

CAPITAL BUDGET OVERVIEW COMMITTEE

Legislative Office Building, Room 201

Concord, NH

Tuesday, September 24, 2013

MEMBERS PRESENT:

Rep. David Campbell, Chair

Rep. John Cloutier, Clerk

Rep. Bernard Benn

Rep. Daniel Eaton

Rep. Ken Weyler

Rep. John Graham

Sen. David Boutin

Sen. Nancy Stiles

Sen. Sylvia Larsen

(Convened at 10:32 a.m.)

1. Acceptance of the Minutes of the June 25, 2013 meeting.

CHAIRMAN CAMPBELL: Okay. I'm going to call to order the Capital Budget Overview Committee. First order of business is acceptance of the minutes of the --

** REP. GRAHAM: So moved.

SEN. BOUTIN: Second.

CHAIRMAN CAMPBELL: -- June 25, 2013 meeting. Moved by Representative Graham and seconded by Senator Boutin. All those in favor? Opposed? The minutes are adopted.

*** {MOTION ADOPTED}

2. Old Business.

CHAIRMAN CAMPBELL: Old Business. We have nothing.

3. New Business.

CHAIRMAN CAMPBELL: New Business. The first item before us is CAP 13-037. Is somebody from the Adjutant General's Office here? Good morning.

STEPHANIE MILENDER, Administrator III, Adjutant General's Department: Good morning.

CHAIRMAN CAMPBELL: Welcome.

MS. MILENDER: Thank you. Good morning. I'm Stephanie Milender. I'm here from the Adjutant General's Department. The General sends his regrets. He's unable to be here.

Our item is a request to approve a contract with the Federal Government to perform a modification alteration at the Portsmouth Armory using Federal contract and procedures. The General has written some testimony that Mike's passing around.

CHAIRMAN CAMPBELL: Thank you.

MS. MILENDER: And you've seen our request.

CHAIRMAN CAMPBELL: Unless somebody --

REP. WEYLER: Question.

CHAIRMAN CAMPBELL: Yes.

REP. WEYLER: This is about \$300 per square foot. You could build a new building luxuriously for that. It seems excessive. Can you explain why?

MS. MILENDER: I can't explain why, but if I could be allowed to let our engineer come up and explain that.

(Senator Larsen enters the committee room.)

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

CHAIRMAN CAMPBELL: Good morning, Sylvia.

LIEUTENANT COLONEL DAVE MIKOLAITIES, Adjutant General Department: Sir, for the record, I am Lieutenant Colonel Dave Mikolaities, the Engineer Planner for the National Guard. Current construction runs about 200, 225 a square foot and what probably makes up that differential is meeting anti-terrorism force protection measures in regards to building materials that need to be used.

REP. WEYLER: Say that last part again.

LIEUTENANT COLONEL MIKOLAITIES: In order to meet current anti-terrorism force protection measures, you know, we have to use, for example, like the windows, you know, we have to use blast resistant window film so it increases the dollar value with this square footage that we -- you know, for the cost of construction.

REP. WEYLER: Are you using the blast resistant wallpaper?

LIEUTENANT COLONEL MIKOLAITIES: Uh -- no.

REP. WEYLER: I read about that the other day. It was a demonstration someone saw. All right. Thank you. Thank you, Mr. Chairman.

CHAIRMAN CAMPBELL: Any other questions? The will of the Committee?

** SEN. BOUTIN: Mr. Chairman, I move approval of CAP 13-037.

CHAIRMAN CAMPBELL: Senator Boutin moves and --

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

REP. EATON: Second.

CHAIRMAN CAMPBELL: -- Representative Eaton seconds the adoption of this item. Any further discussion? All those in favor? Opposed? Thank you for coming in.

*** {MOTION ADOPTED}

CHAIRMAN CAMPBELL: Next item is CAP 13-040, Department of Transportation. Good morning.

PATRICK HERLIHY, Director, Division of Aeronautics, Rail and Transit, Department of Transportation: Good morning, Mr. Chair, Members of the Committee. My name is Patrick Herlihy. I'm the Director of Aeronautics, Rail and Transit at the Department of Transportation. We come before you today to request the use of a million dollars in Turnpike Toll Credit to match \$5 million in CMAQ funding to acquire the 9.7-mile Hampton Branch Rail Corridor recently abandoned by Pan Am Railways. And after acquisition of the Corridor, we would preserve it for future transportation, make it into a non-motorized trail for --

CHAIRMAN CAMPBELL: Excuse me. We are actually on a different item, I think, aren't we?

REP. GRAHAM: No.

SEN. STILES: No.

CHAIRMAN CAMPBELL: That's not the -- I said 040. I'm sorry.

REP. GRAHAM: That you did.

CHAIRMAN CAMPBELL: You're on the right one. I'm on the wrong one. Go ahead, sir.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

MR. HERLIHY: We would also fine grade the Corridor, remove the ties, and put down some stone dust to make the Corridor useable for pedestrian and off-road biking.

CHAIRMAN CAMPBELL: Senator Boutin.

SEN. BOUTIN: I have some questions. First of all, so DOT uses toll credits to acquire this right-of-way. Who -- who ends up at the end of the day responsible for managing it? Does that get transferred to DRED?

MR. HERLIHY: If there's a snowmobile trail on it, it would be transferred to DRED. Otherwise, once we conducted the trail we would have trail agreements with each of the towns, each of the communities along the trail to manage the trail for us.

SEN. BOUTIN: Okay. Further question?

CHAIRMAN CAMPBELL: Please.

SEN. BOUTIN: I have a letter from -- and I've seen in the documentation that this would be a multi-use trail. Can you define for me what multi-use means?

MR. HERLIHY: Well, at the very least, walking and bicycling. We'd have to -- have to go back and look and see if snowmobiles would be eligible to be used on this trail and, if so, they could be used in the winter.

CHAIRMAN CAMPBELL: Go ahead.

SEN. BOUTIN: Thank you. And whatever happens there, whoever is responsible for maintaining the trail, so forth and so on, I suspect they would be subjected to whatever policies, rules, and regulations that DRED adopts for trails in a State railroad bed?

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

MR. HERLIHY: That's correct.

SEN. BOUTIN: Okay. So the Department of Resources and Economic Development has proposed a rule change that would prohibit horseback riding on State-owned rail beds and trails, which I can't think of anything that is more un-New Hampshire as that. And I know that the good Senator knows as well as I do that there are a lot of horses in Rockingham County. And I guess I want to know with absolute clarity whether or not horseback riding is going to be prohibited on this 9.7 miles of trail?

MR. HERLIHY: It would not be prohibited. I mean, our agreement with DRED would be strictly for snowmobile for the snowmobile season and snowmobile trails and what would need to be done to keep those trails groomed.

SEN. BOUTIN: Well, you just said a moment ago -- could I continue?

CHAIRMAN CAMPBELL: Yes, go ahead.

SEN. BOUTIN: You just said a moment ago you would be subject to whatever rules and regulations DRED adopts.

MR. HERLIHY: On the snowmobile trail.

SEN. BOUTIN: Just the snowmobile.

MR. HERLIHY: Right.

SEN. BOUTIN: Would you be willing to submit a letter that indicates that you would not take any steps to prohibit horseback riding on that trail?

MR. HERLIHY: Who would you like the letter to be sent to?

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

SEN. BOUTIN: Well, I think it should be sent to the Chair, but to all the Committee Members and become part of the record. And I would -- and I would indicate that the -- if there is any action taken on this item today that it be conditional upon receipt of that letter so that its actual force does not take effect until we receive that letter and it's part of the record. That's all, Mr. Chairman.

CHAIRMAN CAMPBELL: Thank you. Representative Benn.

REP. BENN: Thank you, Mr. Chairman. I have a couple questions. First off, how wide is this right-of-way that we're acquiring?

MR. HERLIHY: Hang on for just a second. I can look that information up. I think it varies in spots, but I think it's at least 60 feet, 50 to 60 feet.

CHAIRMAN CAMPBELL: Standard is 33 and a half feet a rod. So it's 33 and a half feet from the center line in each direction. That's the standard and they usually as need be.

REP. BENN: Now if doing this it would mean that in the future you wouldn't be able to have any rail on that right-of-way?

MR. HERLIHY: No, we would preserve -- there would be a caveat in the agreements we have with the town that says it could be -- it would revert back to rail if rail was, indeed, coming back to the corridor.

REP. BENN: Okay. Now, I think without any question, you know, for the region and for the towns involved, having these trails everyone seems to be reading what we've been -- what's been distributed, seems like everybody thinks that's a good idea, and I would agree also for the people

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

involved. I think the real question becomes it is a million dollars that will be used that won't go into highway and bridge maintenance or construction. And so that's always the decision that, you know, using these toll credits.

CHAIRMAN CAMPBELL: Can I clarify that for the Representative? The toll credits are paper money, basically, that's generated for match money you can use for any Federal funds but it's only match money --

REP. BENN: Right. I understand that.

CHAIRMAN CAMPBELL: -- to attract -- we did have a session the beginning of the Capital Budget year, DOT came in and told us that -- how much was in the bank and how much we're earning a year. And at least the present time, according to testimony we had, there's -- we are not short of toll credits because the current improvements and maybe the proposed improvements on Turnpike as we take care of the Turnpike System which overlays the interstate system we generate credits from the Federal Government.

REP. BENN: Hm-hum.

CHAIRMAN CAMPBELL: And we're still earning them. So believe me, there's many Members of this Committee that would share your concern if we thought it was hurting the highways; but at least at the present time, there's plenty of toll credits for such purposes.

REP. BENN: Well, that's good to hear. Now the last question, I think, is how was the -- let's see, the nine point whatever -- \$9.6 million, how was that determined as the right value for this?

MR. HERLIHY: The \$5 million?

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

REP. BENN: Or 5 million rather.

CHAIRMAN CAMPBELL: How it was determined, yeah.

MR. HERLIHY: Well, Pam Am did an appraisal, then offer, gave us a purchase and sales agreement for that appraised value. We are currently in negotiations with them to -- we feel that the value -- that the price they have asked is excessive. We're working with them to try to come up with a negotiated price. So we took their appraisal. Our Right-of-Way Department did a review of that appraisal and said we think it should be lower value than that by 25 to 35%. But then we also looked at -- we did a due diligence on the Corridor, looked at what the environmental concerns are on the Corridor, and so we're still negotiating with Pam Am what that price should be. So we looked at -- at the time when we asked for the \$5 million, we looked at anywhere from two to \$3 million to acquire the property based on their appraised value, plus what it would cost to build the trail. Now that 5 million is up to. We hope it will come in less than that.

REP. BENN: Well, that's always my concern.

MR. HERLIHY: Hm-hum.

REP. BENN: Is that, in fact, Pan Am we know as a very large company. We know they have been in the news many times, and they're going to try to get as much money out of this as they possibly can.

MR. HERLIHY: They are and I'm trying to guard the taxpayers' money.

REP. BENN: And I know that the former Commissioner used to work for Pan Am. And so I wanted to find out is there a -- you know, when was this amount negotiated. So

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

far what you're telling me is that it hasn't been completed yet.

MR. HERLIHY: That's correct.

REP. BENN: This isn't the amount. Do you have -- does the State have an independent appraiser doing work on this?

MR. HERLIHY: We haven't. That's what we're negotiating with Pan Am right now.

REP. BENN: Hm-hum.

CHAIRMAN CAMPBELL: These are not to exceed numbers and the 5 million is the total budget cost which includes construction.

MR. HERLIHY: That's correct.

CHAIRMAN CAMPBELL: Representative Graham.

REP. GRAHAM: Thank you, Mr. Chairman. Senator Boutin mentioned potentially putting a contingency on this waiting for something. If we go beyond the first of October in the new Federal Fiscal Year, will the CMAQ monies still be there?

MR. HERLIHY: Yes.

REP. GRAHAM: Okay. And a follow-up, if I may? You talked about bicycles and pedestrian and horses.

MR. HERLIHY: Hm-hum.

REP. GRAHAM: How is the Department going to keep motorized ATVs off of this?

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

MR. HERLIHY: I imagine it would be enforced both by the State and the town, but I'm not sure how we would -- how our Department would enforce that.

SEN. LARSEN: Some of them have the barriers that prevents a wide --

REP. GRAHAM: Can go around a barrier.

CHAIRMAN CAMPBELL: Well, I had some experience in Hooksett and Senator Boutin can testify to this. The rail trail that was put in there prohibits ATVs. And it's got such wide usage by people who are walking and --

MR. HERLIHY: That they self-police.

CHAIRMAN CAMPBELL: -- bicycling it self-polices somewhat. If they see people, they report it. They haven't had a real problem there, have they, Senator?

SEN. BOUTIN: No.

REP. GRAHAM: Okay.

CHAIRMAN CAMPBELL: Yes, Senator Larsen.

SEN. LARSEN: I recently had a meeting with the Rails to Trails people in the state, because I really do believe that it's an important tourism development that we need to promote even better in our state. I think some states, perhaps, have a wider network. So I'm really happy to see this plan. There was some discussion about how much the Rails to Trails people are asked to put in. They oftentimes can do in-kind fund raising and match like, but is there a plan for how this trail is -- what participation there is by the volunteers in Rails to Trails?

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

MR. HERLIHY: I plan on meeting with those trails groups in that area to see how we can strike a balance. It's getting difficult for us at the Department to fund the ongoing maintenance of these trails. We are not getting the money for that. So we would be relying heavily on volunteer efforts in the localities to do that.

CHAIRMAN CAMPBELL: Belong to groups that go as well.

SEN. LARSEN: There was some discussion could in-kind. For example, they were able to fund raise at one point some additional gravel or light pea stone or something from a donation. But then it wasn't recognized as their match. I would just encourage you to look at our policies so that whatever the volunteers are doing and able to acquire we try to facilitate these trails, because I do think they're good for our tourism and a healthy environment in the communities.

MR. HERLIHY: I agree.

CHAIRMAN CAMPBELL: Senator Stiles.

SEN. STILES: Yes, Mr. Chairman. When appropriate, I'd be happy to move this forward; but I do see there are a few people from the Seacoast here. I don't know if you want to allow them to have the opportunity to speak.

CHAIRMAN CAMPBELL: Is there anybody who wishes to speak on this? I see Mr. Bogle here from the Trails Bureau. Does anybody -- sure. I mean, you're welcome to testify, but I'm not sure it's necessary in terms of getting this item passed.

AUDIENCE MEMBER: No, that's fine then. That's fine.

CHAIRMAN CAMPBELL: Okay. All right.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

** SEN. STILES: Then I would move 13-039 forward.

CHAIRMAN CAMPBELL: Subject to.

SEN. STILES: Subject to the letter of conditional --

SEN. BOUTIN: Could I ask?

CHAIRMAN CAMPBELL: Yeah, sure.

SEN. BOUTIN: Mr. Chairman, may I ask a question before we go on, because I'm not totally clarified on this. So I just want to pursue this a bit. So DOT will -- will DOT own ownership of this?

MR. HERLIHY: Yes.

SEN. BOUTIN: Okay. So DOT owns this.

MR. HERLIHY: Yes.

SEN. BOUTIN: And the towns that you've listed, how will they -- what will their role be in managing and determining how that trail is used?

MR. HERLIHY: The role in how the trail will be used?

SEN. BOUTIN: My point is that if some town in the middle of this stretch like, say, Hampton said, well, you know, we don't want people doing -- you know, people who walk backwards on the trail because that -- we don't like that. Or we don't want horses on our trail, our section of trail. Well, that would defeat the purpose --

MR. HERLIHY: Right.

SEN. BOUTIN: -- of the Rail to Trail Program. So my

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

question is, clarification as to who would make that decision? Would it be DOT?

MR. HERLIHY: Yes.

SEN. BOUTIN: Would it be the individual towns?

MR. HERLIHY: It would be DOT.

CHAIRMAN CAMPBELL: State has authority over its own land and the towns do not.

SEN. BOUTIN: That's why I wanted clarification. So in the letter if you would make that clear, and that DOT has no intention of prohibiting horseback riding, I would appreciate it.

CHAIRMAN CAMPBELL: So Senator Stiles moves the item with the following proviso: That the Chair and Members of the Committee receive a letter from DOT assuring that horseback riding is not prohibited and that DOT will not work in any way to prohibit horseback riding; is that correct?

SEN. BOUTIN: Mr. Chairman, if subsequent to this meeting if DOT balks at that, I would say that that would be reason for this item to come back before the Committee; is that correct?

CHAIRMAN CAMPBELL: Yeah. The item would fail and be able to come back but it's subject to. I don't see any reason why it would. They've given us assurances.

SEN. BOUTIN: I understand. But if they did, would it come back? That's what I'm asking.

CHAIRMAN CAMPBELL: They would bring it back, yes. I'm

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

getting nods from the Deputy Commissioner, yes.

SEN. BOUTIN: Okay. Based on that, Mr. Chairman, I'll second the Senator's motion with that proviso, and I would like to have that letter in as timely a manner as possible. Thank you.

CHAIRMAN CAMPBELL: Any discussion on the matter? Representative Benn.

REP. BENN: I would like to go back to make sure we understand, you know, the price.

MR. HERLIHY: Hm-hum.

REP. BENN: And you are saying that this five, \$6 million is --

MR. HERLIHY: Five million.

REP. BENN: Or 5 million -- okay, 1 million toward that 5 million is the amount of the purchase plus including it's a total project cost, including the removal of the rails.

MR. HERLIHY: Hm-hum.

REP. BENN: And the laying of the gravel and creating the trail.

MR. HERLIHY: Yes. The rail has been removed already by Pan Am.

REP. BENN: Oh, it has. Okay. So it's the total cost.

MR. HERLIHY: Hm-hum.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

CHAIRMAN CAMPBELL: Any further discussions on the motion? Any further questions? Discussions? You ready for the question? All those in favor of the motion as amended say aye? All opposed?

REP. GRAHAM: Present.

CHAIRMAN CAMPBELL: One present.

REP. GRAHAM: No, I'm fine.

CHAIRMAN CAMPBELL: It's unanimous. Thank you. Thank you very much.

***** {MOTION ADOPTED}**

CHAIRMAN CAMPBELL: CAP 13-040 is the next item. Welcome. Good morning.

BILL JANELLE, Director of Operations, Department of Transportation: Good morning, Representative Campbell, Members of the Committee. My name is Bill Janelle. I'm the Director of Operations with DOT here this morning to talk about our Equipment Acquisition Plan for 2014-2015.

CHAIRMAN CAMPBELL: Go ahead.

MR. JANELLE: Essentially, in our budget for this year we were allocated \$2.5 million in '14 and \$2.8 million in '15 to purchase equipment. This is equipment for our fleet essentially. The Plan -- Attachment 1 of the Plan that you should have outlines our proposed purchases.

In 2014 -- the purchases this year based on the funding we have will focus on the maintenance fleet. So this is our heavy trucks and three-quarter ton pick-ups. In 2014, we propose to purchase fifteen 3 to 5-ton, these are

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

our plow trucks essentially. In 2015, we also propose to purchase another fifteen. In 2015, we propose to purchase two 10-wheel plow trucks. And in 2014, we propose 24 three-quarter ton pick-ups and 23 three-quarter ton pick-ups in 2015. Those are essentially the purchases that we're planning.

We've also provided kind of a status of the fleet and I can get into that after, if you'd like, to give you a sense as to where we are from a condition standpoint of our fleet or I can do that right now if you wish.

CHAIRMAN CAMPBELL: I think right now would be good.

MR. JANELLE: Okay. Currently, the Department has 1171 units in our feet. It's made up of, again, plow trucks, pick-ups, passenger cars, mobile equipment, loaders, graders, things like this. The replacement cost of the total fleet if we were to replace it right now would be 77.8 million. Of that 1171 units, 553 or 47% currently exceed the replacement parameters. So when we say replacement parameters, we mean age or useful life. Useful life is typically based on miles or hours. To maintain the current condition of the fleet that we are right now so, in other words, not to lose ground, we calculate we should be spending about \$8 million a year. We're currently the last few years we have been at about 2 and a half million to 3 million. At \$8 million or, excuse me, to bring all units up to current life standard. So in order to renew what needs to be renewed at this point, we need about \$28½ million. At \$8 million a year we would rollover our fleet approximately every 10 years. At the current level that we're spending, that rollover time is about 30 years. So at the current level of investment, we consistently are falling behind in our fleet. I guess that's the message.

CHAIRMAN CAMPBELL: So it's safe to say that the fleet

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

is suffering from the same lack of funds that the roads and bridges are?

MR. JANELLE: Yes.

CHAIRMAN CAMPBELL: I mean, would you consider it to be on the same par basically? I mean, you're cutting back your fleet. This is not what your capital improvement plan looked like 10 years ago I would say for the fleet; correct?

MR. JANELLE: That's right. Yeah. Over the last two years we've had to reduce in these areas and the fleet has suffered. We've had to focus on our heavy fleet because that's our top priority, obviously, is to plow the roads. So for the last four or five years that's basically where the purchases have gone into 3 to 5-ton pick-ups -- 3 to 5-ton plow trucks and in this case these are foremen's pick-ups essentially, these 24 and 23; but it doesn't come close to even replacing that category at the level that we need.

CHAIRMAN CAMPBELL: As far as number of units go, has that number reduced over the last 10 years?

MR. JANELLE: We have --

CHAIRMAN CAMPBELL: Have gone up, stayed the same, approximately?

MR. JANELLE: It's approximately the same. Some units we've lost basically because they can't be inspected anymore. So we've -- like bucket trucks is a perfect example. We used to have a bucket truck in every district, which would work on trees, or lights, where we needed to. In some Districts, those units just haven't been replaced so they've gone out of service. We have had to -- we have

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

had to contract that service out instead.

CHAIRMAN CAMPBELL: If -- if the funding crisis continues, and you're going to need to cut employees, which I've talked to the Commissioner about and we've read about in the papers, would you have to cut the fleet as well or would you cut the fleet as well?

MR. JANELLE: I would think we would have to find other ways. Leasing is an option. We're going to prioritize the orange fleet which is basically our plow fleet, okay. If there weren't people to sit in those trucks, then I guess we wouldn't need as many trucks. The problem is, your winter maintenance level would definitely change as well to go along with that. That's the challenge.

CHAIRMAN CAMPBELL: So the civilian department that the heavy trucks are necessary to do adequate plowing, that if you cutback any further the volume will suffer?

MR. JANELLE: Yes. We currently -- we currently -- we contract 300 trucks -- 300 heavy truck units in the winter which are hired trucks that we supplement our winter maintenance force with right now. We have got about 350 of our own as well. So we're not fully staffed for winter maintenance right now. We have contracted much of that effort. To me, that's our core mission that we have to be staffed for. To reduce that much more is definitely putting that winter maintenance level at risk.

CHAIRMAN CAMPBELL: Representative Eaton.

REP. EATON: Well, just having driven by the White Farm today, I can testify that there's plethora of orange vehicles sitting on the lot at the White Farm. So those are already down. And for those that are unaware, when the vehicles come into DOT now they are, for lack of a better

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

term, hardened and built at DOT to last much longer and much better and several people know a lot more about trucks than I do have said these things are unbelievable now. So they're doing a good job just maintaining the basics and trying to keep there. And I also mentioned there's a little thing I stuck into House Bill 2 allows them to rent, lease, or lease purchase vehicles should they need to.

CHAIRMAN CAMPBELL: Representative Benn.

REP. BENN: Thank you. Sort of following up on that. Just a general question about the relationship between leasing and having the State. If you had all the money in the world --

MR. JANELLE: Yeah.

REP. BENN: -- would you be better off having the State own the vehicles or would you be better off leasing them at times?

MR. JANELLE: It's a great question. The answer is it depends. It depends on the use of the vehicle. For instance, three-quarter ton pick-ups, we put a lot of miles on those vehicles. And, in my opinion, it doesn't make sense to lease that type of a vehicle because of the use that we put in it. There's other types of equipment. We are looking at, for instance, loader backhoes. That's a critical piece of equipment that we need in each shed. And we've -- we're looking at renting those because it's also a high maintenance piece of equipment. So it makes sense to rent that piece of equipment.

Some of our -- what we call our yellow fleet, loaders, graders, very expensive pieces of equipment, those may make sense to lease purchase. We have done some of that in the past, and we appreciate your legislation. We are moving

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

forward with another lease purchase program to do that right now. So it depends.

The white fleet, which are our cars, it depends on how much you drive it. May make sense to lease those. But plow trucks are a unique -- a unique animal and like the Representative said, we build those at Mechanical Services. That's something as a core -- it's also a core piece of equipment that we have to have in order to take care of our roads. In my opinion, that's a piece of equipment we need to own.

CHAIRMAN CAMPBELL: Follow-up.

REP. BENN: Just a follow-up. Okay. That's whether you should buy or lease the equipment. How about contracting versus having State doing that work? I mean, at what level -- at what point do you start contracting if you could afford more people on staff, more vehicles on staff?

MR. JANELLE: It's a similar answer. And we've contracted for years and years and years. We right now, like I said, we've got 300 rental agreements where we hire plow trucks and most of these -- many of these trucks are farm trucks that folks have throughout the state in every community. We have contractors that come to work for us in the wintertime and plow snow. Our winter force is supplemented by about a third with hire trucks and State trucks. But, to me, you need a core level so that if for some reason those hired trucks didn't come to work and I can tell you on many storms they don't, sometimes they breakdown, and we have to get someone else in to plow. We need that core force of State trucks to be able to clear the roads. And I think we're about at that level right now.

CHAIRMAN CAMPBELL: Thank you. Representative Eaton.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

REP. EATON: Just to follow-up. The lease trucks you get with the rentals, there's minimal requirements as long as they bid and they win a bid or whatever for doing the roads that they can put a rat on the road to do the maintenance, which means you don't have the reliability. But the other problem is we're still running truck and driver rental well below Massachusetts and other areas. So it's getting far more difficult to get people to even consider coming here when they can drive an extra 15 to 20 miles across the border and get considerably more.

MR. JANELLE: That's true. Our rates are much lower than Massachusetts rates. We set the rate, essentially. It's about \$62 an hour-ish or so. Massachusetts rate I believe is over a hundred. So we set the rate. We've got -- fortunately, we have got many contractors that have worked for us for years and years and they continue to come back and work for us. But we are very dependent on those services right now. If they were all to walk out the door, we'd have a problem.

SEN. BOUTIN: Mr. Chairman.

CHAIRMAN CAMPBELL: Yes, Senator Boutin.

** SEN. BOUTIN: Mr. Chairman, I'd like to move CAP 13-040.

REP. EATON: Second.

CHAIRMAN CAMPBELL: Item's been moved and seconded. Any further discussion? Seeing none. All in favor say aye? Opposed? Thank you, Mr. Janelle.

MR. JANELLE: Can I add one more thing?

CHAIRMAN CAMPBELL: Sure, please.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

MR. JANELLE: The only thing I wanted to mention is the prices in Attachment 1 are estimates at this point. Those are going to go out to bid and for all of the trucks we propose to buy. If it were to come in lower than what we estimated, the numbers could change a little bit, vary. You know, if we save money we might buy another three-quarter ton pickup or we might buy a spreader or something like that. I just wanted to let folks know that.

CHAIRMAN CAMPBELL: Going to work within the total.

MR. JANELLE: We'll work within the total. Total doesn't change.

CHAIRMAN CAMPBELL: That's a fair amount.

REP. BENN: We are approving the total amount, not the actual number.

CHAIRMAN CAMPBELL: Approving the total amount, not the actual breakdown.

MR. JANELLE: That be great.

CHAIRMAN CAMPBELL: Make that part of the record. Thank you, gentlemen.

MR. JANELLE: Thank you.

CHAIRMAN CAMPBELL: Okay. The next item is CAP 10-038, Pease Development Authority. Very distinguished member from Pease here today.

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

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

Division Director of the Division of Ports and Harbors in the Pease Development Authority. This request I have before the Committee today has to do with a failing piece of our infrastructure at the Port Terminal.

As I reported to this Committee in the past, we have applied for five times to the U.S. Department of Transportation under their TIGER Grant Program to try to get some additional funding to move ahead with our expansion program. And we were notified just a few weeks ago that TIGER V failed to get any funding.

To that end, we are holding off on a lot of repairs and improvements to the pier down there, the North Access Bridge out to the pier which is -- you can see in the photograph that I put in the package there's a choke point and that bridge is failing. The south approach bridge it was built at the same time in 1964 has already failed and caved in and been closed off. But on the north end of the pier we have that pier extension that was built in 1977 which still allows us access up there.

We have regular inspections of the South Access Bridge and last week we had Appledore Engineering in there with us to take a look at it. And they have advised us that if we don't replace it now, we will have to shut it off pretty close within the next 60 days or so which is going to -- it's just going to kill us to handle a ship there, Mr. Chairman.

CHAIRMAN CAMPBELL: Would you explain to the Committee before you take questions the source of the funds and how that fund works?

MR. MARCONI: This was an appropriation to expand the fund that originated back in 1990. And over the years there have been a number of long delays in advancing this

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

project.

I'm going on what I read in the history because this started before my tenure there. To start it off, there were environmental issues with the original permitting, the wetlands permit. There was a 5-year waiting period for eelgrass mitigation and then there was a 15-year monitoring project there that was quite costly.

CHAIRMAN CAMPBELL: The source of the funds themselves.

MR. MARCONI: It was an appropriation. It was an appropriation.

CHAIRMAN CAMPBELL: And the fund exists and it's got --

MR. MARCONI: It's got -- the current balance in there is \$6,056,249.

CHAIRMAN CAMPBELL: Okay. Thank you. Representative Graham.

REP. GRAHAM: Two interrelated questions. This fixing of this bridge fits into the overall scheme of the big plan, which I don't have in front of me, of what we are going to do with the pier in the future; correct?

MR. MARCONI: Unfortunately, no. That's the unfortunate part of this. And if I may, Mr. Chairman?

CHAIRMAN CAMPBELL: Yes, please.

MR. MARCONI: This is an in-kind replacement of the bridge. And I'll give you the background on that. We would go ahead and do a major construction in there. However, when we were doing the geo-technical surveys of the property, because the expansion -- the decking over that

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

open water space to minimize the environmental impacts in the tidal waters, we designed to go above the high watermark, excavate, pour a concrete sill that the pier would sit on. Doing the geo-technical surveys there, borings, we discovered some pre-existing condition of contaminated soils. The contaminated soils were such a level that we were required under DES regulations to report them to DES.

Working with DES folks, the plan was we had to do a complete site investigation. We were doing test borings all over the whole -- the whole 11-acre property to determine if there is other contaminations and to what level those contaminations are. And those -- those site studies will not be completed until late in the fall or early in -- or early in the winter. And then we will have to propose to DES a remediation plan based on whatever those level of contaminations are.

CHAIRMAN CAMPBELL: Follow-up.

REP. GRAHAM: Thank you, Mr. Chairman. This is probably more for LBA. Since this is not part of the pier and the plan replacement of the pier, does the existing fund allow us to use it for something like this under the existing RSAs that deal with that?

MICHAEL KANE, Deputy Legislative Budget Assistant, Office of Legislative Budget Assistant: I would have to research that.

CHAIRMAN CAMPBELL: Representative Benn.

REP. BENN: Thank you, Mr. Chairman. Geno, it's not clear to me why is this -- if I understand the photo and the drawing, you have the South Bridge because it's literally a bridge across open water right now.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

(Cell phone rings.)

REP. GRAHAM: That's five bucks.

REP. BENN: That's five bucks. And but this other bridge is really attached -- the north part of the dock is actually attached to the land. So why is this actually a bridge? Why can't you just drive onto the -- the remainder part of the dock without that bridge?

MR. MARCONI: If I may, Mr. Chairman? The pier was constructed in two phases. 1964 the south section was built and it was a design/build and they ran out of money. So they built the dock and they put these two access bridges. And in the late seventies construction of the second 300-foot section of the pier was built in 1977. And there's a bulkhead in there and the pier was abutted up against the bulkhead. There was no bridge there.

The expansion plan, you know, and I'll go back to when in 2001 when the Port Authority was merged administratively with the Pease Development Authority, it took us a couple of years to get the agency reorganized and, you know, got us back on our feet where we started looking at the expansion project. And we went in and we looked at, well, under the current conditions and what the future looked for us, what did we need to do. And we need to deck over that open water area. If I -- if I don't replace this bridge tomorrow, for us to handle cargoes at that pier, trucks going out onto the pier will have to go onto the north end of the pier, have to back down the pier, and then they'll have to pull forward instead of having a clockwise rotation that we have with a smooth flow of trucks and traffic, it presents logistical problems with handling of the cargo and it presents safety problems with trucks backing down the pier with water on either side of them.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

CHAIRMAN CAMPBELL: Okay. I have a question. In light of what Representative Graham brings up and LBA's answer that it needs to be determined whether the fund can, in fact, fund this, we are going to need a determination of that before we act. Can this wait a month?

MR. MARCONI: I would say no, sir.

CHAIRMAN CAMPBELL: It might have to what I'm telling you.

MR. MARCONI: I understand that. You asked me the question. I gave you an honest answer.

CHAIRMAN CAMPBELL: In order to have LBA telling us that we have the authority to do it.

SEN. BOUTIN: Mr. Chairman, in all due respect, it's a good point the Representative brings. The fact of the matter is this is New England. You can't pour concrete when it's 30 degrees out, so.

CHAIRMAN CAMPBELL: What is the construction schedule?

MR. MARCONI: We're -- we're ready to go to final design on this. And these are pre -- it would be a precast -- precast E-beams that would sit on the sills on either side and then yes, Senator, we would be pouring a 12 to 14 inch concrete deck over the top of it.

CHAIRMAN CAMPBELL: When?

MR. MARCONI: As soon as possible.

CHAIRMAN CAMPBELL: When? This before winter?

MR. MARCONI: We'd like to do that, yes.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

SEN. BOUTIN: In October, I would assume. Probably October.

CHAIRMAN CAMPBELL: Representative Weyler.

REP. WEYLER: If we delay this, maybe as little as two weeks or whatever it takes to get the information, can we also get the figures for how much revenue this pier generates?

MR. MARCONI: Sure. I'm sorry, sir. Yes the answer is.

REP. WEYLER: Thank you.

CHAIRMAN CAMPBELL: Can do a contingent motion. Make this approval contingent upon LBA's determination that it's authorized. We can't authorize something that's illegal.

SEN. BOUTIN: We don't know this.

CHAIRMAN CAMPBELL: No, I understand that. That's why I suggest we make -- we approve the item subject to LBA saying that it's -- it's authorized.

SEN. BOUTIN: What does LBA need to look at to determine that it's appropriate or not?

MR. KANE: We'll look at the statute to see what the allowable usage.

SEN. BOUTIN: How long would that take?

MR. KANE: Not that long.

SEN. BOUTIN: Five minutes?

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

MR. KANE: Yeah. I have to leave here. If you'd like me to leave here.

CHAIRMAN CAMPBELL: We can recess this item. We'll recess this item. Why don't you see if you can get a determination.

MR. KANE: Sure. All right.

CHAIRMAN CAMPBELL: And you're excused.

MR. KANE: All right. Thanks.

SEN. BOUTIN: Mr. Chairman.

CHAIRMAN CAMPBELL: Yes.

SEN. BOUTIN: I would propose that we recess this item and come back to it after we do our Long Range Capital items.

REP. GRAHAM: Not all the same people.

CHAIRMAN CAMPBELL: Different committee. Let's recess -- let's recess for five minutes and give him a chance to do research on that item. There's some other things we need to deal with. So let's go on to the schedule so when they come back we can act.

MR. MARCONI: I stand at the pleasure of the Committee, Mr. Chairman.

CHAIRMAN CAMPBELL: Yes, please hang around. Thank you. Let's go to the --

4. Miscellaneous:

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

5. Informational:

REP. GRAHAM: It's informational.

CHAIRMAN CAMPBELL: There is informational items. If there's no questions on those, there is a late item informational package coming around from the Prison -- from the Corrections institute, and I'd like the Deputy Commissioner and Mike Connor to come up real quick and just describe this late item -- this late informational item to everybody for their clarification.

Yes. Gentlemen, just if you could explain what this is. It doesn't need our action by statute, but it's good for us to know what's going on. And please, Mike, why don't you fill us in.

MICHAEL CONNOR, Deputy Commissioner, Department of Administrative Services: I'm not sure what that handout is. But, again, Mike Connor from the Department of Administrative Services where I serve as the Deputy Commissioner. With me today is the Assistant Commissioner of Corrections, Bill McGonagle. And thank you for hearing us today.

We just wanted to give you an update on the women's prison. We know it's a high visibility project and it's something that we have been working really hard on. So we wanted to be able to give you an update on where that stands. Should be a couple of handouts that are going around the room right now. Basically, they consist of a schedule and also an evaluation sheet.

As we stated in the testimony for the Capital Budget, we are planning to use the construction management approach. It's a different approach than your traditional low-bid design/build approach. We have authority in House

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

Bill 25 to do that. There also is a provision in RSA 21-I:80, subparagraph (d) as in dog, to get approval for the plans. The plans we don't have obviously at this point, but we just wanted to give you an update on where we are at with that. And then we are planning on doing in front of you, I believe, in April to actually present those preliminary plans.

If you're taking a look at the schedule that you have in front of you here there's kind of two sides to that. I apologize for the fine print. But, basically, on the left-hand side is the architectural engineering part of this process. There were approximately \$2.3 million that was approved by the Legislature in the prior Capital Budget session to do that. We have moved forward with that. We have solicited letters of qualifications, and we have selected SMRT. They're from out of Maine, I believe, to do that architectural engineering services. That has been approved by Governor and Council at the last meeting. So we are moving forward with that. We are very pleased to have that firm to work with us. They have a lot of experience working with prisons, specifically women's prison. They have been given an award for one of the prisons that they actually designed in Windham, Maine, that our team is going to be going up to take a look at. So that's that piece of it. So that's been engaged.

As far as the construction management/contractor, we have actually solicited letters of interest from various firms across the country. We have narrowed that down to five best qualified firms. We have sent them and we are now receiving their -- we have actually requested proposals from all those firms. And our folks here on the team are actually interviewing those five folks this week. They're interviewing some this morning and some this afternoon, I believe.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

WILLIAM MCGONAGLE, Assistant Commissioner, Department of Corrections: That's correct.

MR. CONNOR: So we're well on our way there. The goal is to reduce that group of five into the best three qualified firms, and then we would actually go out to them and give them about a month to actually come in with their guaranteed price for the project. So that's how that -- we envision that going. Time-wise, we are looking to have end of December, early January, going to Council with the award of that contract and then, obviously, coming forward to you with some preliminary plans.

Construction management is a little different obviously. You don't have the full set of plans. It's kind of moving with us. We look forward to working -- having that construction management work with our design team to be able to make the decisions we need to make to stay within the budget and the timeline that we've committed to you folks. So that's the general overview.

Also, what I have is a proposal rating sheet. I wanted to share with you how we are going to be evaluating the evaluation criteria we are going to be using to determine who the best qualified firm is. It's a lot different. We think we can get a really good firm to be able to do this. It's different than your traditional low-bid situation. I think it's a great tool for us here, and I'll be glad to answer any questions that you may have on the project.

CHAIRMAN CAMPBELL: Thank you. We are going to ask because, obviously, the women's prison was the biggest item in the Capital Budget. We are from time to time get updates from these people for this Committee which is why we are here. Representative Benn.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

REP. BENN: Thank you. This is a great project. So pleased that we are going ahead with it. And the question though is at what stage now do you have any plans that these people are going to go out for a month to make a proposal -- a CM proposal based on what?

MR. CONNOR: We are giving them some base information based upon, like, basic programs, numbers of people that we need. I think Bill has provided them a lot of information. They'll meet and probably speak to it more what we've given them specific information. Basic construction, what the construction's going to be made of. Enough preliminary information for them to be able to give us a not to exceed price. Then what they get to do is work with our architectural and engineering firm to work together so that we can still maintain programs that we need to maintain and stay within budget. It's really a working relationship all the way through. We want to get the CM on board really the get-go because as we develop the plan with the A&E, they're in concert so we can get to the end result of our project that meets our needs within budget.

CHAIRMAN CAMPBELL: Further question.

REP. BENN: Follow-up. So the -- there's no drawings per se. It's just a programmatic --

MR. CONNOR: Correct.

REP. BENN: They're going to base it just on the program, not necessarily on where it's positioned. I know it's behind the prison or the State Prison, which is tricky.

MR. MCGONAGLE: Sure. I mean, we have established that it's roughly in that back of the prison area. Where it's going to be specifically will be driven largely by the

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

geo-technical results that we get through engineering. That will determine how high the plateau has to be, where the -- where the -- what the orientation of the facility will be and all of that.

We've -- we've had a grant from NIC, National Institute of Corrections, for technical assistance. Earlier this month they funded a few of us to go down to look at a women's facility in North Carolina that really helped us crystalize some ideas about what it is we like and what it is we don't like. So the basic stuff that we'll be giving them to bid on will be largely what we see in a narrative form this facility looking like. You know, will there be a different design pallet for the hardened C5-C4 area as opposed to the C2-C3 area. There will be a normalizing function for the facility which gets normal kind of activity of the women going outside, getting into, you know, travelling from one part of the facility to another. All of that will be involved in those programmatic narratives that will be given to them.

CHAIRMAN CAMPBELL: Thank you. You know, we -- again, this will be an ongoing process. We're going to get a chance -- you have one more question?

REP. BENN: Yeah, I was just going to say, but one of the real -- to do it that way on a flat piece of land basically you can get, I would think, a very close quote and price for a project. But the unknown here is it could be quite difficult --

MR. MCGONAGLE: Hm-hum.

REP. BENN: -- for the CM guys to give their -- a maximum.

MR. MCGONAGLE: Sure.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

REP. BENN: It's going to be a real thing you're going to have to watch very carefully, because there is a real possibility --

CHAIRMAN CAMPBELL: Again, we look forward to you coming in on a regular basis on this.

To that extent I want to let the Committee know that I also talked to Mike Connor about before the year's end at a later subsequent meeting this year, I'd like to in consultation with him and both Senator Boutin and I, we would like to maybe bring in some of the other Capital Budget -- departments with Capital Budget items to get updates from them, depending on where they are in their project and they're being monitored by Public Works and Administrative Services just so we really can fulfill our function as overview and make sure some of these projects stay on track, stay on-line. 'Cause often what happens we disconnect and we don't get back to figure out what they're supposed to do until January of, you know, year and a half into it beginning their Capital Budget process. So we are not going to bring everybody in but would like to bring in those in consultation with Senator Boutin, Mike in Public Works, that think are worthy of some updates and reviews. But that's not going to be done now. Senator Weyler -- I mean, Representative Weyler.

CHAIRMAN WEYLER: Thank you, Mr. Chairman. We have a few minutes while we wait for an answer. This is going to, obviously, be on the same grounds as the men's prison. And if in ensuing years it's decided it's not big enough for the women's prison, another one is built somewhere else, and this became a cell in the men's prison, what's the big difference in criteria between the men's prison and women's prison that might make this difficult?

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

MR. MCGONAGLE: There's nothing that would make it terribly difficult. The focus of a women's prison is to promote more interaction among the women. Women are much more likely to respond well behaviorally to a social environment that is very different from what men do. Men want to be in and need to be in discrete units. So the -- if it was available, made available for -- for the men to go in there, we would certainly be able to make use of it. It wouldn't -- wouldn't preclude that. But the whole idea is to build this with the capacity to build out to 350. We're working very hard to make sure that that doesn't have to happen. But there we go.

REPRESENTATIVE WEYLER: Thank you. Thank you, Mr. Chair.

CHAIRMAN CAMPBELL: Senator Larsen.

SEN. LARSEN: Two questions. Are you -- have you gotten feedback that the 38 million is doable with from whatever processes you have used so far?

MR. CONNOR: It's very tight. It's very tight.

CHAIRMAN CAMPBELL: Hear an echo in here.

SEN. LARSEN: And second question. Clearly, one of the issues -- one of the big issues in the women's prison is programming and having the adequate rooms to be able to create skill development and family meetings and the kinds of things you can't do right now. Are you -- where are you in the process of working with those who know programming such that you're going to be able to put into that building the necessary space to maybe get a different result, not so much recidivism?

MR. MCGONAGLE: Well, certainly, first of all, when we

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

did our conceptual program that we presented, that included all of the kinds of spaces within the concentrations that are necessary for that population. That's part of what NIC is working with us on. And to be frank about it, we'll have the litigants' attorneys at the table as well making sure that what we build won't be grounds for a suit following once it's done.

CHAIRMAN CAMPBELL: That's the whole idea. Thank you.

SEN. LARSEN: One last --

CHAIRMAN CAMPBELL: Sure, yeah.

SEN. LARSEN: One of the issues has been educational opportunities because of the small number of women in the prison. Now you're going to have teachers over in the men's; but one of the issues we've looked at as you will recall is wiring such that perhaps there could be on-line education and it be a closed loop so you're not accessing the Internet but from inmates. Are you being careful to be able to build a building that allows for a connection?

MR. MCGONAGLE: Well, certainly there will be the capacity. You know, the issue with that is having the funding to do a whole separate parallel network that inmates can be on. That's not part of the scope of this project, but it's still anticipated that that's where we are trying to head. But in the -- in the overall project, one of the things that we'll be doing is doing a staffing analysis as well. 'Cause as I've said prior, it's not enough to just build a facility. We have to staff it appropriately. So that's where some of the staffing that we'll provide with the -- for academic and vocational and correctional industries kind of activities would have to be expanded in order to make that happen.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

CHAIRMAN CAMPBELL: Thank you. Thank you, gentlemen.
Thanks.

Couple other items. One is we have a \$5 million lapse in the Capital Budget already for those of you been following it. The TIGER Grant for the Sarah Mildred Long Bridge did not happen. So the \$5 million that we appropriated for the match of the State of New Hampshire is contingent upon that. So there's \$5 million in the Capital Budget that is now -- is now going to lapse because of that.

6. Date of Next Meeting and Adjournment:

CHAIRMAN CAMPBELL: The last thing, and I see Mike Connor back here, but -- I mean, Mike, I'm sorry, LBA back. I do want to set a date. Can we get on our schedules and set a date for the next meeting? We've been told by the Departments and LBA be much more convenient if we set a date certain instead of the call of the chair so they can get their packets in on time. Can we try to set a time sometime in October, late October to meet?

SEN. LARSEN: Late is good.

CHAIRMAN CAMPBELL: Late is good.

REP. EATON: Late is definitely good.

CHAIRMAN CAMPBELL: Senators, are there times of day that are better? Late in the day?

SEN. BOUTIN: 9:30 on is best for me.

CHAIRMAN CAMPBELL: 9:30 on. Okay.

SEN. BOUTIN: Up until 3 o'clock.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

CHAIRMAN CAMPBELL: If we look at the week of the 20th of October, is there any day that's better than others for -- yeah, the 20th is a Sunday. 21st is a Monday. 22nd is a Tuesday. Is there any days? The Red Sox be in the World Series those evenings, but we won't meet at night. I've already written that in. I've already written that in. I just wanted to know when the World Series games are.

SEN. LARSEN: Tuesday morning. What is it?

REP. BENN: Make it Tuesday.

CHAIRMAN CAMPBELL: Tuesday the 22nd. That will work for everybody?

REP. CLOUTIER: Tuesday the 22nd is fine.

CHAIRMAN CAMPBELL: 10 o'clock.

REP. BENN: Could have a special session on Wednesday.

CHAIRMAN CAMPBELL: That's right. That's right. So Tuesday the 22nd at 10 o'clock will be our next meeting.

And with that, we have LBA. Doesn't look like the wording is a problem.

REP. GRAHAM: That is the problem with that fund and the way people want to use it.

CHAIRMAN CAMPBELL: Yeah, you were right on top of it. We are going to be in recess for two minutes.

(Recessed at 11:36 a.m.)

(Reconvened at 11:37 a.m.)

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

CHAIRMAN CAMPBELL: Call the meeting back to order. Mike Kane, I wish Senator Boutin was here. Did he just go to the bathroom? I think he just left.

REP. ROGERS: I saw him go in there, yes.

CHAIRMAN CAMPBELL: We'll wait for him to go in there and get back so we can get it all at once. Let him explain it, but generally no prohibition and it's generally it's general. But before we hear from him -- here's the Senator.

(Senator Boutin returns to the committee room.)

CHAIRMAN CAMPBELL: Okay. Senator, we have an answer from LBA. Mike, why don't you tell us, please.

MR. KANE: Sure. It was originally it was a capital appropriation that dates back to 1991. It has been amended several times over the past years, most recently in 2013. The Port Authority does have to ask the approval of Capital Budget Overview prior to encumbering or obligating or expending any funds which is what they're doing here. There's no specific prohibition. I can't find any specific prohibition because it's very general against this type of project and that's my quick reading of it.

CHAIRMAN CAMPBELL: Okay.

** SEN. BOUTIN: Move the item, Mr. Chairman.

SEN. STILES: Yes.

CHAIRMAN CAMPBELL: Senator Boutin moves and Senator Stiles seconds that the item be adopted. Is there any further discussion? All those in favor say aye? Opposed?

REP. GRAHAM: No.

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

CHAIRMAN CAMPBELL: One no, Representative Graham.

*** {MOTION ADOPTED}

CHAIRMAN CAMPBELL: And with that, we are -- we have our schedule. We picked the 22nd for our next meeting. And thank you all for coming. And we'll see you then.

(Meeting adjourned at 11:39 a.m.)

CAPITAL BUDGET OVERVIEW COMMITTEE

September 24, 2013

CERTIFICATION

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

Cecelia A. Trask

Cecelia A. Trask, LSR, RMR, CRR
State of New Hampshire
License No. 47

