

**LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE**

Legislative Office Building, Room 201

Concord, NH

Tuesday, May 14, 2013

**MEMBERS PRESENT:**

Rep. David Campbell (Chair)

Rep. John Cloutier

Rep. John Graham

Rep. Gene Chandler

Sen. David Boutin

Sen. Jim Rausch

Sen. Nancy Stiles

**Also Present:** Gerard Murphy (Office of the Governor)  
Michael Connor (Dept. of Admin Services)

(Convened at 2:05 p.m.)

**(1) Acceptance of Minutes of the March 5, 2013 and April 16, 2013 meetings.**

CHAIRMAN CAMPBELL: Call the Long Range Capital Planning and Utilization Committee meeting together -- to order for Tuesday, May 14<sup>th</sup>. First order of business is the acceptance of minutes.

REP. CLOUTIER: Mr. Chairman.

CHAIRMAN CAMPBELL: Representative Cloutier.

REP. CLOUTIER: Yes, the March 5<sup>th</sup> minutes, before we approve them, I have a question, a concern, and I think it needs -- they need to be corrected. On Page 5 of the March 5<sup>th</sup>, 2013, minutes, it's at the very top, the first item, Page 5. On a motion by Representative Campbell, second by Senator Stiles, I won't read it all, but the item I don't know, I believe it was the item that -- okay, item 13-005, it's at the very top of Page 5, shouldn't the motion be motion tabled and not motion

adopted? I think that's an error, as I recall.

CHAIRMAN CAMPBELL: On a motion by Representative Campbell, second, the Committee tabled the request.

REP. CLOUTIER: Okay. It says motion adopted though.

CHAIRMAN CAMPBELL: The motion to table was adopted.

REP. CLOUTIER: Okay. I would like to have that corrected.

CHAIRMAN CAMPBELL: We can clarify to say motion to table is adopted.

REP. CLOUTIER: I would ask for that correction.

CHAIRMAN CAMPBELL: With that correction, is there a motion on the minutes?

**\*\*** SEN. BOUTIN: So moved.

CHAIRMAN CAMPBELL: Moved by Senator Boutin.

REP. GRAHAM: Second.

CHAIRMAN CAMPBELL: Seconded by Representative Graham with the clarification by Representative Cloutier, we accept the minutes of March 5<sup>th</sup>, 2013. All those in favor? Opposed? The motion is adopted.

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

**(2) Old Business:**

CHAIRMAN CAMPBELL: On Old Business.

REP. GRAHAM: Is that both sets of minutes?

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CHAIRMAN CAMPBELL: I'm sorry.

REP. CLOUTIER: The minutes of April 16<sup>th</sup>.

CHAIRMAN CAMPBELL: Okay. That's right.

**\*\*** SEN. BOUTIN: I move to adopt the minutes of April 16<sup>th</sup> .

REP. GRAHAM: Second.

CHAIRMAN CAMPBELL: Representative Boutin moves and Representative Graham seconds the adoption of the minutes for April 16<sup>th</sup>, 2013, of the Long Range Capital Planning Committee. All those in favor say aye? Opposed? The motion is adopted.

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

CHAIRMAN CAMPBELL: On to Old Business. Representative Chandler, like to make a motion?

REP. CHANDLER: I guess we need to take --

CHAIRMAN CAMPBELL: Move to remove from the table.

REP. CHANDLER: -- item LRCP 13-002 from the table.

REP. GRAHAM: Second.

CHAIRMAN CAMPBELL: Representative Chandler moves and Representative Graham seconds the removal of item 13-002 from the table. All those in favor say aye? Opposed?

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

CHAIRMAN CAMPBELL: Representative Chandler -- Representative Cloutier, would you like to read into

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the record the letter we all received?

REP. CLOUTIER: All right. And this letter, Mr. Chairman, and Members the Committee, is dated May 13, 2013. The Honorable David Campbell, Chair, Long Range Capital Planning and Utilization Committee. And this is in regard, I guess, it's item 12 -- excuse me -- item 12-601. I think that's because it was actually started last year.

Dear Representative Campbell: The Department of Health and Human Services is withdrawing item 12-601 related to the Eastern District Office from the Long Range Capital Planning and Utilization Committee. The Department will continue to evaluate and reassess the consolidation of the district offices based on population demographics, population segmentation, caseloads, advent of technology and other factors. The Department will seek a short-term extension of its current lease and competitively re-procure, I believe that word is. And the sentence and respectfully submitted, Nicholas A. Toumpas, Commissioner.

CHAIRMAN CAMPBELL: Thank you, Representative Rausch.

SEN. RAUSCH: Did he read it as 001, 'cause it's 13-002.

REP. CLOUTIER: This is the Commissioner's 12-601. This is what I have in the letter.

SEN. RAUSCH: Oh, well, I was just thrown off of what I had as just -- okay. I guess --

CHAIRMAN CAMPBELL: That's the letter came in, but it's clearly that they're withdrawing the item that is before us of LRCP 13-002. It is my understanding with his withdrawal of this issue that there's no further action needed by the Committee.

SEN. RAUSCH: Just making sure we have the right item,

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that's all.

CHAIRMAN CAMPBELL: Talking about the same thing. Senator Stiles.

SEN. STILES: Thank you, Mr. Chairman. Just have a question. What is the definition of short-term?

CHAIRMAN CAMPBELL: Of short-term in the letter, you mean?

SEN. STILES: Hm-hum.

REP. CLOUTIER: Yeah.

CHAIRMAN CAMPBELL: I don't know.

REP. CLOUTIER: That's the way I read it.

CHAIRMAN CAMPBELL: All I understand they're withdrawing the item and by withdrawing the item there's nothing before us to act upon. So, I mean, they have to come -- whatever else they do, they have to come back to this Committee at some point.

SEN. STILES: Okay, thank you.

CHAIRMAN CAMPBELL: Everybody okay with that? We'll move on.

SEN. RAUSCH: We need to vote?

CHAIRMAN CAMPBELL: No, I don't think we need to. It's been withdrawn so it's not even before us.

SEN. RAUSCH: Okay.

CHAIRMAN CAMPBELL: Like to move on LRCP 13-005. Chair recognizes Representative Cloutier.

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**\*\***    REP. CLOUTIER: Mr. Chairman, I wish to remove item 13-005 from the table.

SEN. BOUTIN:    Second.

CHAIRMAN CAMPBELL: Moved by Representative Cloutier, seconded by Senator Boutin. All those in favor say aye? Opposed?

**\*\*\***    **{MOTION ADOPTED}**

CHAIRMAN CAMPBELL: I just want to let you know that I talked -- there was a concern by the City of Nashua. Why don't you describe to me, describe to the Committee, Mike Connor from Administrative Services, what -- what happened with City of Nashua.

MICHAEL CONNOR, Deputy Commissioner, Department of Administrative Services: At least at the last meeting, they had expressed concerns because they didn't receive a copy of the appraisal which we did forward to them. They basically would like the property for nothing, but so wouldn't a lot of other folks. And so all we are trying to do is just follow the process that we have been following all along. I've talked a couple of the Alderman and they seem to feel that the parcel is really subject to Governor and Council approval and not this Committee and trying to negotiate it that way, and I've just been steering them along the process that I've always followed and that's RSA 4:40 and that's all we are trying to do today.

CHAIRMAN CAMPBELL: I talked to the Mayor. She understands the process and that the City won't be able to get it for nothing. So based on that, I would -- I would move that we approve item 13-005.

REP. CHANDLER: Second.

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CHAIRMAN CAMPBELL: Moved by Representative Campbell and seconded by -- well, Representative Chandler, that we adopt 13-005. Any debate? Ready for the question? All those in favor say aye? Opposed? Unanimous.

\*\*\* {MOTION ADOPTED}

(3) New Business:

CHAIRMAN CAMPBELL: On to New Business. Department of Transportation. Gentlemen, you want to come up and talk to a couple items before us?

CHUCK SCHMIDT, Administrator, Bureau of Right-of-Way, Department of Transportation: Good afternoon. I'm Chuck Schmidt, Administrator of the Bureau of Right-of-Way. I have Philip Miles, the Chief Property Manager for the Department, with us today. I'd like to open with LRCP 13-022.

The Department requests authorization to enter into a listing agreement for a term of one year with Parade Properties for the sale of 0.34 plus or minus acre parcel of State-owned land located on the southerly side of New Hampshire Route 155 and the northerly side of Kelley Road (Old Pudding Hill Road) in the Town of Madbury for \$60,000, assess an \$1,100 administrative fee and allowing negotiations within the Committee's current policy guidelines, subject to the conditions as specified in the request dated April 25<sup>th</sup>, 2013.

CHAIRMAN CAMPBELL: Is there a motion?

\*\* SEN. BOUTIN: So moved.

CHAIRMAN CAMPBELL: Moved by Senator Boutin, seconded by Senator Stiles that we adopt 13-022. Is there any discussion? Seeing none. You ready for the question? All those in favor

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say aye? Opposed? The item is adopted.

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

MR. SCHMIDT: Thank you.

CHAIRMAN CAMPBELL: 13-023. I think we are going to hold off on this. Let me explain the situation. We -- I'm going to move it to the end of the agenda because we have asked the -- is Attorney General available? Oh, he's here. Mr. Head's here. Wonderful. We'll go forward right now. Thank you. Mr. Waszczuk, Attorney General Head, you want to come up?

RICHARD HEAD, ESQ., Assistant Attorney General,  
Department of Justice: Sure.

CHAIRMAN CAMPBELL: Who's going to present the item?

MR. SCHMIDT: I'll present it.

CHAIRMAN CAMPBELL: Okay. Mr. Schmidt, please.

MR. SCHMIDT: Again, Chuck Schmidt, DOT Administrator, Right-of-Way. I have with me Chris Waszczuk, the Administrator of the Bureau of Turnpikes, and Richard Head from the Attorney General's Office. We request authorization to enter into a 35-year ground lease contract with two 5-year options at the sole discretion of the State in order to redevelop the Northbound and Southbound Rest Areas in the Town of Hooksett to full service Welcome Centers with concession sales, fuel sales, visitor centers and new liquor stores, for a minimum guaranteed rent of 20 mill -- excuse me -- \$23,236,301, over the 35-year term, with tiered rent payments based on the sale of gasoline and tiered percentage rent based on gross concession sales to be paid by the Developer/Operator, subject to the terms and conditions as specified in the request dated May 7, 2013.

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CHAIRMAN CAMPBELL: For the purpose of discussion, is there a motion?

★ ★ REP. CHANDLER: I'll so move.

REP. GRAHAM: Second.

CHAIRMAN CAMPBELL: Moved by Chandler, seconded by Graham. Discussion.

I guess the first thing we'd like to do is clarify is the fact that we had an item in our packets and we were -- we were advised that some items had to be redacted from the packet. And we returned those for the reasons that basically the ground lease has not been fully negotiated. And there was -- and didn't want to make some of these terms public until they were.

The reason I asked the Attorney General's Office to join us today, because it's very difficult for us to approve an item without at least a party that we're talking about. We can make it subject to certain terms and certain conditions, but it's pretty difficult to do it without a party. And we wanted you -- we want to get your advice before we did anything that was either inappropriate or unnecessary.

ATTORNEY HEAD: Thank you, Mr. Chairman. For the record, my name is Richard Head with the Attorney General's Office. Two thoughts. One is in terms of process where we are, the -- the State and the Developer/Operator have come to essentially all of the terms of the ground lease. That draft has gone to the Developer's lender, and the lender has a right to weigh in and there may be modifications to that -- to that draft of the ground lease as we currently have it.

RSA 21-I:13-a says that no information shall be available to the public, members of the General Court or its staff not withstanding 91-A, blah-blah-blah, from the time the invitation

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or proposal is made public until the bid is actually awarded. And the problem is, the bid can't be awarded until we get feedback from the lender. So we have a window where essentially the State and the Developer have reached terms that's subject to review by the lender. That hasn't happened fully yet. So I can't disclose the name of the party at this stage of the proceeding.

That said, we are also on a very tight time frame in order to work this thing through. So it's being presented to you. Obviously, it's going to be up to you as to whether or not this is an essential element of your consideration to decide whether or not you can vote on it today or not. The concept is before you in terms of where we are today.

CHAIRMAN CAMPBELL: With all due respect, I don't see how we can vote on something without even identifying the party.

ATTORNEY HEAD: And, obviously, that's up to you as Chair and up to the Commission. I know the Department wanted to present it to you. If you choose to, you can go forward but obviously that is --

CHAIRMAN CAMPBELL: It's always nice to get some free legal advice. Since the Attorney General's Office is here, how would you recommend that we --

ATTORNEY HEAD: My recommendation is that is at your discretion in terms of whether or not you want to vote on this. I understand your concern. But, clearly, the Department wanted to present it. If you were willing to go forward, you can. But I -- I -- obviously, that's up to the Committee.

CHAIRMAN CAMPBELL: Thank you. Representative Chandler.

REP. CHANDLER: Graham was first.

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CHAIRMAN CAMPBELL: Representative Graham, I'm sorry.

REP. GRAHAM: Thank you, Mr. Chairman. I'm not sure who can answer this, but you just said that there was some tight timelines. Could somebody articulate what those are to give us? Do we have to meet next week, a month from now, or what if we were not to vote on this today?

CHRIS WASZCZUK, Administrator, Bureau of Turnpikes, Department of Transportation: I can provide that information. For the record, Chris Waszczuk, Turnpike Administrator. What we are trying to meet is the June 19<sup>th</sup> Governor and Council meeting to have this information presented for action at that Governor and Council meeting. So that the contract can -- Developer/Operator can start shortly thereafter and they do have a tight construction time frame. Their construction time frame is predicated on Governor and Council approval on June 19<sup>th</sup>. So that's what we are trying to achieve.

CHAIRMAN CAMPBELL: Representative Chandler.

REP. CHANDLER: We can certainly -- oh.

CHAIRMAN CAMPBELL: No, go ahead.

REP. CHANDLER: Meet sometime next week or the week after. So -- but the question is can you get on the agenda for that 19<sup>th</sup> meeting? How much lead time do you have to have for that, a week?

MR. WASZCZUK: Two weeks.

REP. CHANDLER: So basically by June 5<sup>th</sup>?

MR. WASZCZUK: The entire packet will need to be pulled together by that time, yes.

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REP. CHANDLER: So as long as we -- and now can you go -- could you have that packet ready? How soon do you think you'll have an answer so we could --

ATTORNEY HEAD: We actually were hopeful we would have something today from the lender. We obviously don't. I spoke with lender's counsel this morning. He could not put a specific time by which he would be completed. I think this week we'll be finished, but that might lead into next week.

REP. CHANDLER: If I may?

CHAIRMAN CAMPBELL: Yes.

REP. CHANDLER: So if we met next Tuesday, once again, Chairman's indulgence.

CHAIRMAN CAMPBELL: Yes.

REP. CHANDLER: If this Committee were to meet next Tuesday, you think we'd probably have an answer?

ATTORNEY HEAD: You know, I hope so.

REP. CHANDLER: I understand. I understand it's not in your hands but --

ATTORNEY HEAD: Certainly, if that were the time frame, we would let the Developer know and say we need -- we need to have this resolved by Tuesday.

CHAIRMAN CAMPBELL: I have a question for Attorney Head. When this goes to Governor and Council there's going to be a name on it?

ATTORNEY HEAD: Yes, yes.

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CHAIRMAN CAMPBELL: Your experience, have you ever known the Governor and Council ever approved a contract without a name of a party?

ATTORNEY HEAD: I would be surprised if they did.

CHAIRMAN CAMPBELL: I think that's our dilemma.

ATTORNEY HEAD: I appreciate the dilemma. I don't mean to make light of it.

CHAIRMAN CAMPBELL: I think Representative Chandler's suggestion's well-taken. Senator Rausch.

SEN. RAUSCH: Well, he might jump out of his skin, I don't know, but I would make a motion that we approve it based on the information we had prior to it being redacted.

CHAIRMAN CAMPBELL: I don't think that would be probably --

SEN. RAUSCH: I don't care. This is insanity. It's like what came first, the chicken or the egg. Come on. We're delaying a process that some people have worked on for five years.

REP. CHANDLER: I get it.

CHAIRMAN CAMPBELL: Excuse me. The reason that the item's redacted is so we wouldn't be violating state law; is that correct?

ATTORNEY HEAD: If I can -- I would suggest that the vote not be taken based upon information we had to take back. That is not presently before the Commission, even though it was inadvertently provided to you.

REP. CHANDLER: I think that makes it public. Someone could ask for it, can't they?

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ATTORNEY HEAD: It complicates things.

CHAIRMAN CAMPBELL: It complicates things.

ATTORNEY HEAD: We specifically asked and my understanding is the copies were returned or otherwise destroyed. So the decision will be based upon the record, the public record that's before you.

CHAIRMAN CAMPBELL: Thank you.

REP. CHANDLER: I agree -- excuse me. I mean, I --

CHAIRMAN CAMPBELL: Given that, isn't it in our best interest to table this and have a special meeting for this one item next week. Senator Rausch.

SEN. RAUSCH: I'm okay with that. I just -- I think part of this whole process it just -- it creates another hurdle that, in my opinion, is unnecessary, but that's just my opinion.

CHAIRMAN CAMPBELL: As long as you meet that deadline of the Governor and Council meeting of June --

MR. WASZCZUK: 19<sup>th</sup>.

CHAIRMAN CAMPBELL: -- 19<sup>th</sup>, I don't think we are creating another hurdle. I think we should do things in an orderly -- at the advice of the Attorney General's Office. Representative Chandler.

REP. CHANDLER: How much notice do we have to post for a meeting like this? If we recess to the call of the Chair, so if they don't know by Tuesday, but they might by Wednesday or Thursday, can we -- how much notice is required?

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CHAIRMAN CAMPBELL: I can recess the meeting, can't I not?

MICHAEL KANE, Deputy Legislative Assistant, Office of Legislative Budget Assistant: It's usually a week in the calendar.

REP. CHANDLER: We can recess.

MR. KANE: You could recess.

CHAIRMAN CAMPBELL: And post it.

MR. KANE: Yeah, and post it.

REP. CHANDLER: We can do it again.

CHAIRMAN CAMPBELL: Without objection, it's the intention of the Chair at the end of the meeting to not adjourn this Capital Budget Overview meeting, but to recess to a time certain, to a -- to Tuesday at a time we agree on, and advertise it in the Senate and House Journals. Senator Boutin.

SEN. BOUTIN: That's what I want to make sure is going to happen. Under the scenario you're talking about, it wouldn't have to be posted in the calendar.

CHAIRMAN CAMPBELL: We still will post it just for transparency.

SEN. BOUTIN: You have enough time. Have to get it in by Thursday.

CHAIRMAN CAMPBELL: Right, we will. We'll make sure Pam does it right after this meeting. That okay?

SEN. BOUTIN: Yeah.

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SEN. RAUSCH: I think you can post it in the elevators and other areas. That also qualifies, I believe; is that correct?

CHAIRMAN CAMPBELL: We'll do that. The clerk's office. The two clerk's office.

SEN. STILES: Needs to be posted 24 hours ahead.

CHAIRMAN CAMPBELL: It's a recessed meeting. We'll just make sure everyone knows about it, including the press is here so it will be well reported.

REP. CHANDLER: So we need to table it for now?

CHAIRMAN CAMPBELL: Yeah. Motion, I guess, would be to table the item.

**\*\*** SEN. BOUTIN: So moved.

CHAIRMAN CAMPBELL: Senator Boutin moves to table --

SEN. STILES: I'll second it.

CHAIRMAN CAMPBELL: -- item LRCP 13-023, seconded by Senator Stiles. Ready for the question? All those in favor? Opposed? Thank you. We will discuss this and thank you for coming over.

ATTORNEY HEAD: Thank you, Mr. Chairman.

CHAIRMAN CAMPBELL: Very helpful.

**\*\*\* (MOTION TO TABLE ADOPTED.)**

REP. CHANDLER: Who's going to follow-up with who here to make sure we get --

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MR. KANE: We'll touch base. Yes.

REP. CHANDLER: You'll be in touch.

MR. KANE: We'll make sure the Committee knows, the Chair knows as well the status.

CHAIRMAN CAMPBELL: Whole Committee.

MR. KANE: Whole Committee. We'll talk to the Attorney General's Office.

CHAIRMAN CAMPBELL: Thank you.

Next item is disposal of real estate, and it's Administrative Services. Mr. Connor, you're up. First item is item number 13-015.

MICHAEL CONNOR, Deputy Commissioner, Department of Administrative Services: Mr. Chairman, and Members of the Committee, for the record, my name is Mike Connor, and I work for the Department of Administrative Services where I serve as the Deputy Commissioner. I'm here today to seek your approval of a 20-year driveway use agreement with Bindery Redevelopment, LLC, for a State-owned driveway located at 43 to 45 Main Street in Concord. The driveway currently provides access to the back entrance of the loading dock for 12 Hills Ave. That's a facility that we have that houses Federal Surplus Foods, Graphic Services, the Carpenter and Electrical Shop.

Bindery Redevelopment, LLC, has currently renovated the former New Hampshire Bindery building which is right next door converting them to office space and they're requesting shared use of a driveway during construction. And then on a long-term basis to provide access for accessible parking for their new facility. This agreement will allow Bindery Redevelopment shared use of the driveway for a term of 20 years.

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In return for the shared use of the driveway, Bindery Redevelopment will resurface the driveway after construction is complete and assume full responsibility to maintain the driveway in good repair, including snow removal at no cost to the State for the term of the agreement. Truly, a win/win for both of us. I'd be glad to answer questions that you may have.

CHAIRMAN CAMPBELL: Any questions?

**\*\*** SEN. RAUSCH: I move to accept.

SEN. BOUTIN: Second.

CHAIRMAN CAMPBELL: Senator Rausch moves and Senator Boutin seconds item 13-015 be adopted. Any discussion? All those in favor say aye? Opposed? Motion adopted.

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

CHAIRMAN CAMPBELL: Next is 13-016.

MR. CONNOR: Again, Mike Connor. I'm here to seek approval to enter into a listing agreement with Gallo Realty to sell the property at 85 Pleasant Street, also known as the Huntress House, for \$89,900, plus an administrative fee of \$1,100. The property consists of a 1913 three-story building totaling 3,330 square feet on approximately a third of an acre of land.

The property is located on the northeastern corner of Governor Hugh Gallen Office Park and was formerly used as transitional housing. The House is surplus to the State's use, has been vacant for over a year. We solicit proposals for real estate services in January and received three responses with opinions of value between 83,900 and 155,900. Based on the criteria of the RFP, Gallo Realty was recommended for award.

The property's considered historic, and as a result we have

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agreed to market the property for a period of four months with an historic preservation easement that restricts renovations for a period of seven years. If we are not able to receive any acceptable offers within four months, then the easement will no longer apply. We'll be able to sell it without the easement. I'd be glad to answer any questions that you may have.

CHAIRMAN CAMPBELL: Senator Stiles.

SEN. STILES: Thank you. Thank you for coming in. Did I understand you to say it's 85 Clinton Street?

MR. CONNOR: I'm sorry. 85 Pleasant Street.

SEN. STILES: That's what I was reading. I thought I heard you say Clinton.

MR. CONNOR: All right.

CHAIRMAN CAMPBELL: Senator Rausch.

SEN. RAUSCH: Thank you, Mr. Chairman. Are these the properties that --

MR. CONNOR: Yes.

SEN. RAUSCH: -- we recommended subdividing so that we could and you subsequently subdivided them and --

MR. CONNOR: That's correct. We started quite a while ago. Yes, thank you for your help.

CHAIRMAN CAMPBELL: Representative Graham.

REP. GRAHAM: Follow on on that. Thank you, Mr. Chairman. That has all been taken care of with the bill that was passed and the subdivision, City of Concord knows what we are doing

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and all the rest of that?

MR. CONNOR: Absolutely. We have gone through all steps.

CHAIRMAN CAMPBELL: Administrative Services is convinced at no point in the future they are going to need this property or buildings?

MR. CONNOR: They don't meet code. We'd have to spend more money than they're actually worth. The City looked at them for potential offices and/or for client services and they found the same thing we did.

CHAIRMAN CAMPBELL: Put historical easement on it and people beating down our doors.

\*\* SEN. RAUSCH: I would move to accept.

CHAIRMAN CAMPBELL: Senator Rausch moves.

REP. GRAHAM: Second.

CHAIRMAN CAMPBELL: Representative Graham seconds item 13-016. Ready for the question? All those in favor say aye? Opposed? The item is adopted.

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

CHAIRMAN CAMPBELL: Next item 017.

MR. CONNOR: Yes.

\*\* REP. GRAHAM: Move approval.

CHAIRMAN CAMPBELL: He has to read it for the record.

MR. CONNOR: Again, Mike Connor.

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CHAIRMAN CAMPBELL: We'll give you a chance.

MR. CONNOR: We are here to seek approval for another listing agreement with Gallo Realty to sell the property at 79 Pleasant Street, also known as the Koutras House for \$89,900, plus an administrative fee of 1,100. This property consists of an 1859 two-story building totaling 2,428 square feet on approximately one-tenth of an acre of land. Actually, .14-acre of land. Very small postage stamp. It's located pretty close to the house we just spoke of before, the Huntress House. We solicit various proposals, range between \$85,000 and \$243,000. Based on the criteria, we're recommending Gallo Realty to be awarded. Again, this property because of its age, it also has an historic preservation for four months for external renovations and we are seeking your approval to sell the property.

CHAIRMAN CAMPBELL: Representative Graham moves to approve the item.

SEN. BOUTIN: Second.

CHAIRMAN CAMPBELL: Seconded by Senator Boutin. Any discussion? All those in favor? Opposed? The item is adopted.

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

CHAIRMAN CAMPBELL: Item number 018.

MR. CONNOR: Thank you, Mr. Chairman. Mike Connor again. I'm here to seek approval for a 2-year License For Use agreement with the City of Laconia to utilize a 5-acre piece of State-owned property called the Hank Risley Field. The field is adjacent to the Robbie Mills Ballpark that they use for parking for part of their semi-pro baseball facilities. The license has a

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provision in it to terminate within 30 days, either party. So we understand that the property is still -- we are not sure what the outcome is going to be, but we do have a 30-day out for either party. So I know that's a concern for all of us.

The reason we went for two years is it takes a long time for us to go through the process. We almost have to start CORD all over again. So trying to give us a little bit of a breather here so we have asked for two years.

The City has been leasing the field for about 15 years. They're responsible for the uptake of that field and to restore it to its original condition when they're completed. I'd be glad to answer any questions that you may have.

CHAIRMAN CAMPBELL: Can you talk about the issue of the -- it's being marketed and how that would --

MR. CONNOR: Yes. Well, basically, right now the -- RSA 224:80 required that we market the property and that we actually have -- have a sale complete by May 1<sup>st</sup>. So that agreement that we have with Jones and LaSalle is now terminated. We received two inquiries but no offers during that time frame. So that contract and that whole agreement is now done. So we're just sitting there the subject of RSA 4:40, but until some other change happens, I don't know the status of Senate Bill 19, but that's where we sit.

CHAIRMAN CAMPBELL: Status of the bill.

SEN. RAUSCH: I think that is -- where is the --

CHAIRMAN CAMPBELL: The status of that bill, it's in Public Works and Highways with an Amendment on it to remove the Exit 12 tolls in addition to the Amendment. So it's going -- it's going to be approved in some form here and probably sent back to the Senate.

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With that aside, the concern is I think that if we do market this in the future, we don't want this lease to interfere with it. As you described there's a --

MR. CONNOR: We have a 30-day out, either party, just for any reason we can just, you know --

CHAIRMAN CAMPBELL: So some future marketing of this property will not be impeded by this lease.

MR. CONNOR: Correct.

CHAIRMAN CAMPBELL: Senator Rausch.

SEN. RAUSCH: That I understand. But now my question is, I think the House is aware that where Exit 12 is. So that should that bill fail, what does that mean for this property? What does that revert to or --

MR. CONNOR: According to the Department of Justice, what ends up happening is if nothing happens or right now, for that matter, it's still subject to RSA 4:40 with the exception of not subject to CORD and not subject to this Committee. So, in theory, we could get an offer tomorrow that we could go direct to Council with. That's the way it sits right now. And if nothing changes, that's the way it is.

SEN. RAUSCH: Okay.

CHAIRMAN CAMPBELL: And what the bill proposes to do is --

MR. CONNOR: Restore it back to.

CHAIRMAN CAMPBELL: As originally introduced was to put Long Range Planning back into the mix.

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SEN. RAUSCH: To put it back into the normal process.

CHAIRMAN CAMPBELL: Yes, correct.

MR. CONNOR: Which is CORD and Long Range approval.

CHAIRMAN CAMPBELL: Representative Graham.

REP. GRAHAM: Thank you, Mr. Chairman. Mr. Connor, this is probably the same question I asked two years ago. Why are we not getting any money at all from the City of Laconia while we're leasing the property to them since they're making money off of the baseball team?

MR. CONNOR: That's a good point. I don't know. That's something I could look into. I don't know. I don't know the answer to that.

REP. GRAHAM: You said the same thing two years ago.

MR. CONNOR: Telling you that's the way it's been for 15 years, isn't acceptable to me. So I guess I could look into that. Thank you. Good point.

CHAIRMAN CAMPBELL: What's the wish of the Committee?

**\*\*** SEN. BOUTIN: I'll move LRCP 13-018.

CHAIRMAN CAMPBELL: Senator Boutin moves approval of the item.

REP. CLOUTIER: I'll second it.

CHAIRMAN CAMPBELL: Seconded by Representative Cloutier. Discussion? Ready for the question? All those in favor say aye? Opposed?

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REP. CHANDLER: No.

REP. GRAHAM: No.

CHAIRMAN CAMPBELL: One, two, three, four, five to two. Item's adopted.

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

**\*\*** SEN. BOUTIN: Like to move LRCP 13-021 for adoption, Mr. Chairman.

CHAIRMAN CAMPBELL: Yes. Next item is 021, which Senator Boutin moves.

SEN. STILES: I'll second it.

CHAIRMAN CAMPBELL: Senator Stiles seconds. Please present that for the record.

MR. CONNOR: Sure. Again, Mike Connor. I'm very pleased to be here today. At the last meeting, we had come forward actually with a special request that we kind of bypass the normal procedure and not have a listing price for this property because there was a lot of interest in it. It had been appraised at \$300,000, and we were pretty confident we could come back to you with a purchase and sale within 60 days. I'm here today to request your approval. We do have a purchase and sale for \$900,000, plus an administrative fee of 1,100. We request your approval of that item, please.

CHAIRMAN CAMPBELL: The motion on the floor is by Boutin, seconded by Stiles, that we adopt the item. Any discussion? Senator Rausch.

SEN. RAUSCH: Yes. I would just like to recommend in light of the fact it's twice what the appraisal is that we continue

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with this process because it seems to be very successful. So if you have more property, we'll be happy to market it in a similar fashion.

MR. CONNOR: It was a unique situation.

CHAIRMAN CAMPBELL: Despite some of our questions and concerns, I would say Administrative Services made the right recommendation. So thank you for that. Any other discussion? Ready for the question? All those in favor say aye? Opposed? Seeing none. The motion is adopted.  
Item is adopted.

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

**(4) Miscellaneous:**

CHAIRMAN CAMPBELL: That is Miscellaneous. We have nothing.

**(5) Informational:**

CHAIRMAN CAMPBELL: Informational. Mike Kane, you want to just describe what the two informational items are?

MR. KANE: Yes. We just have CORD for the Wentworth location. And then we have two of them, 13-001 in Errol and 13-005. So this is a -- they recommend approval of both of those items. And then we have additional information provided relative to the Conway District Office. That item has been withdrawn.

CHAIRMAN CAMPBELL: Okay. Thank you.

REP. CHANDLER: These the next meeting or something we'll get something to approve?

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MR. KANE: Yes. There will have to be a subsequent action by this Committee. These are just information that CORD recommends approval, but the agency themselves bring that forward to you.

REP. CHANDLER: Thank you.

CHAIRMAN CAMPBELL: Any other questions? Based on what we talked about earlier, we need to recess this meeting to Tuesday afternoon. What time is best for the Senators who may have hearings or whatnot?

SEN. RAUSCH: We are done with transportation. So --

SEN. BOUTIN: One.

SEN. RAUSCH: For three of us were on Transportation or are on Transportation; but we have concluded our work so 1 o'clock would work for us.

CHAIRMAN CAMPBELL: Any objection over here?

REP. CLOUTIER: I may have a problem at the meeting on Tuesday.

CHAIRMAN CAMPBELL: We can get you a replacement. Tuesday is a bad day for you.

REP. CLOUTIER: Yes. I have to go to a ground breaking in my capacity as county delegation.

CHAIRMAN CAMPBELL: We'll get someone else.

REP. CLOUTIER: Just for your information.

CHAIRMAN CAMPBELL: One o'clock. Without objection we will recess this Long Range Capital Planning and Utilization

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Committee meeting until Tuesday which is what, May 21<sup>st</sup> at 1:00 p.m..

REP. CLOUTIER: Okay. Yeah. All right.

CHAIRMAN CAMPBELL: We'll see everybody then. We'll decide at that meeting when to schedule the next meeting or make it call of the chair.

SEN. RAUSCH: Okay.

CHAIRMAN CAMPBELL: Thank you very much. Meeting is recessed.

(The meeting recessed at 2:39 p.m..)

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## CERTIFICATION

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

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

