

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE

MINUTES

April 13, 2010

The Long Range Capital Planning and Utilization Committee met on Tuesday, April 13, 2010 at 3:30 p.m. in Room 201 of the Legislative Office Building, which included the agenda from the postponed March 16, 2010 meeting.

Members in attendance were as follows:

Representative John Cloutier, Chairman
Representative David Campbell, Clerk
Representative Gene Chandler
Representative James Rausch
Senator Lou D'Allesandro, Vice Chairman
Senator John Gallus
Senator Harold Janeway
Senator Molly Kelly
Katherine Peters, Governors Office

Michael Connor, Department of Administrative Services

Chairman Cloutier called the meeting to order at 3:35 p.m.

ACCEPTANCE OF MINUTES:

On a motion by Senator D'Allesandro, seconded by Senator Janeway, that the minutes of the January 26, 2010 meeting be accepted as written. MOTION ADOPTED.

LATE ITEM:

CHAPTER 177:93, LAWS OF 2005, TRANSFER OF REGIONAL COMMUNITY-TECHNICAL COLLEGE CAMPUS FROM STRATHAM TO PEASE:

LRCP 10-036 Community College System of New Hampshire – Dr. Richard Gustafson, Chancellor, Community College System of New Hampshire presented the request and responded to questions of the Committee.

On a motion by Representative Campbell, seconded by Senator D'Allesandro, that the Committee approve the request of the Community College System of New Hampshire for approval of the Second Amendment to the Purchase and Sale Agreement, as presented, in the sale of 91 +/- acres, with all buildings, structures and other improvements, located at 277 Portsmouth Avenue, Stratham, NH to Webster Continuing Care, Inc. for \$5.5 million, amended that the closing may occur on or before July 31, 2010 and if the closing occurs on or before July 31, 2010, Webster Continuing Care, Inc. will receive a refund of the \$25,000 deposit made prior to July 1, 2009, as well as the \$100,000 payment toward interim shared costs made April 1, 2010, and, that if the closing does not occur on or before July 31, 2010 all terms of the Agreement, as amended by the 2009 Amendment, shall remain in full force and effect and no refunds of shared interim cost payments shall be made to Webster Continuing Care, Inc. and all other aspects of the

Agreement, together with the 2009 Amendment, shall remain in full force and effect, as specified in the request dated April 12, 2010. This item (LRCP 08-022) was originally approved by the Long Range Capital Planning and Utilization Committee on May 27, 2008 and subsequently amended (LRCP 09-044) on September 15, 2009. MOTION ADOPTED.

NEW BUSINESS:

RSA 9:26-a PROHIBITED CHANGES:

LRCP 10-030 Department of Corrections – Robert Mullen, Director of Administration, Department of Corrections presented the request and responded to questions of the Committee. Mark Nogueira, Administrator, Bureau of Public Works Design, Department of Administrative Services was also present to respond to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Senator Kelly, that the Committee approve the request of the Department of Corrections to expend balance available funds for a second phase of work on the Structural Wall & Beam Repair of the Concord Men's Prison as appropriated in Chapter 264:1, V, C, Laws of 2007, and as extended by Chapter 145:19, 24, Laws of 2009, as specified in the request dated March 24, 2010. MOTION ADOPTED.

INFORMATIONAL:

LRCP 10-033 New Hampshire Council on Resources and Development – Jennifer Czysz, Senior Planner, Office of Energy and Planning presented a handout and verbally presented the recommendation of CORD regarding SLR 10-002, Pittsburg, surplus land request pertaining to the sale of land by the Department of Resources and Economic Development and the Department Transportation to the US Government.

RSA 4:40 DISPOSAL OF REAL ESTATE AND RSA 4:39-c DISPOSAL OF HIGHWAY OR TURNPIKE FUNDED REAL ESTATE:

LRCP 10-034 Department of Resources and Economic Development and LRCP 10-035 Department of Transportation – William Carpenter, Administrator, Land Management Bureau, Department of Resources and Economic Development and William Oldenburg, Administrator, Bureau of Right-of-Way, Department of Transportation jointly presented the requests, two (2) handouts, and responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Representative Campbell, that the Committee **combine, amend and approve** the requests from the Department of Resources and Economic Development, Office of the Commissioner, and the Department of Transportation, Bureau of Right-of-Way, to respectively sell 6.2 acres of State owned land known as the "Connecticut Lakes State Forest" and 1.9 acres of State owned roadway right-of-way (approximately 775 feet), for a **total combined acreage of 8.1 acres** located within the Connecticut Lake State Forest on the northern most section of US Route 3 in the Town of

Pittsburg to the U.S. Government for the **total amended price of \$125,000, which includes all State fees and services, not \$3,300 per acre plus Administrative Fees**, as specified in the requests dated April 5, 2010, with the \$125,000 proceeds to be allocated to each agency based on the agency acreage sold; Department of Resources and Economic Development (6.2/8.1 acres), Department of Transportation (1.9/8.1 acres). MOTION ADOPTED. (8-Yes, 1-Abstain)

Senator John Gallus was designated to represent the Committee in future negotiations that may arise regarding the sale of this property.

RSA 4:40 DISPOSAL OF REAL ESTATE:

LRCP 10-008 Department of Resources and Economic Development – William Carpenter, Administrator, Land Management Bureau, Department of Resources and Economic Development presented the request and responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Representative Chandler, that the Committee approve the request of the Department of Resources and Economic Development to grant a utilities easement at no cost to Public Service of New Hampshire for the installation and maintenance of new and existing poles and guy wires at Fox Forest in Hillsborough, as specified in the request dated February 12, 2010. MOTION ADOPTED.

RSA 228:57-a LEASING CERTAIN PORTIONS OF RAILROAD PROPERTIES:

LRCP 10-009 through LRCP 10-026 Department of Transportation – Louis Barker, Railroad Planner, Bureau of Rail and Transit, Department of Transportation was present to respond to questions of the Committee regarding the lease renewal requests.

On a motion by Representative Chandler, seconded by Senator D'Allesandro, that the Committee approve, as a block, the Department of Transportation, Bureau of Rail and Transit, lease renewal requests LRCP 10-009 through LRCP 10-026 as submitted. MOTION ADOPTED. (LRCP 10-009 Department of Transportation – request to renew a lease for 75 feet of railroad frontage along Lake Winnisquam for a private, non-commercial dock with a pedestrian at-grade crossing on the State-owned Concord to Lincoln railroad corridor in Belmont to Stephen F. Pearson at \$30 per linear foot per year, for a total of \$2,250 per year, plus \$50 per year for the private pedestrian at-grade crossing, for a grand total of \$2,300 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated March 1, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 02-026) on October 10, 2002., LRCP 10-010 Department of Transportation – request to renew a lease for 75 feet of railroad frontage along Mascoma Lake for a private, non-commercial dock with a pedestrian grade crossing on the State-owned Northern railroad corridor in Enfield to Ann and Dick Corr at \$30 per linear foot per year, for a total of \$2,250 per year, plus \$50 per year for the private pedestrian grade crossing, for a grand total of \$2,300 per year for five years, and no Administrative Fee, as specified in the request dated March 2, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 06-027) on October 11, 2006., LRCP 10-011 Department of Transportation – request to renew a lease of 200 feet of railroad frontage along Paugus Bay for a mooring field on the State-owned Concord to Lincoln railroad corridor in Laconia to The South Down Boat Club for an additional five year period

beginning May 1, 2010, at \$30 per linear foot per year, for a total of \$6,000 per year for five years, and no Administrative Fee, as specified in the request dated February 23, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 04-002) on May 4, 2004., LRCP 10-012 Department of Transportation – request to renew a lease for 75 feet of railroad frontage along Paugus Bay for a private, non-commercial dock with a pedestrian grade crossing on the State-owned Concord to Lincoln railroad corridor in Laconia to Charles and Sonja Dockham at \$30 per linear foot per year, for a total of \$2,250 per year, plus \$50 per year for the private pedestrian at-grade crossing, for a grand total of \$2,300 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated February 24, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 05-009) on May 4, 2005., LRCP 10-013 Department of Transportation – request to renew a lease for 50 feet of railroad frontage along Paugus Bay for a private, non-commercial dock with pedestrian at-grade and electrical utility crossings on the State-owned Concord to Lincoln railroad corridor in Laconia to Anthony and Barbara DeStefano at \$30 per linear foot per year, for a total of \$1,500 per year, plus \$100 per year for the private pedestrian at-grade and electrical utility crossings, for a grand total of \$1,600 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated February 24, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 00-059) on August 22, 2001., LRCP 10-014 Department of Transportation – request to renew a lease for 50 feet of railroad frontage along Paugus Bay for a private, non-commercial dock with pedestrian at-grade and electrical utility crossings on the State-owned Concord to Lincoln railroad corridor in Laconia to Paul and Cynthia Gillis at \$30 per linear foot per year, for a total of \$1,500 per year, plus \$100 per year for the private pedestrian at-grade and electrical utility crossings, for a grand total of \$1,600 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated February 24, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 06-011) on June 22, 2006., LRCP 10-015 Department of Transportation – request to renew a lease for 50 feet of railroad frontage along Paugus Bay for a private, non-commercial dock with pedestrian at-grade and electrical utility crossings on the State-owned Concord to Lincoln railroad corridor in Laconia to Raymond Spinosa at \$30 per linear foot per year, for a total of \$1,500 per year, plus \$100 per year for the private pedestrian at-grade and electrical utility crossings, for a grand total of \$1,600 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated February 24, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 06-005) on June 22, 2006., LRCP 10-016 Department of Transportation – request to renew a lease for 75 feet of railroad frontage along Paugus Bay for a private, non-commercial dock with a pedestrian grade crossing on the State-owned Concord to Lincoln railroad corridor in Laconia to Breakwater Condominium Unit Owners' Association at \$30 per linear foot per year, for a total of \$2,250 per year, plus \$50 per year for the private pedestrian at-grade crossing, for a grand total of \$2,300 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated February 24, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 02-030) on October 10, 2002., LRCP 10-017 Department of Transportation – request to renew a lease for 50 feet of railroad frontage along Paugus Bay for a private, non-commercial dock with pedestrian at-grade and electrical utility crossings on the State-owned Concord to Lincoln railroad corridor in Laconia to William P. Ratcliffe at \$30 per linear foot per year, for a total of \$1,500 per year, plus \$100 per year for the private pedestrian at-grade and electric utility crossings, for a grand total of \$1,600 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated March 1, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 00-057) on August 22, 2001., LRCP 10-018 Department of Transportation – request to renew a lease for 75 feet of railroad frontage along Lake Winnepesaukee for a private, non-commercial dock with a pedestrian grade crossing on the State-owned Concord to Lincoln railroad corridor in Laconia to Scenic Cove Condominium

Association at \$30 per linear foot per year, for a total of \$2,250 per year, plus \$50 per year for the private pedestrian grade crossing, for a grand total of \$2,300 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated March 2, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 05-017) on May 4, 2005., LRCP 10-019 Department of Transportation – request to renew a lease for 50 feet of railroad frontage along Paugus Bay for a private, non-commercial dock with pedestrian at-grade and electrical utility crossings on the State-owned Concord to Lincoln railroad corridor in Laconia to Michael and Elizabeth Hurley at \$30 per linear foot per year, for a total of \$1,500 per year, plus \$100 per year for the private pedestrian at-grade and electric utility crossings, for a grand total of \$1,600 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated February 25, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 05-019) on May 4, 2005., LRCP 10-020 Department of Transportation – request to renew a lease for 75 feet of railroad frontage along Paugus Bay for a private, non-commercial dock with pedestrian at-grade and electrical utility crossings on the State-owned Concord to Lincoln railroad corridor in Laconia to David and Carol Zogopoulos at \$30 per linear foot per year, for a total of \$2,250 per year, plus \$100 per year for the private pedestrian at-grade and electric utility crossings, for a grand total of \$2,350 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated March 1, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 05-010) on May 4, 2005., LRCP 10-021 Department of Transportation – request to renew a lease for 50 feet of railroad frontage along Paugus Bay for a private, non-commercial dock with pedestrian at-grade and electrical utility crossings on the State-owned Concord to Lincoln railroad corridor in Laconia to DPM Realty Trust at \$30 per linear foot per year, for a total of \$1,500 per year, plus \$100 per year for the private pedestrian at-grade and electric utility crossings, for a grand total of \$1,600 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated February 25, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 00-058) on August 22, 2001., LRCP 10-022 Department of Transportation – request to renew a lease for 75 feet of railroad frontage along Silver Lake for a private, non-commercial dock with a pedestrian grade crossing on the State-owned Conway Branch railroad corridor in Madison to Rebecca Knowles and James Coogan at \$30 per linear foot per year, for a total of \$2,250 per year, plus \$50 per year for the private pedestrian grade crossing, for a grand total of \$2,300 per year for five years, and no Administrative Fee, as specified in the request dated March 2, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 03-034) on September 24, 2003., LRCP 10-023 Department of Transportation – request to renew a lease for 280 feet of railroad frontage along Lake Winnepesaukee for a mooring field on the State-owned Concord to Lincoln railroad corridor in Meredith to The Grouse Point Club Community Association for an additional five year period beginning May 1, 2010, at \$30 per linear foot per year, for a total of \$8,400 per year for five years, and no Administrative Fee, as specified in the request dated March 1, 2010. The Long Range Capital Planning and Utilization Committee approved the original leases (LRCP 06-014 for 100 feet) on June 20, 2006 and (LRCP 07-024 for 180 feet) on May 22, 2007., LRCP 10-024 Department of Transportation – request to renew a lease for 75 feet of railroad frontage along Lake Waukegan for a private, non-commercial dock with a pedestrian grade crossing on the State-owned Concord to Lincoln railroad corridor in Meredith to Paul and Emiliette Beaudoin at \$30 per linear foot per year, for a total of \$2,250 per year, plus \$50 per year for the private pedestrian grade crossing, for a grand total of \$2,300 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated March 2, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 06-028) on October 11, 2006., LRCP 10-025 Department of Transportation – request to renew a lease for 1351 feet of railroad frontage along Lake Winnepesaukee for a private, non-commercial dock system with pedestrian at-grade and electrical utility crossings on the State-owned Concord to Lincoln railroad corridor in Meredith to Lake Ridge on Meredith Bay Association at \$30 per

linear foot per year, for a total of \$40,530 per year, plus \$100 per year for the private pedestrian at-grade and electric utility crossings, for a grand total of \$40,630 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated February 24, 2010. The Long Range Capital Planning and Utilization Committee approved the original leases (LRCP 02-013 for 700 feet) on May 8, 2002 and (LRCP 05-018 for 651 feet) on May 4, 2005., and LRCP 10-026 Department of Transportation – request to renew a lease for 58 feet of railroad frontage along Lake Winnepesaukee for a private, non-commercial dock with a pedestrian grade crossing on the State-owned Concord to Lincoln railroad corridor in Meredith to East Bluff Highlands Association at \$30 per linear foot per year, for a total of \$1,740 per year, plus \$50 per year for the private pedestrian at-grade crossing, for a grand total of \$1,790 per year for five years, with a five-year renewal provision, and no Administrative Fee, as specified in the request dated March 1, 2010. The Long Range Capital Planning and Utilization Committee approved the original lease (LRCP 05-008) on May 4, 2005.)

RSA 4:40 DISPOSAL OF REAL ESTATE AND RSA 228:57-a LEASING CERTAIN PORTIONS OF RAILROAD PROPERTIES:

LRCP 10-027 Department of Transportation – Louis Barker, Railroad Planner, Bureau of Rail and Transit, Department of Transportation presented the request and responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Senator Kelly, that the Committee approve the request of the Department of Transportation, Bureau of Rail and Transit, to lease 5,000 square feet of the State-owned Ashuelot Branch Railroad corridor in Winchester to the Winchester Assembly of God for \$300 per year for five years, with a five-year renewal provision and assess an Administrative Fee of \$1,100, as specified in the request dated March 22, 2010. MOTION ADOPTED.

RSA 4:39-c DISPOSAL OF HIGHWAY OR TURNPIKE FUNDED REAL ESTATE:

LRCP 10-028 Department of Transportation – William Oldenburg, Administrator, and Phillip Miles, Chief of Property Management, Bureau of Right-of-Way, Department of Transportation presented the request and responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Representative Chandler, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to enter into a listing agreement with Keller Williams Coastal Realty, for a term of one (1) year, to sell a 0.28 +/- acre parcel of State owned land located at the northeasterly corner of Maplewood Avenue and Interstate 95 in the City of Portsmouth for \$160,000, allowing negotiations with perspective buyers within the Committee's current policy guidelines, and assess an Administrative Fee of \$1,100, subject to the conditions as specified by the Department in the request dated March 22, 2010. MOTION ADOPTED.

LRCP 10-029 Department of Transportation – William Oldenburg, Administrator, and Phillip Miles, Chief of Property Management, Bureau of Right-of-Way, Department of Transportation presented the request and responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Senator Janeway, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to enter into a listing agreement with The Masiello Group Real Estate, for a term of one (1) year at a 5% commission, to sell a 8.17 acre parcel of State owned land improved with a historic two-story New Englander style house located at 30 Fitzwilliam Road (NH Route 12) in the Town of Troy for \$125,000, allowing negotiations with perspective buyers within the Committee's current policy guidelines, and assess an Administrative Fee of \$1,100, subject to the conditions as specified by the Department in the request dated March 29, 2010. MOTION ADOPTED.

DATE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Long Range Capital Planning and Utilization Committee will be at the Call of the Chair.

On a motion by Senator D'Allesandro, seconded by Representative Rausch, that the meeting adjourn. MOTION ADOPTED.

Representative David Campbell, Clerk