writing or by e-mail to any -- if you have any questions before our next meeting.

REP. BUCO: Yes.

CHAIRMAN CLOUTIER: Yes, Representative Buco.

REP. BUCO: Thank you, Mr. Chairman. Mr. Chairman, I see several projects here that have to do with the Steam Project. Is there -- is there a total figure that they're working with for that project?

CHAIRMAN CLOUTIER: I believe, and I don't have the last Capital Budget we put in so much money. I can't -- I don't know. Representative Edgar or Graham, I don't remember the exact figure on it.

REP. GRAHAM: There is a max.

REP. BUCO: I'm assuming there is.

REP. GRAHAM: And I'm sure that Mr. Shea can help us.

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CHAIRMAN CLOUTIER: Okay, Mr. Shea can help us.

CHRISTOPHER SHEA, Deputy Legislative Budget Assistant, Office of Legislative Budget Assistant: I don't have the details with me, but I can send an e-mail to the Committee with the information.

CHAIRMAN CLOUTIER: Okay. If you could send us an e-mail to sort of help answer those questions as a follow-up to this meeting, I'd very much appreciate to all Committee Members. And just send it by e-mail. If we have further questions Committee can ask them or we could discuss it as an item at our next meeting on the agenda.

REP. WALZ: I have a related question.

CHAIRMAN CLOUTIER: Yes, go ahead, please, Representative Walz.

REP. WALZ: Generally, are the steam projects all on time and proceeding smoothly?

MR. SHEA: I just heard that the steam projects are probably about a month behind. So you've seen the roadway outside been blocked off. They're behind on that schedule. It's been more involved than I guess originally anticipated.

REP. WALZ: They're finding stuff they didn't know was there.

MR. SHEA: Yes, they're finding a lot of things under the sidewalk. When they put sections in, there's all sorts of approvals that need to occur as they put in each section of pipe in. So that's been a little bit longer process than they anticipated. So I think they were due to be done in October. They're hoping maybe

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November to have it connected; but they're not sure that will be the case.

REP. WALZ: Will we still be connected to the unit in the AG's parking lot then?

MR. SHEA: Oh, yeah. Yes.

REP. WALZ: So we're not going to have a cold building.

MR. SHEA: No, no. The new building everything is in there, it's just not connected.

REP. WALZ: Okay.

**(6) Date of New Meeting and Adjournment:**

CHAIRMAN CLOUTIER: All right. Thank you. Okay. Let me see. If we're all set as far as under Informational, the date of our next meeting. Originally, I was going to have also after this meeting a Long Range meeting, but there were no items. And I'm thinking is as we have done in the past try to meet on the same date, if possible. But as far as the next meeting I'm thinking right now of late June after the Committee of Conference reports are done but just before we take the final vote, like either Monday, June 24<sup>th</sup> or 25<sup>th</sup>.

REP. GRAHAM: Yeah.

CHAIRMAN CLOUTIER: And I think it's important to schedule something in advance so the State -- or at least a tentative meeting date so the State Agencies are aware of when we're next meeting. And then, hopefully, we would take two months off. You know, have the summer off and come back just after Labor Day. I think it seemed to work under previous Chairs for both Long Range and Capital Budget. So is there any objection to

scheduling something for maybe Monday, the 24<sup>th</sup> -- Monday, June 24<sup>th</sup>, or Tuesday June 25<sup>th</sup>? Does anybody have a preference?

REP. WALZ: I have a preference for the 25<sup>th</sup>.

CHAIRMAN CLOUTIER: The 25<sup>th</sup>.

REP. WALZ: I've got family stuff that we are already juggling.

CHAIRMAN CLOUTIER: Which is on a Tuesday.

MS. WALZ: Correct.

CHAIRMAN CLOUTIER: Okay. Senator, did you have a preference? This is -- would hopefully be done all the Committee of -- Committees of Conference a few days, I think the following day on Wednesday, the 26<sup>th</sup>, we'd be voting. So we'd be getting everything done just before we go on a break.

SEN. WATTERS: Good.

SEN. BIRDSELL: What time?

CHAIRMAN CLOUTIER: So Tuesday, June 25<sup>th</sup>, is okay. Say this time or early? I don't know, Senator Birdsell, I don't know what you --

SEN. BIRDSELL: I have leadership at noon. So can we do ten?

CHAIRMAN CLOUTIER: 10 o'clock on Tuesday, June 25<sup>th</sup>. It's okay with me.

SEN. BIRDSELL: Okay.

CHAIRMAN CLOUTIER: I don't know about Long Range. I'll have to maybe schedule before or just after. But

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we'll plan on Tuesday, June 25<sup>th</sup>, at 10:00 a.m. for this meeting. If something comes up, going to have to change it, I'll get back to you but that will be my plan. Tuesday, June 25<sup>th</sup> at 10:00 a.m., the next meeting of this Committee, so.

SEN. WATTERS: Thank you.

CHAIRMAN CLOUTIER: You're okay with that, Mr. Shea?

MR. SHEA: Yes, yes.

CHAIRMAN CLOUTIER: Okay. So unless there's anything else, I will entertain a motion to adjourn, please.

\*\* SEN. BIRDSELL: So move.

CHAIRMAN CLOUTIER: Okay. Who made the motion? Senator Birdsell. Do I have a second?

REP. WALZ: I'll second.

CHAIRMAN CLOUTIER: Second by Representative Walz. All those in favor of adjourning signify by saying aye? All those opposed say nay? Meeting's adjourned. Again, thank you very much for coming everybody.

(Adjourned at 11:25 a.m.)

## CERTIFICATION

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

  
\_\_\_\_\_  
Cecelia A. Trask, LSR, RMR, CRK  
State of New Hampshire  
License No. 47

