

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE

Legislative Office Building, Room 201

Concord, NH

Tuesday, June 14, 2016

MEMBERS PRESENT:

Rep. Gene Chandler, Chair

Rep. John Cloutier

Rep. David Danielson

Rep. Edmond Gionet (Alt.)

Rep. Katherine Rogers (Alt.)

Sen. Nancy Stiles

ALSO PRESENT:

Meredith Telus, Budget Director
Office of the Governor

Michael Connor, Deputy Commissioner
Department of Administrative Services

(The meeting convened at 10:02 a.m.)

(1) Acceptance of Minutes of the May 10, 2016, meeting.

CHAIRMAN CHANDLER: We will call the meeting of the Long Range Capital Planning and Utilization Committee to order and first item of business is acceptance of minutes of the May 10th meeting.

****** REP. DANIELSON: So move.

SEN. STILES: Second.

CHAIRMAN CHANDLER: Moved by Representative Danielson, seconded by Senator Stiles to approve the minutes. Any questions or discussion? If not, all those in favor say aye? Anyone opposed? The motion carries.

***** {MOTION ADOPTED}**

(2) Old Business:

(3) New Business:

CHAIRMAN CHANDLER: New Business. The Disposal of Highway and Turnpike Funded Real Estate. I guess why don't you -- you can step up if you want to. I don't know if there's any questions on the first one, but I have a couple on the second one.

CHUCK SCHMIDT, Administrator, Bureau of Right-of-Way, Department of Transportation: Okay.

CHAIRMAN CHANDLER: Some meetings we don't have any, some we do.

MR. SCHMIDT: Yes, exactly. No problem.

CHAIRMAN CHANDLER: Senator Stiles has a question.

SEN. STILES: Thank you, Mr. Chairman. I'll give you a chance to sit down before I ask the question.

MR. SCHMIDT: Thank you.

SEN. STILES: I was looking at the conditions.

MR. SCHMIDT: Hm-hum.

SEN. STILES: This says no access to Spaulding Turnpike and yet it says below that the State will reserve space for an access. Is that anticipated access or is that just so you can get on if you need to? And what prohibits the other individuals from using it?

MR. SCHMIDT: No, all it is is two drainage pipes in there that we need access to be able to maintain.

SEN. STILES: Okay.

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MR. SCHMIDT: That's all it is.

SEN. STILES: Thank you.

CHAIRMAN CHANDLER: Any other questions on item 16-017? If not, I'll have a motion.

****** SEN. STILES: So move.

REP. DANIELSON: Second.

CHAIRMAN CHANDLER: Senator Stiles moved, seconded by Representative Danielson to approve the item. Anymore questions? All those in favor say aye? Opposed? Motion carries.

***** {MOTION ADOPTED}**

CHAIRMAN CHANDLER: Item 16-018, Department of Transportation, authorization to lease parcel of land in Holderness.

I have a couple questions. One, is the Town of Plymouth itself aware that this is happening, at least?

MR. SCHMIDT: Upon this approval they will get a letter, you know, the offering to see if they have any issues with it, see if they want to acquire it.

CHAIRMAN CHANDLER: Okay. My other question is are you open -- and I don't have any -- I have not called the Town of Plymouth, so.

MR. SCHMIDT: Yeah.

CHAIRMAN CHANDLER: I mean, if they have some concerns, are you willing to work with them? My other question is

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I'll get to that is, unfortunately, I came the other way today so I didn't get a chance to look there. But --

MR. SCHMIDT: Yeah.

CHAIRMAN CHANDLER: -- I think there's some trees. This is somewhat of a wooded parcel; right?

MR. SCHMIDT: Yes, scrub trees like.

CHAIRMAN CHANDLER: Is there going to be some conditions or we leave a buffer between the highway and this? Are they going to be allowed to just take -- clear-cut everything?

MR. SCHMIDT: You know, we have had that discussion. Do you know?

PHILLIP MILES, Chief, Property Management Section, Department of Transportation: Well, as part of the conditions they're going to send us a plan for us to review. We have not received that plan yet as far as what they're planning to do as far as the parking on that parcel.

CHAIRMAN CHANDLER: I just have a big concern there, because there aren't -- there isn't too much in the way of trees or a green area there.

MR. SCHMIDT: Sure.

CHAIRMAN CHANDLER: Would you -- I don't know how quickly they need to do this, but I think would you have a problem if we just put something on that we approve this contingent upon us looking at a plan or something? I don't know. Or are you -- I don't know.

MR. SCHMIDT: No, we certainly --

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CHAIRMAN CHANDLER: I'm just concerned with that. If no one else is, I don't have to worry about it. Senator Stiles was next.

SEN. STILES: Thank you. I just have a question. So the proposed only access is from the Fieldhouse Road; is that correct?

MR. SCHMIDT: Correct.

SEN. STILES: There's no other access.

MR. SCHMIDT: Correct, correct.

MS. TELUS: I share your concern, Mr. Chair, and I wonder if it would be paved or whether there would be any kind of study done prior to paving? Because it is an area around the exit right there so I had some more questions. I guess I would echo that.

REP. DANIELSON: Chair, thank you. Just regarding your question, which really didn't get answered, which is whether or not the Town knew about this. Well, we haven't told them yet. We are waiting to see what happens. Shouldn't we at least give them a heads up and say have you got any interest in this?

CHAIRMAN CHANDLER: Well, that -- that's what -- procedurally, as far as just the purchase of it, that's what would happen as soon as we approve this for sale. They would go to the Town and say this has been -- or a lease. If you have an interest, let us know. But this goes a little further, I think. I'd like to know if the Town has a concern with how it is developed.

MR. SCHMIDT: Right.

CHAIRMAN CHANDLER: That's all.

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MR. SCHMIDT: We haven't met with the Town. I am not sure if the University has. They have a need for the extra parking because of the expansion of the athletic field so that's why they approached us.

CHAIRMAN CHANDLER: I think what -- speaking just for myself, and jump in anyone else, I'd just like to see -- I don't mind -- I guess there be sort of a conditional approval maybe that we approve the concept based on getting a plan and a report back from the Town so everyone is on the same page as to what they're going to do and is that something that we and the Town of Plymouth would like to see, I guess.

MR. SCHMIDT: Sure.

MR. MILES: In discussions with representatives from the school, they're looking to try get approval and to have parking for the fall. That's their goal.

CHAIRMAN CHANDLER: Hm-hum.

MR. MILES: My understanding is that they're -- they're looking at a gravel parking. But, again, we have not seen a plan brought forward on, you know, what exactly they're looking to do. I've requested that plan. So --

CHAIRMAN CHANDLER: Is there any -- I couldn't quite tell from the pictures. I apologize, I come that way every day, but I couldn't. Is some of this -- is some in development? In other words, is there a possibility they would have something available for parking?

MR. SCHMIDT: They would have some. I'm not sure to what degree, again, 'cause we haven't seen a site plan per se; but this is the site where that old gas station was.

CHAIRMAN CHANDLER: Right.

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MR. SCHMIDT: If you can picture that. So it's open a little bit but not full.

CHAIRMAN CHANDLER: Okay.

REP. DANIELSON: Chairman, could we postpone this to our next meeting?

CHAIRMAN CHANDLER: Well, I don't mind doing that.

REP. DANIELSON: Just a number of questions.

REP. GIONET: Would a motion, as you have suggested, a conditional approval pending the additional information be provided?

CHAIRMAN CHANDLER: That would take another meeting anyway. I didn't know if there was a way -- I have to think if there's a way that -- let's say they have got room to park 75 cars there without cutting anything, do we -- was that all right?

MR. SCHMIDT: Sure.

CHAIRMAN CHANDLER: I don't know.

MR. MILES: They would probably need to remove some trees to get access to the roadway to their driveway at this point.

REP. DANIELSON: Chairman, but everything we are saying, they might, they probably, maybe, perhaps, we don't know, we haven't talked to them, it just -- it just doesn't have any form. So I would prefer to wait.

MR. MILES: So would you want to see some kind of proposal from them on what they're planning to do --

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CHAIRMAN CHANDLER: Right.

MR. MILES: -- as far as --

MR. SCHMIDT: Okay.

MR. MILES: -- you know, what they plan --

CHAIRMAN CHANDLER: Just postpone it. I guess what we'd like to see is we need to see what they plan on doing.

MR. MILES: Okay.

MR. SCHMIDT: Absolutely.

CHAIRMAN CHANDLER: And something from the Town at least saying yes, we concur. This is okay. No, we prefer this on this site.

MR. MILES: The property is actually located in Holderness. Do you want it from both towns or do you want it just from --

CHAIRMAN CHANDLER: Well, Holderness; just Holderness.

MR. MILES: Holderness, okay.

CHAIRMAN CHANDLER: That's right, the line is there. So have a motion to table?

****** REP. DANIELSON: I move to table.

MS. TELUS: Second.

REP. CLOUTIER: Who seconded?

MS. TELUS: I did.

REP. CLOUTIER: Thank you.

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CHAIRMAN CHANDLER: So the motion is to table item 16-018. Any questions? All those in favor? Any opposed?

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

CHAIRMAN CHANDLER: If, and I just mention, I don't know if we'll have any more items. I'm not opposed -- we had mentioned not coming back this summer. I'm not opposed to having us come back in August if there's any other items. I guess I would oppose maybe to come back just for this item if we had to.

SEN. STILES: Can we come back in July?

CHAIRMAN CHANDLER: We can if they get something. I guess as soon as they get it, let us know and then we'll try to do something. We'll schedule something else. Does everyone --

REP. DANIELSON: Yes, sir.

CHAIRMAN CHANDLER: -- agree to come back even if we just have an item?

SEN. STILES: Except the last week.

CHAIRMAN CHANDLER: The what?

SEN. STILES: Except the last week.

CHAIRMAN CHANDLER: Last week of what?

SEN. STILES: July.

CHAIRMAN CHANDLER: So we'll try to fit it in. Okay, item 16-019, Department of Transportation, amending the listing price of thirty-five to 30,000. Does anyone have any questions on that item? If not, we'll take a motion.

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** SEN. STILES: I'll move it.

CHAIRMAN CHANDLER: Senator Stiles moves.

REP. CLOUTIER: I'll second.

CHAIRMAN CHANDLER: Seconded by Representative Cloutier. Any questions or discussions? All those in favor say aye? Any opposed? The motion carries.

*** {MOTION ADOPTED}

CHAIRMAN CHANDLER: Item 16-020, authorization to amend the real estate commission from 5% to a sliding fee commission based on the approved sale price, et cetera, et cetera. Any questions on that item? If not, take a motion.

** REP. DANIELSON: So move.

SEN. STILES: Second.

CHAIRMAN CHANDLER: Representative Danielson moves, seconded by Senator Stiles approving 16-020. Questions or discussion? All those in favor? Any opposed? Okay.

*** {MOTION ADOPTED}

CHAIRMAN CHANDLER: Thank you. Item number 16-021, the Liquor Commission, authorization to enter into a listing agreement with the Norwood Group to sell land in Ashland. Anyone have any questions? I have one. And I read this. What's the fee on this?

MICHAEL CONNOR, Deputy Commissioner, Department of Administrative Services: \$1,100, sir.

CHAIRMAN CHANDLER: No, I'm sorry, I mean the commission.

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MR. CONNOR: Oh, 6%; 6%. Mike Connor from Administrative Services.

CHAIRMAN CHANDLER: I'm sorry. Is that 6% fairly common on a million dollar property?

MR. CONNOR: Not typical.

CHAIRMAN CHANDLER: I didn't think so.

MR. CONNOR: It might be somewhat less than that.

CHAIRMAN CHANDLER: That's why I brought it up.

MR. CONNOR: I'm sorry?

CHAIRMAN CHANDLER: That's why I brought it up.

MR. CONNOR: Hm-hum. It isn't typical.

SEN. STILES: What is typical?

MR. CONNOR: Sometimes a little bit less than that, 3 to 4%, depending usually might be a sliding range depending on --

CHAIRMAN CHANDLER: I guess that was my concern. I'm not sure if -- once again, we only get one response.

MR. CONNOR: Right.

REP. DANIELSON: Chair. Was -- might not know this -- was the incentive to go to 6% to try to be the only bidder? So I'm trying to determine what was their incentive to go 6%.

MR. CONNOR: I think it has to do with what they thought the property was worth as opposed to what we think the property is worth. There's a -- we feel the property is

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worth a lot more than what their assessment is. And so if you look at it in that perspective, 6% might be high. We think it's a lot more valuable than -- than -- based on its location, right next to Interstate 93.

CHAIRMAN CHANDLER: I will say I have no idea. I don't even have a clue what other properties sold for. I looked at the price and looked at Ashland, and no offense to Ashland, I said seems like a lot of money based on the site.

MR. CONNOR: Yes.

CHAIRMAN CHANDLER: Someone tell you that they thought it was worth it?

MR. CONNOR: Yes. We've had discussions with the Liquor Commission. We really feel that we'd like to put it out there for that value. We think that we might be able to get that to maximize return for the State. So that's why we are asking for that number. It could well be that we are back next time you meet to reduce that number. But we really don't want to set the bar too low at this particular point in time.

CHAIRMAN CHANDLER: Right. Can you negotiate the fee?

MR. CONNOR: Only within the recommendations -- oh, can we -- yeah, certainly.

CHAIRMAN CHANDLER: Not the fee. I mean, when I refer the fee I'm talking --

MR. CONNOR: Right. No, I'm sure we could.

REP. DANIELSON: We are talking two different things. We are talking appraisal value.

MR. CONNOR: Right.

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REP. DANIELSON: And the fee.

MR. CONNOR: Correct.

REP. DANIELSON: So the fee, I'm not sure, residential fees seem to run around 7% right now, in-between 5 and 7%.

MR. CONNOR: Right.

REP. DANIELSON: I'm not sure of commercial percentages. We just said 5% on another property. Is that --

MR. CONNOR: Five to 6 for -- it depends on the value of the property. Typically, at a million dollars or so, it's usually a little less than that.

CHAIRMAN CHANDLER: This is pretty high.

REP. DANIELSON: Like you I have no -- I have no way of assessing whether or not that's a good price or a bad price for the property.

MR. CONNOR: Let's just say it's significantly over what the appraisal was.

REP. DANIELSON: But Norwood feels that they could market it at that price?

MR. CONNOR: Their recommendation was a lower price than that.

SEN. STILES: Mr. Chairman.

CHAIRMAN CHANDLER: Yes.

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SEN. STILES: The way I understand it, the recommendation is they are asking for a 6% fee on the lower price; is that correct?

CHAIRMAN CHANDLER: No, they are asking for 6% fee on the million dollars -- on the 1.1 million.

SEN. STILES: But it's lower than what the Department felt it was worth.

CHAIRMAN CHANDLER: No, this is what the Department --

MR. CONNOR: Their assessment is a lot less than that.

CHAIRMAN CHANDLER: Their assessment of it is less than what the Department assesses.

MR. CONNOR: Right. We feel that we can get significantly more than that.

CHAIRMAN CHANDLER: All right. Well, I don't know. I don't have --

MR. CONNOR: With the Committee's permission, we'd really like to give it a shot. I mean, if we don't do it within the next 30, 60 days, we'll come back and reduce that number. Frankly, 6% of what we're looking, the difference is going to be well worth it for the State's benefit. If we are able to sell it for that number, we are going to be looking -- you're going to be pretty happy. I know I will be.

MS. TELUS: If I may?

CHAIRMAN CHANDLER: Yes.

MS. TELUS: So the item we just approved actually was 6%. For Transportation it was 6% for the first half a million, 5% between 500,000 and a million, and looking

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further down on the item I think it was 4% if they get it over a million.

MR. CONNOR: If you want to modify it to that, sure.

MS. TELUS: I guess the benefit of keeping it high we incentivize Norwood Group to really try to get it for the price that we think it might be worth.

MR. CONNOR: 'Cause if I set it a lot lower, then I've already set the bar, yeah.

CHAIRMAN CHANDLER: So do you want to adopt that sliding scale?

MR. CONNOR: It's fine with me.

CHAIRMAN CHANDLER: Well, it's fine with you, you don't have any choice.

MR. CONNOR: No, I mean --

CHAIRMAN CHANDLER: I want to know what you recommend. We do listen, you know. But, I mean, is that something you think you can go back to them and negotiate?

MR. CONNOR: Is that something you'd be acceptable?

CHRIS NORWOOD, NAI Norwood Group: I was having a conversation with Jared when the proposal was made. I'm sorry, Representative, could you restate the proposal?

MS. TELUS: So the question is could we do a sliding scale instead of a flat 6%? We had a previous item where it was a scale of, I think, 6% for under a half a million, 5% for half a million to a million, and then 4% over a million. So this would -- doing that if we still want to list it at 1.1, assuming we could sell it at 1.1, that would be a 4% commission.

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MR. DANIELSON: That also gives you the flexibility not being back here every other month.

MR. CONNOR: Correct.

THE COURT REPORTER: Could you just state your name, please?

MR. NORWOOD: For the record, Chris Norwood from NAI Norwood Group. Thank you. Sorry. Just so I understand the proposal, you're saying if the sale price is, say, a million one, then the fee, the entire fee would be 4%. If the sale price is --

CHAIRMAN CHANDLER: A million, it's 5%.

MR. NORWOOD: Okay. So I originally understood the proposal to read 6% of the first \$500,000, 5% of the second \$500,000, and 4% thereafter.

CHAIRMAN CHANDLER: That's the other alternative.

MR. NORWOOD: The reason I ask is I just want to go back to a statement that was made prior. I think a 5 to 7% fee is fair and commonplace. I can't speak to other firms, but I can talk about two transactions that I've sold in this calendar year of \$900,000 and \$975,000 that the total fee was 6%. Again, you know, I can't speak to any others. So I think that I see 6% as a fairly common fee for that value range.

MS. TELUS: I'm going off what -- I don't know if Department of Transportation could clarify this, but it looks like this is saying for the first 500,000 of sales price the fee is 6%.

CHUCK SCHMIDT, Administrator, Bureau of Right-of-Way, Department of Transportation: Yes.

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MS. TELUS: Five hundred thousand and one and above is 5%. And then -- so it looks like it is -- it is done --

MR. SCHMIDT: Proportionately.

MS. TELUS: -- proportionately to the sales price.

CHAIRMAN CHANDLER: You want to make a motion?

** MS. TELUS: Hum -- sure. I would make a motion that we adopt it on a scalable fee where the first 500,000 of the sales price is a 6% commission, between 500,000 and a million of the sales price would be a 5% commission, and then over a million would be -- would we change it to 4%?

CHAIRMAN CHANDLER: I don't know. I'd just leave it at five.

MS. TELUS: Leave it at five.

REP. DANIELSON: Second.

MS. TELUS: So below 500 would be six and anything above 500 would be five.

CHAIRMAN CHANDLER: Now this would be a little unusual, but I don't know if you want to take a break. I don't know if we are in a situation. Obviously, the group is here. They don't -- they don't have to say it's okay; but then, again, we don't have anything going on. So I don't know what they want to do. If they want to --

MR. CONNOR: If you could that would be great. I would like an opportunity to talk to the Norwood Group.

CHAIRMAN CHANDLER: We'll move on to the next item and come back to this and we do have a motion. Was it seconded?

REP. DANIELSON: Yes, sir.

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CHAIRMAN CHANDLER: So we have a motion and seconded on the floor and we'll delay discussion.

MR. CONNOR: Thank you.

CHAIRMAN CHANDLER: You propose to talk it over and let us know what you think. The idea is we are trying to get this going; but, obviously, we have to maximize -- okay.

New Hampshire Employment Security, item 16-022. Any questions of the Committee? No. Take a motion.

** SEN. STILES: So move.

REP. DANIELSON: Second.

CHAIRMAN CHANDLER: Senator Stiles moved, seconded by Representative Danielson we approve item 16-022. Any questions or discussions? All those in favor say aye? Any opposed? The motion carries.

*** {MOTION ADOPTED}

(4) Miscellaneous:

(5) Informational:

CHAIRMAN CHANDLER: Representative Cloutier had a question on this --

REP. CLOUTIER: Miscellaneous. And I want to bring this to the attention. I left you a couple phone messages yesterday and I talked to Mike Kane of Administrative Services. And it came to my attention over the weekend while reading on Saturday, and I won't give, unless you want it, that the DMV office in Claremont is moving from Claremont to Newport, and this -- a move from the Monadnock Office Building, which is a State Office building in

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Claremont, to a site in Newport owned by a bank was approved by the Governor and Council on June 2nd. The only thing is, neither I, nor any other members of the Claremont delegation, certainly the Reps, I don't know about Senator Pierce, but I've contacted all the Reps, were informed of this, neither was the City of Claremont informed of this in advance even of the Governor and Council meeting.

And at first I thought did DMV have some special exemption because being on this Committee and hearing this, this sounds like a Long Range issue. Well, I checked with Mike Kane and I was reminded, I don't know, maybe I just forgot, that the law says any lease that we only deal with leases above five years. Well, the DMV did follow the law and it's just a five-year lease. So it goes directly to Governor and Council and does not have to come before us.

I have a problem with that; I especially have a problem with the fact that the Legislators and the City were not consulted in advance. This is a major move. That DMV office has been in Claremont since I can remember as a kid.

I know there are ways to deal with it, but I'm going to, you know, start September 1st, and it may be a good deal. Maybe the Governor and Council had a good reason and DMV to do it. But I'm not happy.

Also, I talked to the City Manager. He was not contacted by our Executive Council nor the Governor's Office. So we are concerned because it will probably be the Reps in the city once that closes our constituents will come to us, why did this happen, and why did they move to Newport?

So I just want to make this Committee aware of this, remind them that five years or less we don't have a say in it. And I -- if I come back next year, I probably plan to file a bill to deal with this issue. I may try to cut it to

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three years or less or I may even try to mandate legislative and community notification if I can do that. I don't know if I can. They did follow the law, but I'm not happy with the process at DMV, and I made that clear to the Director in a call to her secretary, and I know my colleague, Representative Gagnon, has already communicated with the Director of Motor Vehicles, I think via e-mail; but I'm not happy because none of the Claremont, to my knowledge, unless it was just the State Senator, was informed of this in advance. And I have to read this in my local newspaper.

Thank you, Mr. Chairman. Thank you for your time letting me vent.

CHAIRMAN CHANDLER: Certainly. Biddy swore us to secrecy?

REP. CLOUTIER: Oh, really, it was Biddy. Okay, we can blame her.

CHAIRMAN CHANDLER: Okay. Thank you. I guess -- I don't know. We don't have anything else.

REP. CLOUTIER: Can happen to Claremont, can happen to anybody. So I want you just all to be aware of it.

CHAIRMAN CHANDLER: We are holding, Representative McConkey, on item number 16-021.

REP. GIONET: You want to approve the minutes?

CHAIRMAN CHANDLER: We did that already. Hi.

MR. CONNOR: Are you ready?

CHAIRMAN CHANDLER: We're ready. We are at the place. Here we are.

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MR. CONNOR: I think if we could -- with the indulgence of the Committee, if we would have a sliding scale but aggregate so the first 500,000 would be 6% and then anything above that would be 5% that would be fine.

CHAIRMAN CHANDLER: Okay, that's what --

MR. CONNOR: Okay. Well, I didn't want, you know, to be \$700,000 that was 5%. It would be the first 500,000 be at 6%.

CHAIRMAN CHANDLER: Right. The motion on the floor is the first 500,000, 6%.

MR. CONNOR: Okay.

CHAIRMAN CHANDLER: Everything over that is 5%.

MR. CONNOR: That's fine in aggregate. That be great.

CHAIRMAN CHANDLER: We have a motion that's been seconded to that effect. Are there any other questions or discussions? If not, all those in favor say aye? Any opposed? Item 16-021 is approved.

*** {MOTION ADOPTED}

(6) Date of Next Meeting and Adjournment:

CHAIRMAN CHANDLER: That's all we have. And, as I say, we'll wait till we hear from the Plymouth thing and I have told the LBA to let the agencies know that if we get anything that needs to be done we can come back. Okay. We're done.

(Concluded at 10:26 a.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

