

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE

MINUTES

June 26, 2012

The Long Range Capital Planning and Utilization Committee met on Tuesday, June 26, 2012 at 10:00 a.m. in Room 201 of the Legislative Office Building.

Members in attendance were as follows:

Representative John Graham, Chairman  
Representative David Campbell  
Representative Gene Chandler  
Representative Carl Seidel  
Representative John Cloutier (Alternate)  
Representative Chris Nevins (Alternate)  
Senator John Gallus  
Senator James Rausch

Michael Connor, Department of Administrative Services

Chairman Graham called the meeting to order at 10:00 a.m.

ACCEPTANCE OF MINUTES:

On a motion by Senator Rausch, seconded by Representative Nevins, that the minutes of the May 8, 2012 meeting be accepted as written. MOTION ADOPTED.

OLD BUSINESS:

RSA 228:31-b DISPOSAL OF HIGHWAY OR TURNPIKE FUNDED REAL ESTATE:

LRCP 12-009 Department of Transportation – On a motion by Representative Chandler, seconded by Senator Rausch, that the item be removed from the table. MOTION ADOPTED.

Charles Schmidt, PE, Administrator, and Phillip Miles, Chief of Property Management, Bureau of Right-of-Way, Department of Transportation responded to questions of the Committee.

On a motion by Representative Chandler, seconded by Representative Nevins, that the Committee **amend** and approve the request from the Department of Transportation, Bureau of Right-of-Way, to transfer 6 +/- acre parcel of State owned land with improvements, owned by the Department of Transportation, located on the easterly side of Bear Notch Road in the Town of Bartlett, to the Department of Resources and Economic Development at no cost, subject to the conditions as specified in the Department's request dated March 6, 2012, **for a two (2) year trial period and return before the Long Range Capital Planning and Utilization Committee at the close of said period for further approval beyond that date.** MOTION ADOPTED.

On a motion by Representative Chandler, seconded by Senator Rausch, that the Committee approve as amended the request from the Department of Transportation, Bureau of Right-of-Way, to transfer 6 +/- acre parcel of State owned land with improvements, owned by the Department of Transportation, located on the easterly side of Bear Notch Road in the Town of Bartlett, to the Department of Resources and Economic Development at no cost, subject to the conditions as specified in the Department's request dated March 6, 2012, for a two (2) year trial period and return before the Long Range Capital Planning and Utilization Committee at the close of said period for further approval beyond that date. MOTION ADOPTED.

#### INFORMATIONAL:

LRCP 12-020 Department of Transportation – memo, dated March 13, 2012, relating to establishing a policy concerning the extension of listing agreements with real estate professionals marketing property for the Department of Transportation. April 3, 2012 the Committee requested this item become an action item and is **replaced by LRCP 12-025**.

#### NEW BUSINESS:

#### PROPOSED COMMITTEE POLICY:

LRCP 12-025 Department of Transportation – Charles Schmidt, PE, 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. (Replaces Informational Item LRCP 12-020, which was held over from the meeting of April 3, 2012)

On a motion by Senator Rausch, seconded by Representative Seidel, that the Committee approve policy recommendation from the Department of Transportation, Bureau of Right-of-Way, concerning the extension of listing agreements with real estate professionals for disposal of Highway or Turnpike Funded Real Estate pursuant to RSA 4:39-c. The policy is that listing agreements with a realtor selected by the Long Range Capital Planning and Utilization Committee to market a Department-owned property be for an initial term of one (1) year, and upon review of the progress of the realtor and upon approval of the Committee renew the listing agreement for up to two (2) six (6)-month extensions. At the end of this period, if the Department has not entered into a signed Purchase and Sales Agreement for the purchase of the particular property, the Department will solicit new market analyses from the list of pre-qualified realtors, and bring the market analyses along with the Department's recommendation concerning the market analyses forward for the Committee's disposition, as specified in the request dated May 23, 2012. MOTION ADOPTED.

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

LRCP 12-026 Department of Transportation – Charles Schmidt, PE, 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 Rausch, seconded by Representative Chandler, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to sell a 0.89 of an acre (38,087 +/- square feet) being a portion of the Limited Access Right-of-Way located on the westerly side of the Conway Bypass in the Town of Conway directly to the abutter, Wal-Mart Stores, Inc., for \$276,100, which includes an \$1,100 Administrative Fee, subject to the conditions as specified in the request dated May 31, 2012. MOTION ADOPTED.

LRCP 12-031 Department of Transportation – Charles Schmidt, PE, 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 Representative Nevins, seconded by Senator Gallus, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to sell a 2.37 +/- acre portion of the Limited Access Right-of-Way located on the westerly side of the Laconia Bypass (US Route 3) in the Town of Gilford directly to the abutter, Traditional Catholics of New Hampshire, for \$13,500, which includes an \$1,100 Administrative Fee, subject to the conditions as specified in the request dated May 31, 2012. MOTION ADOPTED.

LRCP 12-032 Department of Transportation – Charles Schmidt, PE, 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. Katherine Dawson, Selectman, Town of Tilton, was also present to address the Committee.

On a motion by Representative Chandler, seconded by Senator Rausch, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to transfer a 3,200 +/- square foot parcel of State owned land located at the southeast corner of US Route 3 / NH Route 11 / NH Route 132 (Main Street) in Tilton to the Town of Tilton at no cost, and waive the Administrative Fee of \$1,100, subject to the conditions as specified in the request dated May 31, 2012. MOTION ADOPTED.

LRCP 12-033 Department of Transportation – Charles Schmidt, PE, 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. Michael Connor, Director, Plant and Property Management, Department of Administrative Services was also present to respond to questions of the Committee.

On a motion by Representative Chandler, seconded by Senator Rausch, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to enter into a listing agreement for a term of one (1) year with Shea Commercial Properties, Inc., with the real estate commission calculated on a descending scale, for the sale of a 28.36 acre parcel of State owned land located at 55 Range Road (easterly side of NH Route 111) in the Town of Windham for \$3,400,000, assess an Administrative Fee of \$1,100, and allow negotiations within the Committee's current policy guidelines, subject to the conditions as specified in the request dated June 11, 2012. MOTION ADOPTED.

The Committee requested the Department of Transportation provided a status update regarding the 55 Range Road, Windham property at the next meeting.

LRCP 12-034 Department of Transportation – Charles Schmidt, PE, Administrator, Bureau of Right-of-Way, Department of Transportation requested to withdraw the request to sell a 0.5 +/- acre portion of the Limited Access Right-of-Way located on the easterly side of the Daniel Webster Highway/US Route 3 in the City of Nashua directly to the abutter, Chester and Shirley Coulombe, for \$21,100, which includes an \$1,100 Administrative Fee, subject to the conditions as specified in the request dated June 11, 2012. Item Withdrawn.

LRCP 12-035 Department of Transportation – Charles Schmidt, PE, 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 Representative Chandler, seconded by Representative Seidel, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to enter into a listing agreement for a term of one (1) year with KW Commercial, for the sale of a 3.5 +/- acre parcel of State owned land located on the easterly side of US Route 3 in the Town of Bedford for \$350,000, assess an Administrative Fee of \$1,100, and allow negotiations within the Committee's current policy guidelines, subject to the conditions as specified in the request dated June 11, 2012. MOTION ADOPTED.

LRCP 12-036 Department of Transportation – Charles Schmidt, PE, 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 Representative Chandler, seconded by Representative Campbell, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to enter into a listing agreement for a term of one (1) year with Prudential Verani Realty, for the sale of a 1.76 +/- acre parcel of State owned land located on the southeast corner of US Route 3 and Iron Horse Road in the Town of Bedford for \$325,000, assess an Administrative Fee of \$1,100, and allow negotiations within the Committee's current policy guidelines, subject to the conditions as specified in the request dated June 11, 2012. MOTION ADOPTED.

LRCP 12-037 Department of Transportation – Charles Schmidt, PE, 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. Chris Giordano, Selectman, Town of Danville was also present to address the Committee.

On a motion by Representative Campbell, seconded by Senator Gallus, that the Committee **amend** and approve the request of the Department of Transportation, Bureau of Right-of-Way, to grant an access point through the Limited Access Right-of-Way of NH Route 111 for the connection of Frye Road and NH Route 111 in Danville to the Town of Danville for the **amended cost of \$25,550, plus an \$1,100 Administrative Fee**, subject to the conditions as specified in the request dated June 12, 2012. MOTION ADOPTED. (4-Yes, 3-No)

On a motion by Representative Campbell, seconded by Senator Gallus, that the Committee approve as amended the request of the Department of Transportation, Bureau of Right-of-Way, to grant an access point through the Limited Access Right-of-Way of NH Route 111 for the connection of Frye Road and NH Route 111 in Danville to the Town of Danville for the amended cost of \$25,550, plus an \$1,100 Administrative Fee, subject to the conditions as specified in the request dated June 12, 2012. MOTION ADOPTED. (4-Yes, 3-No)

LATE ITEM:

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

LRCP 12-039 Department of Transportation – Nancy Mayville, Municipal Highway Engineer, Department of Transportation presented the request and responded to questions of the Committee. Charles Schmidt, PE, Administrator, Bureau of Right-of-Way, Department of Transportation was also present to respond to questions of the Committee.

On a motion by Representative Campbell, seconded by Senator Rausch, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, for the removal of a deed restriction that was placed on a 2.1 +/- acre portion of parcel of land formerly owned by the Department and now owned by the Town of Hudson, located near the southwesterly corner of Central Street (NH Route 111) and Kimball Hill Road in the Town of Hudson for \$77,100, which includes an Administrative Fee of \$1,100, with payment of compensation for the removal of the deed restriction to be in the form of services of equivalent value that are required at the property as outlined in the Memorandum of Understanding executed by the Town and the Department, subject to the conditions as specified in the Departments request dated June 25, 2012. This item (LRCP 11-031) was originally approved by the Long Range Capital Planning and Utilization Committee on August 23, 2011. MOTION ADOPTED. (6-Yes, 1-No)

The Committee requested a status update from the Department of Transportation in one year's time regarding the 2.1 +/- acre parcel located near the southwesterly corner of Central Street and Kimball Hill Road in the Town of Hudson.

Charles Schmidt, PE, Administrator, Bureau of Right-of-Way, Department of Transportation gave an update on the nursery property in Windham.

The Committee also requested that the Department of Transportation, Bureau of Right-of-Way, provide an updated spreadsheet on the status of all properties, notating action that occurred during the current session, for the next meeting.

RSA 4:40 DISPOSAL OF REAL ESTATE:

LRCP 12-028 Office of Energy and Planning – Susan Slack, Office of Energy and Planning, presented the request and responded to questions of the Committee. Maureen Smith, Esquire, Orr & Reno, representing Granite State Gas Transmissions was also present to respond to questions of the Committee.

On a motion by Senator Rausch, seconded by Senator Gallus, that the Committee approve the request of the Office of Energy and Planning to convey a 50-foot wide easement under the Piscataqua River between Newington and Dover, at no cost to the State, to Granite State Gas Transmission, Inc. of Hampton, NH for an interstate natural gas pipeline and to assess an Administrative Fee of \$1,100, subject to the conditions as specified in the request dated June 6, 2012. No Action Taken.

On a motion by Representative Chandler, seconded by Representative Campbell, that the Committee **amend** and approve the request of the of the Office of Energy and Planning, to convey a 50-foot wide easement under the Piscataqua River between Newington and Dover, at no cost to the State, to Granite State Gas Transmission, Inc. of Hampton, NH for an interstate natural gas pipeline and to assess an Administrative Fee of \$1,100, subject to the conditions as specified in the request dated June 6, 2012, **amended with the condition that there be no cost to the Department of Transportation or the State for any part of the relocation of the pipeline.** MOTION ADOPTED.

On a motion by Representative Campbell, seconded by Senator Rausch, that the Committee approve as amended the request of the of the Office of Energy and Planning, to convey a 50-foot wide easement under the Piscataqua River between Newington and Dover, at no cost to the State, to Granite State Gas Transmission, Inc. of Hampton, NH for an interstate natural gas pipeline and to assess an Administrative Fee of \$1,100, subject to the conditions as specified in the request dated June 6, 2012, amended with the condition that there be no cost to the Department of Transportation or the State for any part of the relocation of the pipeline. MOTION ADOPTED.

LRCP 12-029 Department of Administrative Services – Michael Connor, Director, Division of Plant and Property Management, Department of Administrative Services presented the request and responded to questions of the Committee.

On a motion by Representative Campbell, seconded by Senator Gallus, that the Committee approve the request of the Department of Administrative Services to extend the term of the existing five (5) year lease agreement with the City of Concord regarding the State-owned real property located at 247-249 Pleasant Street, Concord for an additional four (4) months beyond the expiration of the current lease term on October 2, 2013 to a new end date of February 2, 2013, with rent to remain unchanged at the rate of One Dollar (\$1.00), as specified in the request dated June 4, 2012. This item (LRCP 07-038) was originally approved by the Long Range Capital Planning and Utilization Committee on October 23, 2007. MOTION ADOPTED.

INFORMATIONAL:

LRCP 12-030 Department of Administrative Services – On a motion by Representative Chandler, seconded Representative Campbell, that the informational item of the Department of Administrative Services to transfer management responsibility from the Department of Resources and Economic Development to the Department of Administrative Services of 4.03 acres of frontage land along NH Route 106 from the abutting Ahern State Park to the Lake Region Facility property (formerly know as the "Laconia State School" campus) to comply with

the minimum road frontage requirements, as specified in the letter dated June 5, 2012, be brought up at the next meeting as an actionable item. MOTION ADOPTED.

LRCP 12-038 Departments of Environmental Services and Transportation – Michael Fitzgerald, Administrator, and Rebecca Ohler, Administrator, Technical Services Bureau, Air Resources Division, Department of Environmental Services, responded to questions of the Committee regarding Plans to Propose Leasing of State Owned Land on Stickney Avenue in Concord for a Privately Operated Compressed Natural Gas “CNG” Fueling Station, as specified in the letter dated June 14, 2012.

The informational materials were accepted and placed on file.

#### DATE OF NEXT MEETING AND ADJOURNMENT

The next meeting of the Long Range Capital Planning and Utilization Committee will be Tuesday, September 18, 2012 at 10:00 a.m. in Room 201 of the Legislative Office Building.

On a motion by Senator Gallus that the meeting adjourn. MOTION ADOPTED. (Where upon the meeting adjourned at 11:45 a.m.)

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Representative David Campbell, Clerk