

CAPITAL BUDGET OVERVIEW COMMITTEE

Zoom Webinar

Monday, November 30, 2020

MEMBERS PRESENT:

Rep. John Cloutier, Chair
Rep. Michael Edgar
Rep. John Graham
Rep. Thomas Buco
Rep. Mary Beth Walz
Rep. David Danielson
Sen. David Watters
Sen. Lou D'Allesandro
Sen. Kevin Cavanaugh
Sen. Bob Giuda
Sen. Regina Birdsell

(The meeting convened at 1:01 p.m.)

(1) Call-In Instructions:

JOHN CLOUTIER, State Representative, Sullivan County, District #10: Okay. So if everybody is all set, it's now about a minute or two after 1 o'clock. So why don't we get started.

I want to welcome you to this meeting of the Capital Budget Overview Committee, the final meeting of this term. And I want to begin. I've got to read into the record so just bear with me, but the Right-to-Know purpose is what I have to do.

As Chair of the Capital Budget Overview Committee, I find that due to the state of emergency declared by the Governor as a result of the COVID-19 Pandemic, and in accordance with the Governor's Emergency Order Number 12, pursuant to Executive Order 2020-04, as extended pursuant to Executive Order 2020-2021, this public body is authorized to meet electronically. Please note there is no physical location to observe and listen contemporaneously to this meeting which was authorized pursuant to the Governor's Emergency Order.

However, in accordance with the Emergency Order, I am confirming that we are, A, providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means. We are utilizing Zoom for this electronic meeting. All Members of the Committee and select legislative staff have the ability to communicate contemporaneously during this meeting through this platform and the public has access to contemporaneously listen and, if necessary, participate in this meeting by clicking on the following website address: <https://zoom.us/j/92365507423>, or dialing one of the following phone numbers. 1 (929) 205-6099 or 1 (301) 715-8592.

B. Providing public notice of the necessary information for accessing this meeting. We previously gave notice to the public of the necessary information for access to the meeting, including how to access the meeting using Zoom or telephonically. Instructions have been provided in the House and Senate Calendars, the Capital Budget Overview Committee Agenda, and the website of the Office of the Legislative Budget Assistant.

C. Providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anyone has a problem, please e-mail LBA -- okay, sorry -- underscore, CBOC at leg.state.nh.us, between L-O -- okay. Never mind.

And, D, adjourning the meeting if the public is unable to access the meeting. In the event the public is unable to access the meeting, the meeting shall be adjourned and rescheduled. Copies of the agenda and items have been posted on the website of the Office of the Legislative Budget Assistant. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let's start by taking a roll call attendance. When each member states their presence, please also state whether there was -- there is anyone in the room with you during the meeting

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

which is required under the Right-To-Know Law. So I'm about ready to start the roll call and start it off. I will start with myself. I am the Chair, Representative John Cloutier. I am at my home in Claremont, and I'm alone. Okay. Representative Danielson, you there? Clerk. Okay.

(No response.)

MICHAEL EDGAR, State Representative, Rockingham County, District #21: John, I --

CHRISTOPHER SHEA, Deputy Legislative Budget Assistant, Office of Legislative Budget Assistant: I think Representative Danielson fell out.

CHAIRMAN CLOUTIER: Okay. Representative Edgar, would you mind taking over and doing the roll call as Acting Clerk?

REP. EDGAR: Sure.

CHAIRMAN CLOUTIER: Okay. Thank you very much.

REP. EDGAR: You're welcome. Representative Buco.

THOMAS BUCO, State Representative, Carroll County, District #02: Present.

REP. EDGAR: Okay. Representative Danielson dropped out. Obviously, I'm here. Representative Graham.

JOHN GRAHAM, State Representative, Hillsborough County, District #07: Present. I'm alone at my home in Bedford.

REP. BUCO: Oh, sorry.

REP. EDGAR: Senator Watters.

DAVID WATTERS, State Senator, Senate District #04: I am present in Dover in this room alone.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

REP. EDGAR: Okay. Excuse me. Representative Walz.

MARY BETH WALZ, State Representative, Merrimack County, District #23: Yes, I'm here. There are others in the home, but I'm alone in this room upstairs. There's nobody else upstairs.

REP. EDGAR: Okay. Thank you. Representative Birdsell. Excuse me, Senator Birdsell.

REGINA BIRDSELL, State Senator, Senate District #19: I'm here. I'm here. I'm in Concord in my office and my admin is with me.

CHAIRMAN CLOUTIER: And Representative -- Representative Edgar, can we go back to Representative Buco? Are you -- where are you and are, you know, are you in your home, whatever. If you could state that, please.

REP. BUCO: Yes. Thank you. I'm in my home in Conway and I'm alone.

CHAIRMAN CLOUTIER: Okay. All right. So okay. And I think for now, I don't know where Representative Danielson, probably had some technical issues. I think we are all here. So the roll has been called. Thank you, Representative Edgar.

(2) Acceptance of Minutes of the October 7, 2020 meeting

CHAIRMAN CLOUTIER: Okay. The next item on the agenda is acceptance of the minutes of the October 7th, 2020, meeting. Has everybody had a chance to review those minutes which was -- were all sent to you electronically?

REP. EDGAR: John, if I could just comment.

CHAIRMAN CLOUTIER: Sure.

REP. EDGAR: Phased out but I think I had to call Senator D'Allesandro.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

CHAIRMAN CLOUTIER: Okay. All right. Senator. So --

LOU D'ALLESANDRO, State Senator, Senate District #20: I'm Lou D'Allesandro. I'm in my home in Manchester.

CHAIRMAN CLOUTIER: Oh, I'm sorry. Sorry about that.

SEN. D'ALLESANDRO: I'm in my home in Manchester and my wife is in the building.

REP. EDGAR: I believe that Senator Bradley, I don't see him on. Okay. And I'm actually home alone, too.

SEN. WATTERS: Oh, yes, you'll be able to do it safely. For sure.

CHAIRMAN CLOUTIER: Okay. So all right. So I think everybody -- we called everybody. I think Senator Bradley's absent, and Representative Danielson, I don't know what happened to him. Hopefully, he will rejoin us shortly. Again, thank you, Representative Edgar. So if we're ready to continue.

MR. SHEA: Representative Cloutier, Representative Graham has his hand up.

CHAIRMAN CLOUTIER: Oh, I'm sorry. Okay. Yes, go ahead, please, Representative.

****** REP. GRAHAM: Mr. Chairman, I move to accept the minutes of the October 7th meeting.

CHAIRMAN CLOUTIER: Okay. Thank you, Representative Graham. Do I have a second on Representative Graham's motion?

SEN. D'ALLESANDRO: I second the motion.

SEN. BIRDSELL: I'll second.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

CHAIRMAN CLOUTIER: Okay. Second by Representative Buco. So a motion by Representative Graham, a second by Representative Buco to accept the minutes of the October 7th, 2020, meeting. Any further questions or comments?

MR. SHEA: Representative Walz has her hand up.

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

REP. WALZ: I just want to know what date we were sent the documents. I'm just trying to find them in my e-mail. If I've got the date, I can find them.

CHAIRMAN CLOUTIER: Okay. Let me see. I think Mr. Shea did -- when were they sent out? I'm trying to -- I don't have a copy in front of me.

MR. SHEA: The e-mail was sent out a week ago Monday.

REP. WALZ: Okay.

MR. SHEA: Which would have linked to the minutes. So all the documents are linked on the agenda.

REP. WALZ: So they went out the 23rd.

MR. SHEA: I believe so, yes.

CHAIRMAN CLOUTIER: And I think that would have been about November 23rd, a week ago. Today's November 30th.

REP. WALZ: Thank you.

CHAIRMAN CLOUTIER: All right.

REP. EDGAR: So we ready for the roll call?

CHAIRMAN CLOUTIER: Okay. Excuse me just a minute, Representative Edgar. Did you find them, Representative Walz?

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

REP. WALZ: No, but that's okay. I looked at the minute -- here we are, yeah. Well, no, this is a call. At any rate, I'm fine with it.

CHAIRMAN CLOUTIER: Okay. You're fine with them. So are we ready for the vote on accepting the minutes of the October 7th, 2020, meeting? Okay. Representative Edgar, again, if you could please call the roll on that motion.

REP. EDGAR: Representative Buco.

REP. BUCO: Yes.

REP. EDGAR: Representative Danielson back?

(No response).

REP. EDGAR: No. Okay. I say aye. Representative Graham.

REP. GRAHAM: Yes.

REP. EDGAR: Representative Walz.

REP. WALZ: Yes.

REP. EDGAR: Senator Watters.

SEN. WATTERS: Yes.

REP. EDGAR: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EDGAR: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EDGAR: Okay. I got seven-zero.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

CHAIRMAN CLOUTIER: Okay. Did you ask for my vote?

REP. EDGAR: I'm looking there and I don't see it on the list. Oh, there you are.

CHAIRMAN CLOUTIER: Okay. I vote yes.

REP. EDGAR: You're still here. Okay, very good.

CHAIRMAN CLOUTIER: Yes, I'm still here. Okay. And the result that was -- was it eight zip?

REP. EDGAR: It is now, yes.

CHAIRMAN CLOUTIER: Okay. Thank you very much, Representative Edgar. I appreciate it. And okay. And if for some reason -- I just want to interrupt -- if I do fall off because of some electronic problem like happened earlier, I appreciate Senator D'Allesandro taking over. Hopefully, that will not happen this time. Thank you again, Representative Edgar.

***** {MOTION ADOPTED}**

(3) Old Business:

CHAIRMAN CLOUTIER: Is there anything under Old Business? Okay. I see nothing under Old Business.

(4) New Business:

CHAIRMAN CLOUTIER: Let us go now to New Business. Okay. New Business, RSA 228:12-a, Use of Toll Credits. And the first item is CAP 20-017, Department of Transportation, requests approval for the use of \$70,000 in Turnpike Toll Credits for Fiscal Year 2021, based on the estimated federal participation costs of \$350,000 to meet funding match requirements for the statewide project for Transportation Systems Management and Operations, better known as TSMO, as specified in the request

dated October 19, 2020. Okay. Is someone from the Department of Transportation here to speak to this item?

MR. SHEA: Yeah, I have Marie Mullen is on the line.

CHAIRMAN CLOUTIER: Okay. All right. Okay. Thank you, Mr. Shea. Miss Mullen, if you could speak to this item please, 20-017.

MARIE MULLEN, Director of Finance, Department of Transportation: Good morning. Marie Mullen, Director of Finance for the New Hampshire Department of Transportation. If anyone has any questions, this is an annual request we have for the TSMO ITS system for toll credits to match our federal project related to maintenance of equipment on our system.

CHAIRMAN CLOUTIER: Okay. Are there any questions from -- of Miss Mullen from the Committee on this item, please? Are there any questions? All right. I don't see --

****** SEN. WATTERS: I move to approve, Senator Watters. I move to approve.

MR. SHEA: Representative Watters has his hand up.

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

SEN. D'ALLESANDRO: Second.

REP. GRAHAM: Second by Graham.

CHAIRMAN CLOUTIER: Okay. A motion by Senator Watters, a second by Senator D'Allesandro to adopt Item 20-017.

MR. SHEA: Representative Cloutier.

CHAIRMAN CLOUTIER: Yes.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

MR. SHEA: May I interrupt?

CHAIRMAN CLOUTIER: Sure.

MR. SHEA: Graham had his hand up.

CHAIRMAN CLOUTIER: Oh, I'm sorry. Go ahead, please, Representative Graham.

REP. GRAHAM: No, it was just to make the motion.

CHAIRMAN CLOUTIER: Okay. To make the motion. Okay. All right. So are we all set on -- are we ready for the vote on this motion to accept Item 20-017? Any further questions? Representative Edgar, again, would you please call the roll.

REP. EDGAR: Representative Buco.

REP. BUCO: Yes.

REP. EDGAR: Representative -- I vote yes. Representative Graham.

REP. GRAHAM: Yes.

REP. EDGAR: Representative Walz.

REP. WALZ: Yes.

REP. EDGAR: Senator Watters.

SEN. WATTERS: Yes.

REP. EDGAR: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EDGAR: Senator D'Allesandro.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

SEN. D'ALLESANDRO: Yes.

REP. EDGAR: Representative Cloutier.

CHAIRMAN CLOUTIER: Yes.

REP. EDGAR: The vote is 8-0.

***** {MOTION ADOPTED}**

CHAIRMAN CLOUTIER: Eight-zero. Okay. Thank you, Representative. The motion passes. Thank you, Representative Edgar.

Next item again under Use of Toll Credits. This is CAP 20-018. Again, under the Department of Transportation, requests approval for the use of \$2,066,800 in Turnpike Toll Credits based on the estimated cost of all work efforts over the two-year period of \$10,334,000 to meet fund -- funding match requirements for the proposed Statewide Planning and Research or SPR Transportation Planning Work Program for 2022-2023, as specified in the request dated October 30th, 2020. Okay. And is there anyone here again from the Department of Transportation to speak to Item 20-018?

MR. SHEA: Marie Mullen is still available.

CHAIRMAN CLOUTIER: Okay. All right. Yes, okay, thank you, Miss Mullen. Would you please speak to this item?

MS. MULLEN: Yes, this is our bi-annual -- biennial SPR program. So these items are for support of our Regional Planning Commissions, our NPOs, and the DOT's internal work that we do for the Ten-Year Plan, and the support we provide to the RPCs and MPOs. The Federal Highway requires a match -- matching contribution. So we're requesting those funds for FY22 and 23 for this -- for these programs during that -- in that work plan.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

CHAIRMAN CLOUTIER: Okay. Thank you, Miss Mullen. Are there any questions from the Committee? Representative Buco, please.

REP. BUCO: Thank you, Mr. Chairman. At the bottom of this explanation it says that the current balance of toll credits is approximately 197 million. Is that -- is that unencumbered? Is that before this -- this -- this -- this match?

MS. MULLEN: Yes, that is before this match, and that was actually at the end of Fiscal Year 2019. We currently have a request moving through to Federal Highway that would increase that to about 202 million based on FY20's usage of toll credits and the new toll credits that we've earned. So we're anticipating our balance after FY20 to increase to 202 million --

REP. BUCO: Thank you.

MS. MULLEN: But that's the approved balance right now.

REP. BUCO: Thank you, Miss Mullen.

CHAIRMAN CLOUTIER: Okay. Thank you, Miss Mullen, Representative Buco. Further questions of Miss Mullen from the Committee?

MR. SHEA: Representative Graham has his hand up.

CHAIRMAN CLOUTIER: Yes, Representative Graham, please.

REP. GRAHAM: Thank you, Mr. Chairman. We are talking State Fiscal Years 22 and 23, I believe. What if the budget changes either up or down when it passes this coming spring, how does that affect this request?

MS. MULLEN: It would -- these funds are budgeted currently in our Agency Budget in our 100% federal -- Federal Highway Program for the SPR Program. So if for some reason this wasn't approved, then the budget would change; but with the approval of

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

these toll credits we'd anticipate that those federal funds will be available and they would be maintained in the budget during the budget process.

REP. GRAHAM: Further question, Mr. Chairman.

CHAIRMAN CLOUTIER: Yes, please continue, Representative Graham.

REP. GRAHAM: In talking with members of our Congressional delegation, I think there was only a one-year extension of Highway Funding. How confident is the Department that there will be Highway Funding beyond that one year?

MS. MULLEN: I believe we're very confident that it will move beyond the one year. The Federal Government did do the FAST Act was a five-year reauthorization. But the actual funding they do on an annual basis, and there have been constantly over the past six, eight years Continuing Resolutions to fund the federal programs. So we are confident it will -- there will be funds available. To what level we're not sure. We do not know if it will be a flat or if it will increase. Currently, the FY21 federal program is flat to what they gave us in FY20. So that we do believe there'll be funds available. We just don't know to what level.

CHAIRMAN CLOUTIER: Okay. Thank you, Miss Mullen. Thank you, Representative Graham. Further questions of Miss Mullen from the Committee, please? Any further questions? Okay.

****** SEN. WATTERS: Move to approve, Senator Watters.

CHAIRMAN CLOUTIER: Senator Watters, did you make a motion, Senator?

SEN. WATTERS: I move to approve.

CHAIRMAN CLOUTIER: Oh, you move to approve. Do I have a second on that motion?

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

REP. GRAHAM: Second.

CHAIRMAN CLOUTIER: Okay. A second by Representative Buco. Motion by Representative Watters -- Senator Watters, excuse me, second by Representative Buco to approve item 20-018. Are there any other further questions or comments before we do the roll call vote? And, Representative Danielson, welcome back. Okay. If you could please call the roll.

REP. DANIELSON: I don't have that document with me. If someone could help me there.

CHAIRMAN CLOUTIER: You still don't have that document. Okay. All right. Representative Edgar, would you mind again calling the roll?

REP. DANIELSON: I apologize.

CHAIRMAN CLOUTIER: Okay.

REP. EDGAR: Representative Buco.

REP. BUCO: Yes.

REP. EDGAR: Representative Danielson.

REP. DANIELSON: Yes.

REP. EDGAR: I vote yes. Representative Graham.

REP. GRAHAM: Yes.

REP. EDGAR: Representative Walz.

REP. WALZ: Yes.

REP. EDGAR: Senator Watters.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

SEN. WATTERS: Yes.

REP. EDGAR: Did you say yes?

SEN. WATTERS: Yes.

REP. EDGAR: Birdsell.

SEN. BIRDSELL: Yes.

REP. EDGAR: Senator D'Allesandro.

(No response.)

REP. EDGAR: Senator D'Allesandro.

CHAIRMAN CLOUTIER: Is he all right?

SEN. D'ALLESANDRO: Yep. Yes.

CHAIRMAN CLOUTIER: Okay.

REP. EDGAR: And Representative Cloutier.

CHAIRMAN CLOUTIER: Uh -- yes.

REP. EDGAR: That be nine-zero.

CHAIRMAN CLOUTIER: Nine-zero. Okay. Thank you, Representative Edgar. Appreciate it. The motion passes.

***** {MOTION ADOPTED}**

(5) Miscellaneous:

(6) Informational:

CHAIRMAN CLOUTIER: All right. Now is there anything -- I don't think we have anything under Miscellaneous. Okay. Now I'll

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

go to Informational. Item 20-015, Department of Administrative Services, Capital Budget Project Status Report as submitted dated October 30th, 2020. Is someone from the Department of Administrative Services present to answer any questions from the Committee?

MR. SHEA: Believe Ted Kupper is here.

CHAIRMAN CLOUTIER: Ted Kupper.

MR. SHEA: Yeah, let me just --

CHAIRMAN CLOUTIER: Okay. If you could, Mr. Shea, yes, see if he's available. I'm sure Committee Members may have some questions.

MR. SHEA: Ted, you're muted. You're going to have to unmute your line.

CHAIRMAN CLOUTIER: So he's on the phone; is that correct, Mr. Shea?

MR. SHEA: He is. I believe that's the right number.

CHAIRMAN CLOUTIER: Okay. Looks like there's a number. Okay.

MR. SHEA: Ted, you all set?

(No response.)

MR. SHEA: Ted, it looks like you unmuted. You can speak now.

(No response.)

MR. SHEA: Ted?

MICHAEL HOFFMAN, Senior Budget Officer, Office of Legislative Budget Assistant: Hi, Chris.

MR. SHEA: Hi, Ted. How are you?

MR. HOFFMAN: Chris, this is Mike Hoffman.

MR. SHEA: Sorry.

MR. HOFFMAN: I'm not sure if that first number there is Ted's number. That might be Tom from Natural and Cultural Resources. Is that true, Tom?

TOM MANSFIELD, Public Works Project Manager, Department of Natural and Cultural Resources: Yes.

MR. SHEA: Oh, I'm sorry. I thought that was Ted Kupper. Then I don't see Ted Kupper on the call, unless one of the phone numbers and he can raise his hand.

CHAIRMAN CLOUTIER: Okay. All right. So all right. So we can skip over that for the moment, 20-015, and see if we can track down -- would you mind, Mr. Shea, trying to get ahold of Ted Kupper?

MR. SHEA: Yeah, we can certainly try.

CHAIRMAN CLOUTIER: And I will skip over now.

REP. GRAHAM: Mr. Chairman. Mr. Chairman.

CHAIRMAN CLOUTIER: Yes.

REP. GRAHAM: Does anybody have any questions before we try to track him down.

CHAIRMAN CLOUTIER: Okay, that's a good point, Representative Graham. Anybody on the Committee have questions of Mr. Kupper? If not, then we won't even bother. If there's no

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

questions then I'll, you know, we don't have to worry about that, Mr. Shea. Sorry. Okay. So I don't see any hands raised.

MR. SHEA: No.

CHAIRMAN CLOUTIER: And I don't see anybody, you know, any notes or anything. So I guess, Mr. Shea, thank you anyway, but we won't bother trying to get ahold of Mr. Kupper. I guess everybody's satisfied.

MR. SHEA: Representative Cloutier, Representative Edgar has his hand up.

CHAIRMAN CLOUTIER: What's that?

MR. SHEA: Representative Edgar has his hand --

CHAIRMAN CLOUTIER: Oh, I'm sorry. Go ahead, please, Mr. Representative Edgar. You wanted to ask Mr. Kupper a question?

REP. EDGAR: In general we have the list and it basically was showing it was construction was going to be authorized in middle of October. I'm wondering what construction has started. That's my general question. I could find out off-line.

CHAIRMAN CLOUTIER: Okay.

REP. EDGAR: I was wondering. That's also if I'm reading the spreadsheet that I was looking at correctly.

CHAIRMAN CLOUTIER: Okay. This is on the information submitted by the Department of Administrative Services; is that correct?

REP. EDGAR: That's correct.

CHAIRMAN CLOUTIER: Okay. All right. So I don't know. He may not be -- but thank you, Representative. If he does come on, but we will skip for now over to Item 20-016, Department of Natural

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

and Cultural Resources, status of Capital Projects dated November 3rd, 2020. Okay. And I don't know. Someone is here, right, from that Department; right?

MR. SHEA: That's correct. The number I got originally was the wrong person I thought.

CHAIRMAN CLOUTIER: Yeah. Well, it happens. Thank you. So that person available to answer questions from the Committee?

MR. MANSFIELD: Yes, this is Tom Mansfield, department head for the DNCR.

MR. SHEA: Yep, Tom, and then I'm going to unmute Chris. Actually, Chris, you've got to unmute your phone and then you can speak as well along with Tom.

CHAIRMAN CLOUTIER: Okay.

MR. SHEA: If I might, Representative Cloutier, before they start just so you understand why you have that document before you. At the last meeting the Committee -- Kupper come in to discuss the Capital Projects and what was happening with them. At the time he informed you that there was a report that was a fluid report that he prepared for the Governor, which went through the Commissioner of Admin Services. That's the report that you got under CAP 20-15. In that report, they didn't have information related to Natural and Cultural Resources. So Natural and Cultural Resources to provide that information related to their project. That's why they're here. I just got an e-mail. It looks like Ted is now in the call. I just got to see what he -- so I can bring him into the meeting as well.

CHAIRMAN CLOUTIER: Okay.

MR. SHEA: Just so you can (Inaudible) questions.

CHAIRMAN CLOUTIER: Okay. So Ted Kupper is now available, is that what you're saying?

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

MR. SHEA: Yep. So, Ted, you just need to unmute your phone, Ted Kupper. And then now you have everybody who's related to those two items which are all related to the Capital Projects and their status.

CHAIRMAN CLOUTIER: Okay.

MR. SHEA: Where you're just getting on the line if you could just kind of update the Committee on what the current status is of those projects. You just got to unmute your phone first.

(No audio.)

MR. SHEA: Well, Ted hasn't unmuted his phone. So I don't know if the Committee has any questions for DNCR and their projects. We'll wait on Ted to unmute his phone.

CHAIRMAN CLOUTIER: Okay. I know Representative Edgar sounds like you had a question but anybody else?

REP. BUCO: Well, I'll ask a question.

CHAIRMAN CLOUTIER: Okay. Okay. The only thing is we're still trying to get Mr. Kupper unmuted. Okay. Can we -- are you unmuted?

MR. SHEA: He's not yet. He's still muted.

CHAIRMAN CLOUTIER: Okay. I don't know what we can do then.

MR. SHEA: All right. I think that's --

TED KUPPER, Public Works Project Manager VII, Bureau of Plant and Property Management, Department of Administrative Services: Good morning, everyone.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

CHAIRMAN CLOUTIER: Okay. Thank you, Mr. Kupper, for coming on.

MR. KUPPER: Oh, you're welcome. I've been here the whole time. My name is Theodore Kupper. I'm a Professional Engineer acting as Administrator for the Division of Public Works for the Department of Administrative Services for the record.

Hum -- so at the last meeting there was some questions about the status of our Capital Projects. And, specifically, there was a question as to whether or not we were having, you know, more difficulty keeping the Capital Project construction schedule on schedule. And I had indicated that, in general, yes, there was some additional delays because of the COVID-19 issues, but that we were working through Commissioner Arlinghaus and the Governor's Office to gain approval and we had a system in place to do that. And that's what you're looking at when you look at the spreadsheet document that I supplied dated October 30th.

So those projects you'll see they have headings on them. The first one is Projects Not Started. The second is Projects That Are in Design Phase. The third is Projects in Bidding and Contracting Phase. There's nothing in the Projects Approved for Construction But Not Yet Started and then finally Projects in the Construction Phase. Oh, and then we have Projects Being Managed By Using Agency. So why don't we start with the Projects Being Managed By Using Agency.

As you're probably aware, there are a few agencies that can undertake projects up to \$500,000 with their own forces and under their own volition without having to go through the Division of Public Works. And those agencies are the Department of Transportation, DNCR, Fish and Game, and the Adjutant General's Office. They're not required to take these projects on by themselves. They choose to do so and do it acting on their own volition.

So not much has changed in the last month. We have not -- we have not had projects going out to bid this month. We

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

expect there to be some multiple bidding going on during the month of December. And as projects -- and right now the Governor's Office has approved all of our design projects. We can continue to design the projects and to bring them to the point where we're ready to bid them.

As those projects become fully designed and bid documents are prepared, we then go through Commissioner Arlinghaus to ask for permission from the Governor's Office to release the project to go to bid and then, ultimately, to G&C and construction. That's -- this is what you're looking at when you look at the list. So that being said, if you have any specific questions about it, I can certainly try to answer.

CHAIRMAN CLOUTIER: Okay. Thank you, Mr. Kupper. Representative Edgar, did you have any questions? I know you were very interested.

REP. EDGAR: Well, yeah. I'd just like some information on when you look at the last column, the one to the farthest to the right, you go down through the ones that all say Projects in Design Phase, it says approved and a lot of them will say like 10-15-20 for construction. Does that mean it's going to be approved for construction in the middle of October? What does that note mean?

MR. KUPPER: Yes, that's exactly what that means. That as these projects start to wrap up design, Representative, we then go to Commissioner Arlinghaus. He approaches the Governor's Office and the Governor then has appeared at a time under which they will decide to whether or not to give us approval. But we are doing it in advance of the design being completed. So in the example that you gave, under number three for Corrections, Perimeter Security and Fence Detection System and then you go all the way over to the right-hand column it says 10-15-20 for construction. So we were approved on 10-15-20 to go to bid on this project and ultimately to construction.

Now, we're in the process of preparing the bid documents and getting it out to construction and trying to figure out what we're going to do with it or perhaps even some of these have gone to bid already. But that's what that approved means. If it says for design, then we've been approved for design and you can see what the completion, percent completion is in the column just to the left or whatever the note says, you know, for construction. So that means we're ready to go to construction. It's just a matter of finishing up the design and preparing the bid documents.

REP. EDGAR: Okay. There's a lot of them that have the October 15 construction. Have any of those been released?

MR. KUPPER: They've all -- when they say that they've been approved for construction, they had been released and we are either preparing them -- we're preparing the bid documents ready for them to go out to bid or the bid documents have been prepared and have gone out to bid, or the bid was awarded, and we're waiting to get on the G&C calendar.

REP. EDGAR: Oh, okay. Again, I don't want to belabor this, but there's a lot of them that are under the major category of Project Design Phase and then the far right it's --

MR. KUPPER: Yeah, right.

REP. EDGAR: They're going to be ready for construction.

MR. KUPPER: Representative, it's just a snapshot and it changes as you can see. It's quite time consuming to update the list. So we do it every 45 to 60 days and we're kind of in the middle of that right now.

REP. EDGAR: Okay. So the reason why I ask is there's an awful lot of items listed under, you know, being released for construction 10-15. So I'm just trying to get a feel for what's been released and what hasn't. So if the next time you update it if you're going to do it soon, then we get a better idea. I'm

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

trying to get an idea how much is still, quote, on hold, or being held back, or just in the queue in the normal fashion. So I guess we'll --

MR. KUPPER: Very little -- I'll say this, very little is being held back by the Governor's Office. What we're seeing is it's more of a -- it's more of a plan so that they can see what's happening. It's not like they're saying we can't -- well, they are actually saying you can't go to construction unless we approve it. But they're not holding anything back. It's really just they want to be able to say no, if they think they have to, and so far they haven't. They haven't said no to any of it. What they have said is you're not under your normal schedule. Please proceed with design and when you're ready to go to bid and construction, then ask us for permission.

REP. EDGAR: Okay. Well, thank you for all of that and I'm looking forward to seeing the updated list. And I guess --

MR. KUPPER: We should have something in -- we should have something in about the middle of December.

REP. EDGAR: Okay. Very good. Thank you.

MR. KUPPER: You're welcome.

MR. SHEA: Representative Cloutier, Senator Watters has his hand up.

CHAIRMAN CLOUTIER: Okay, yes, Senator Watters. Go ahead, please.

SEN. WATTERS: Thank you, Mr. Chairman. This is a more of a kind of a global question. Is there any discussion about projects that require funding into the next Capital Budget? And if that Capital Budget is potentially under some restraints, what impact that might have?

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

MR. KUPPER: Hum -- I'm not sure I understand your question, Senator; but let me paraphrase to see if I do. So right now we have the current Capital Budget program that we're working under. And as far as I know, all the money for those projects have been appropriated. There's just a permission requirement now from the Governor's Office.

SEN. WATTERS: Yeah, yeah. Thanks. I perhaps just didn't ask this correctly.

MR. KUPPER: Okay.

SEN. WATTERS: I know that sometimes we've had projects that require funding over multiple Capital Budgets. And it may be that a piece of it is that they're separately in each one and paid for in each one. But the understanding is, I mean, I remember maybe was over three Capital Budgets we did several IT upgrades for Health and Human Services and so forth, but it was understood as an integrated project. So that's kind of the question I was trying to get at is that do we have any of those anticipated multiple Capital Budget phased projects that we have to take a look at because the next Capital Budget may be constrained?

MR. KUPPER: The answer is probably. I know we've had a couple of projects that have gone to construction or are under construction right now that -- that are in a phased situation. But -- uh -- and I believe we just -- the Division of Public Works just finished preparing the new Capital Budget Improvement Book which has gone to the Governor's Office. It will either go today or tomorrow. And then, accordingly, it will be distributed out to the legislative committees that are supposed to get it.

As far as I know, the items, the projects that are in that book if they were related to a phased project that were under construction -- that we are under construction now, this year, that those have made -- those projects have made it into the book for consideration into the budget. What those specifically are, I couldn't tell you right off the top of my head; but I

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

certainly could do a scan through and provide you with a list of those Capital items that perhaps are phased and would require more scrutiny.

SEN. WATTERS: Well, thank you. I think actually what would make the most sense is I think it's something to keep an eye on, but probably just in the context of when we get the document and then we will start having our meetings, you know, in the fullness of time as they say. But I think that's the context to look at. Because we, you know, I don't know what kind of clear sense we have yet as to what kind of top line we're looking at for the next year's Capital Budget.

MR. KUPPER: Of course. And just to let everyone know, I will be at -- I will be attending anyway all of those legislative hearings regarding the Capital Budget, the new one coming up. And I just want to remind everybody that I am a resource. If there are questions of the agency that perhaps they can't answer, I might have the answer to that because we prepared all the estimates.

SEN. WATTERS: Thank you.

MR. KUPPER: You're welcome.

CHAIRMAN CLOUTIER: Thank you, Mr. Kupper. Thank you, Senator Watters. Further questions of the Committee of Mr. Kupper? Any further questions from the Committee of Mr. Kupper? All right. Okay. I -- hearing there are none. And the other gentleman, too, Tom. I'm sorry, I can't remember his last name. Have any questions of him.

(No response.)

REP. EDGAR: I have a question for him.

CHAIRMAN CLOUTIER: Okay. The other gentleman, Representative Edgar, yes, go ahead, please. This is under Item 20-016.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

REP. EDGAR: Yes, it's for the Department of Natural and Cultural Resources, that spreadsheet that was given.

CHAIRMAN CLOUTIER: Okay.

REP. EDGAR: Several of the items, at least like the last four, I think, in general, they're on hold. They've been hold due to a spending freeze. I just want to know if that's still true or if there's any feel for when that might -- are those ones that are going to be on hold for quite a while according to the way people look at the numbers that are coming in? Just trying to get feel for some of those.

MR. MANSFIELD: This is Tom Mansfield from DNCR. Those projects that are called on hold are still on hold and we wait for advice from the Governor's Budget Director as to when we can go forward on those. The projects have been submitted, and we've been told to keep them on hold. So I don't know more than that.

REP. EDGAR: Okay. Thank you.

CHAIRMAN CLOUTIER: Okay. Thank you, Mr. Mansfield. Senator D'Allesandro, do you have a question?

SEN. D'ALLESANDRO: Just a quickie. We had a number of projects that were funded through a special appropriation. They weren't Capital. They didn't have a Capital Budget appropriation, but these were the budgeted items that were to take place at New Hampshire Hospital.

Now, I don't have the sheet before me. I apologize. But one was the increase in the number of beds at the hospital by converting the area where the children were to adult beds. There were 40 new beds that were supposed to be done there. That money was appropriated and how much money for Philbrick has been spent to make that a transitional housing facility?

MR. KUPPER: Can you hear me, Senator D'Allesandro?

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

SEN. D'ALLESANDRO: Yes, I can.

MR. KUPPER: Okay. Great. This is Ted Kupper again. Senator, that particular project there was a \$4 million budget appropriated for that.

SEN. D'ALLESANDRO: Right.

MR. KUPPER: Of which approximately half a million dollars of it went towards design. And as far as I am aware, the project is going to be a design/build delivery system, which means that we won't have 100% construction documents, but we'll be somewhere around 70% which is typical for design/build. And as far as I know that project is going out to bid this month in December, and it's proceeding to bid.

We'll have to see what the bids are to see how we can move forward with construction. This project the bids are being -- the bid items are being created so as to provide offers that we could accept or deny in order to keep the project moving and on budget. But as far as I know that project is going out to bid this month and you should start to see that project move into construction, you know, sometime in the next couple of months.

SEN. D'ALLESANDRO: Okay. Thank you.

CHAIRMAN CLOUTIER: Okay. Thank you, Senator D'Allesandro, Mr. Mansfield, and Mr. Kupper. Any other questions of either gentlemen from Members of the Committee? Are there any other questions?

MR. SHEA: Representative Cloutier, this is Chris.

CHAIRMAN CLOUTIER: Yes, go ahead.

MR. SHEA: Jack, he's sitting in on the Committee though he's not a member and he did have his hand up.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

CHAIRMAN CLOUTIER: Okay. All right. All right. Representative Jack, even though you're not a member, I mean, I think you may probably have an important question.

REP. JACK: (Inaudible).

MR. SHEA: Representative Jack, your mic is not working correctly. We're not hearing your question.

REP. JACK: (Inaudible).

MR. SHEA: It still it's not working.

CHAIRMAN CLOUTIER: Yes, sorry. I can't understand. I'm sorry, I can't understand Representative Jack at all, unfortunately. I don't know. Okay. All right. Okay. Sorry.

MR. SHEA: He waved it off.

CHAIRMAN CLOUTIER: Okay. He waved. Okay. I'll talk to Representative Jack later. Maybe we can get the question answered through another venue. Okay. Any other questions of the Committee of both gentlemen, Mr. Kupper and Mr. Mansfield? Any other questions? Okay. Thank you. This is, again, these -- both these items are informational so I believe we do not have to have a motion to accept them.

MR. SHEA: That's correct.

CHAIRMAN CLOUTIER: Or vote on them.

MR. SHEA: That's correct, Representative Cloutier.

(7) Date of Next Meeting and Adjournment:

CHAIRMAN CLOUTIER: Thank you, Mr. Shea. So I guess we'll move on from Informational and we're about done. Date of Next Meeting and Adjournment. As I said, this is the last meeting of

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

this Committee for this term. So, obviously, we have to wait till the next Speaker and Senate President to make appointments to the Committee. And, hopefully, the Committee will organize either late January or early February. I think the sooner it gets going the better. That's up to the new leadership of both the House and the Senate to -- to make the appointments and then they've got to get together. So I'm sure some of us will be coming back but that's up to the Speaker and the Senate President who those individuals wish to appoint to this Committee. Are there any remarks that anybody wants to make? Any further questions?

Before we adjourn, I want to thank everybody. I want to thank you for the honor of being your Chair. But I especially want to thank the staff of the LBA staff, Chris Shea, Pam Ellis, and I'm sure I'm probably forgetting some people and all the Department heads like Ted Kupper, Tom Mansfield, and many others who made my work as Chair a lot easier. I know, of course, we've had some challenges, especially with the pandemic, but LBA has been very helpful to me, and I couldn't have done it, chaired this Committee, without their help. So on behalf -- I think I can say on behalf of the Committee thank you very much LBA staff. You've made, as I said, you've done a wonderful job as far as this Committee is concerned. So I hope you'll join me in that. Okay. All right.

MR. SHEA: Thank you, Representative Cloutier.

CHAIRMAN CLOUTIER: You're welcome. So unless there's something else, I will entertain a motion to adjourn.

** SEN. D'ALLESANDRO: So moved.

CHAIRMAN CLOUTIER: A motion by Senator D'Allesandro. A second?

SEN. BIRDSELL: Second.

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020

CHAIRMAN CLOUTIER: Okay. Second by Senator Birdsell. So, Representative Edgar, could you please call the roll again on the motion of adjournment.

REP. EDGAR: Good. Representative Buco.

REP. BUCO: Yes.

REP. EDGAR: Representative Danielson.

REP. DANIELSON: Yes.

REP. EDGAR: I vote yes.

SEN. WATTERS: Got to vote, just a second.

REP. EDGAR: Representative Graham.

REP. GRAHAM: Yes.

REP. EDGAR: Representative Walz.

MS. WALZ: Yes.

REP. EDGAR: Senator Watters.

SEN. WATTERS: Yes.

REP. EDGAR: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EDGAR: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EDGAR: And Representative Cloutier.

CHAIRMAN CLOUTIER: Okay, yes. Okay. So this meeting, the Capital Budget Overview, is adjourned. And, again, thank you very much everybody. And, again, thank you for all your help. You've made my job so much easier by your cooperation. Okay. Good-bye.

SEN. D'ALLESANDRO: Thank you, John. Nice job.

CHAIRMAN CLOUTIER: Yes, thank you. For those of you on Long Range we'll get started in about 40 minutes at 2:30. Okay. Thank you.

REP. DANIELSON: Representative Edgar, thank you very much for your standing in for me. I appreciate it. Technical difficulties. Appreciate it.

CHAIRMAN CLOUTIER: Okay. Bye.

(The meeting concluded at 1:51 p.m.)

C E R T I F I C A T I O N

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

Cecelia A. Trask, LSR, RMR, CRR
State of New Hampshire-LSR #47

CAPITAL BUDGET OVERVIEW COMMITTEE

November 30, 2020