

**LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE**

Legislative Office Building, Room 201

Concord, NH

Tuesday, March 5, 2013

**MEMBERS PRESENT:**

Rep. David Campbell (Chairman)

Rep. Gene Chandler

Rep. John Cloutier

Rep. Alfred Lerandeau

Rep. John Graham (Alternate)

Rep. Katherine Rogers (Alternate)

Sen. David Boutin

Sen. James Rausch

Sen. Sylvia Larsen

Sen. Nancy Stiles

(Convened at 3:48 p.m.)

**1. Organization of Committee**

CHAIRMAN CAMPBELL: I'm going to open the Long Range meeting, the first one of the session, Long Range Capital Planning and Utilization Committee. I'm opening it 'cause I'm the first named House member, but our first order of business is to organize the Committee. We need to elect a chairman. What's the pleasure?

**\*\* SEN. BOUTIN**: I move that Representative Campbell be Chair of the Long Range Capital Planning Committee

REP. LERANDEAU: Second.

CHAIRMAN CAMPBELL: Senator Boutin moves and Representative -- Senator Boutin moves and Representative Lerandeau seconds Campbell as Chair. Any other nominations? Ready for the vote? All those in favor? Opposed? Thank you very much.

\*\*\* {MOTION ADOPTED}

\*\* CHAIRMAN CAMPBELL: We would like to -- I would like to move Representative -- Senator Boutin --

REP. CHANDLER: Second.

CHAIRMAN CAMPBELL: -- as Vice-Chair. And it's seconded by Representative Chandler. All those in favor? Opposed no?

\*\*\* {MOTION ADOPTED}

CHAIRMAN CAMPBELL: So clerk.

\*\* SEN. RAUSCH: I'll move Representative Cloutier.

SEN. STILES: Second.

REP. CLOUTIER: I accept.

CHAIRMAN CAMPBELL: You got the short straw. Okay.

REP. CHANDLER: Haven't voted for you yet.

CHAIRMAN CAMPBELL: All those in favor of John Cloutier as clerk say aye? Opposed?

\*\*\* {MOTION ADOPTED}

CHAIRMAN CAMPBELL: Okay. We are organized. Thank you.

## 2. Committee Orientation

CHAIRMAN CAMPBELL: Committee orientation. We're going to do a very, very short one. Very short 'cause most

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members have been on this Committee before but a couple haven't. So we are going to do a short orientation. Just so you know, the makeup of this Committee is only four Senators, four House Members, and one Representative from the Governor's Office. Gerard, the Finance Director, is the normal representative. He's been named by the Governor. He couldn't be here today because I guess of his commitments on the budget. However, in the future we're going try to make sure someone is here from the Governor's Office. If not him, a designee, because it's better we have Governor's input on some of these line items. If you'd like to give us a short orientation, Mike Kane, from LBA.

MICHAEL KANE, Deputy Legislative Budget Assistant,  
Office of Legislative Budget Assistant: For the record, my name is Michael Kane. I'm the Deputy Legislative Budget Assistant from the Office of the Legislative Budget Assistant. Our office will be here to provide support and technical assistance to the Committee.

In your packet, you have LRCP 13-001. That's the list of the statutes for Long Range Capital Planning where they get their authority to approve items. Quickly, I'll just go through it quick to keep it brief.

If you turn to Page 2, RSA -- down near the bottom, RSA 4:39-c, Disposal of Highway or Turnpike Funded Real Estate. The majority of the items that come before Long Range come under that statute. Department of Transportation will use that. We also have on Page 5 RSA 4:40. That's the Acquisition and Disposal of Real Estate from any other State Department. We'll use that reference. We have a couple of the items on the agenda today using that.

Just turn to Page 6, the makeup of the Committee. As Representative Campbell stated, four members of the Senate, four members of the House, and one member from the

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Governor's Office. Majority vote is what takes -- is what moves the motion. It's not a block vote like Capital Budget Overview. Just want to specify that.

And then the rest just for reference if you have any questions relative to any of the items, feel free to contact our office, and we'll make sure any item that comes before the Committee is in compliance with these statutes.

CHAIRMAN CAMPBELL: For the new members or returning members, this is a good little packet to go through. If you have any questions, Michael will be available, obviously, to help and as will any veteran member of the Committee I'm sure will be glad to answer any questions any time.

Is there any questions of Michael Kane right now? Anything you want to -- okay? Well, thank you for doing that.

### **3. Acceptance of Minutes of the November 27, 2012 meeting.**

CHAIRMAN CAMPBELL: The next order of business is acceptance of the minutes of the November 27, 2012.

**\*\*** REP. CHANDLER: So move.

SEN. RAUSCH: Second.

CHAIRMAN CAMPBELL: Representative Chandler was here at the time and so was Senator Rausch. So we will move on the acceptance of the minutes. All those in favor? Opposed?

SEN. LARSEN: I'll abstain.

CHAIRMAN CAMPBELL: I abstain. Were you here?

REP. CLOUTIER: I was here as an alternate.

CHAIRMAN CAMPBELL: Boutin abstains as well.

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\*\*\* {MOTION ADOPTED}

(4) Old Business:

(5) New Business:

CHAIRMAN CAMPBELL: Okay. So now we are official and into a new session. The first item before us is the approval of State agency lease exceeding five years. It's LRCP 13-002, Department of Health and Human Services. This is a holdover from the last session, the last biennium. It was tabled on November 27th and when the Legislature was changed over, it died on the table. Commissioner Toumpas is here. Do you wish to speak on this?

NICK TOUMPAS Commissioner Department of Health and Human Services: I do. Just want to see what the deal is.

Good afternoon. For the record, Nick Toumpas, Commissioner of Health and Human Services. I did speak with the Governor's Office and somebody will be coming over from the Governor's Office as soon as they're able to get over here, so.

CHAIRMAN CAMPBELL: Okay.

MR. TOUMPAS: This is an item that was, I believe, tabled back several months ago. And so given the fact that there are some additional faces that are here, I would like to just kind of go through what it is that we're looking to do, the rationale for what it is that we are looking to do and then open it up for any questions or concerns that the Committee may have. I'm joined or will be here by Dave Clapp from our Bureau of Facilities and Assets Management and he works for Administrative Services and has been central to our whole procurement process on this. Is that

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fair to go through that?

CHAIRMAN CAMPBELL: Sure.

MR. TOUMPAS: Okay. So in the -- in the last legislative session current budget, the Department had put forward a series of initiatives in terms of doing consolidation around contracts and around streamlining of our delivery system for how we deliver services. Not just contracted services but also direct services. And our goal was really to ensure that a streamlined and effective service delivery system and we proposed that in the last session. It was approved in House Bill 2 and became legislative intent. And beyond -- beyond that, there were also some expected savings that we would achieve as a result of doing several of these consolidations to the tune of over a million dollars in General Funds that would be expected over the course of the biennium to do this.

Well, the savings were important in terms of what we were looking to do. There were four primary objectives that we were looking to try to accomplish: Improved access to services through the greater use of information technology and, again, I can dive into whatever level of detail that you would like on any of this. Improve design for greater safety, security, and privacy of clients. This is a significant issue that we have in a number of our offices where we have some of the older offices where you have a worker that is sitting with his or her back to the wall and a client, the only egress out of there is the -- is the door behind where the client is sitting and our worker is sitting behind a desk and there's no way to be able to get out.

We wanted to implement and have implemented teleworking in some of our field staff to reduce our space requirements and in line with the Governor's energy plan we

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wanted to improve the energy efficiency of the facility.

So we did an analysis of our caseloads and we were looking to consolidate our field offices to bring it down to seven field offices. And in this case, we are looking at creating an office up in the Conway area called the Eastern District Office, and I'll get into that in a moment. But as we did our analysis, as we looked at our caseloads and the geographies that were being served and said we needed to look at all aspects of how we were doing that, looking at the caseloads that we have within a particular office, the caseloads that we have per worker, the mileage for travel for people to go off and serve those particular areas, as well as the access routes for the clients that were being served. So the effort that we're really looking to do is to create this Eastern District Office which takes the catchment area currently served by our Conway office, plus a portion of the Rochester office. And the rationale -- and what we did was we went through a whole procurement process which, again, I can go -- I know there was some questions on that. Dave Clapp is here with me to go through that. But when we looked at the office, we ended up having two bids for the office and our current Conway office currently serves 2400 cases. This is a case count as of the -- as of the end of February. Eight hundred and fifty of those cases were from four towns in the immediate Conway area. Conway, North Conway, Center Conway and Eastern Conway. There were another 900 cases that are from Ossipee, Tamworth, Wolfeboro, and Effingham. And those areas, especially that 900, is really right around the Ossipee area.

The proposed office that we are looking to do here also in terms of moving, shifting our caseloads, seeks to add four towns that would add another 1200 cases that are currently being served by a very large and stressed office in Rochester. These would include the towns from Farmington, Milton, Middleton, and New Durham. And so we

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want to, again, as all the materials that you have before you, I'm not going to belabor all that because I think you have that set of materials before you. But we set out our requirements because we had done this in two other areas in the state. We had done this in the Seacoast area and we had done a new office configuration. We had done it in the Seacoast area and we had done it down in the southern area where we consolidated Salem and Nashua. We began the procurement process in September of 2011 with a visit to the current landlord, if you will, for the Conway office. In October we issued an RFP. October of 2011 we issue an RFP and we posted that. That was sent directly to the existing landlord. We also posted that in the *Union Leader*, the *Carroll County Independent* and the State Website with letters of interest due by the 12th of November 2011. Two were received; one by the incumbent and one by the organization that we wanted to award the contract to. 'Cause we went through the whole competitive bid process and they were -- we wanted to award the contract to them.

So that is -- that is at a high level what it is that we are looking to do. Rather than try to anticipate every question that the Committee may have, I'll stop there and open it up for any questions. I will be joined by Dave Clapp for any questions related to some of the costs or any other questions related to the procurement process itself.

CHAIRMAN CAMPBELL: Senator Stiles.

SEN. STILES: Thank you, Mr. Chairman. Thank you for your explanation. I just want to make sure I understand. This will be the third facility that you're combining?

MR. TOUMPAS: Say --

SEN. STILES: The third facility that you're combining?

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MR. TOUMPAS: This would be the third region of the state where we are doing some consolidation. In this particular area, Senator, we are not -- we are not merging two offices. What we are doing is we are taking areas that towns that are being served by another office and re-allocating or redistricting, if you will, those towns to the Eastern D.O. is what we had contemplated. That was within the RFP that those catchment areas would be there. And so the winning bidder from our standpoint seek to put the office in Ossipee, which is central to much of the populations that were being served there.

SEN. STILES: My second question is will this provide better services for our -- for your clients and will it also be cost-saving for the State?

MR. TOUMPAS: The answer to those questions are yes. Our intent was on the consolidations was never to -- was never to scale back the level of services that we provide. In fact, what we wanted to be able to do was enhance those services. Again, using information technology, as well as being able to be able to site the offices in the areas where the populations that are being served actually reside. Many of these offices have been in place for a number of years and we never really have systemically taken a look at where the populations that are -- that are being served by those offices are vis-a-vis where the offices are located. When we put the initiative forward in the last budget to do that consolidation, that's what our intent was, was to really look at where the people are being served, where they live right now, where they're likely to come from, moving forward in order to basically set up an office that was going to be more -- more accessible to them, as well as to allow our workers that spend a considerable amount of time going off and visiting families in those -- in those communities to lessen the amount of travel time that they would have.

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The other question having to do with the cost, yes, from my bricks and mortar facility and the ongoing maintenance of the facility, electricity, the -- the heat and the power and so forth, yes, there are savings and, again, the details on that I would have Dave Clapp would be able to address those for you.

SEN. STILES: Thank you.

CHAIRMAN CAMPBELL: Representative Chandler.

REP. CHANDLER: Thank you, Commissioner. I notice in the submission there's a statement this building will not only assist in improving the economy in the Ossipee area, which I guess is fine, but are you making -- someone's making assumption the economy in the Conway area is good, I guess, and I would just -- I -- we're just changing one place for another, aren't we?

MR. TOUMPAS: Well, no. Basically, what we looked at where the -- I have a map, Representative Chandler, that I could share in terms of the actual number of cases and what our -- that our history has been in those particular areas. And when we -- we didn't have any preconceived notions as to where the office was going to be located when we put -- put the RFP out there. But when the RFP came back and the bidder had that type of information, the location in Ossipee, we didn't select this because of the location. We selected it because they had the lower -- the lower bid and met the complete requirements that we had specified in the RFP.

REP. CHANDLER: Further question?

CHAIRMAN CAMPBELL: Yes.

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REP. CHANDLER: My point was the statement that says it will assist in improving the economy in the Ossipee area has nothing to do with clients or anything else. One would make the inference from that that someone that wrote this thinks the economy in Conway is okay because, obviously, the economy in Conway is going to suffer if all these jobs and all this moves up there.

MR. TOUMPAS: The idea of -- I'm not quite sure where the -- what was meant by that.

REP. CHANDLER: Well, I don't -- I know nothing -- I don't know how else to interpret that other than that directly that someone thinks the economy in Conway and I guess there's people who think that.

MR. TOUMPAS: No, I --

REP. CHANDLER: My second question is, there are somewhere, what, 21 or 23 people that are now going to have to drive X amount of miles, the workers that are here, to Ossipee. And I just -- is that factored into the equation at all?

MR. TOUMPAS: No matter where we put an office, Representative, we got people from around the areas. I'm looking at -- I had an initiative that was really around what we needed to do to better provide services to the people that we serve. And there's a considerable cluster of people that -- people going to need to drive distances, whether it's those in the Conway area or coming up from Ossipee or coming from the areas around the -- upwards from the Rochester area. There's going to be -- there's going to be an impact on people. What we were looking at was that the location here was more accessible from a number of different -- from the towns that we were looking to serve by this -- by where the office would be located.

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CHAIRMAN CAMPBELL: Commissioner, I have a question regarding the timing of 'cause currently what's your situation when the current lease expires, when do you have to -- when do you have to -- what's your timing?

MR. TOUMPAS: Is Dave here?

DAVID CLAPP, Administrator, Bureau of Facilities, Department of Administrative Services: Yeah.

MR. TOUMPAS: Come on in.

CHAIRMAN CAMPBELL: Please join us.

MR. TOUMPAS: We would need to do a -- I believe we've already done or are in the process of doing an extension to the lease for the existing one in order to -- in order to be able to put this into place.

CHAIRMAN CAMPBELL: Is this something that we can take up at a meeting a month from now without doing harm to the situation?

MR. TOUMPAS: Well --

CHAIRMAN CAMPBELL: Within the confines of an extension, I guess.

MR. TOUMPAS: Say again?

CHAIRMAN CAMPBELL: Within the confines of an extension, I guess.

MR. TOUMPAS: What is the existing contract, Dave?

MR. CLAPP: We did an extension. I believe it's --

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MR. TOUMPAS: Recently.

MR. CLAPP: Yeah.

MR. TOUMPAS: Through Governor and Council we did an extension of the lease with the existing landlord in the Conway office.

CHAIRMAN CAMPBELL: Answer this one first. So the extension is --

MR. CLAPP: I believe it goes through to November, if I remember correctly.

CARL THIBODEAU, Conway, NH: I just jump in. I'm the current landlord.

CHAIRMAN CAMPBELL: Yeah. Sure, sure.

MR. THIBODEAU: The current lease expires June 8th.

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

MR. THIBODEAU: Carl Thibodeau.

CHAIRMAN CAMPBELL: Carl Thibodeau, he's the current landlord. And what's the extension of the -- is this the new lease you're talking about that you're looking up?

MR. CLAPP: That was the extension.

CHAIRMAN CAMPBELL: Extension is through June 8th.

MR. CLAPP: Yeah.

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CHAIRMAN CAMPBELL: Okay.

SEN. STILES: I have a question.

CHAIRMAN CAMPBELL: Yes, Senator Stiles.

SEN. STILES: My question is how does this impact the RFP and the people that you were going to award this to?

MR. TOUMPAS: Well, my -- my concern on all this is that we went through a procurement process. And, again, we issued an RFP. We defined our requirements. We issued an RFP. We went through a competitive bid process. We were doing everything consistent with what legislative intent was. We believe we have a proposal that is going to save money. That is going to be able to provide better service and is the linchpin for a number of the other consolidations that we want to be able to do moving forward. And right now if -- I understand your point about an extension, but towards what end? Because I went through a competitive bid process. And either -- and that was done, again, by the book that we have in terms of the procurement process. I'm concerned that to do anything other than to move forward on this basically puts me at risk and puts the Department at risk for some type of litigation because we are not following through on a valid procurement process that we went through.

REP. CHANDLER: Could I just --

CHAIRMAN CAMPBELL: Sure.

REP. CHANDLER: I'd just like to point out part of your bid process and part of your documents require approval of this Committee.

MR. TOUMPAS: I understand that, sir.

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REP. CHANDLER: Okay. Thank you.

MR. TOUMPAS: I understand that.

CHAIRMAN CAMPBELL: Michael Connor, did the lease go through your office, through Administrative Services?

MICHAEL CONNOR, Director, Bureau of Plant & Property, Department of Administrative Services: It's overseen by that, but it actually goes through Dave as the person. Yes, overall the Department. Yes.

CHAIRMAN CAMPBELL: But it really was done through HHS 'cause they have the people to do it. What's the desire of the Committee?

SEN. RAUSCH: Could I ask a question?

CHAIRMAN CAMPBELL: Sure.

SEN. RAUSCH: Thank you, Mr. Chairman. We're talking about some things, I guess, what -- on a per square footage basis this lease is 2325 escalating to 2480 per square foot. Do we know what the square footage competitive bids were? I don't have any data on the economics of this. I only have what this lease is and what the increases are on a year-to-year basis on this lease. Do we have any data on what --

MR. TOUMPAS: It's not in this package here. Bear with us for one second.

CHAIRMAN CAMPBELL: Well, I'll tell you what --

REP. CHANDLER: Mr. Chairman.

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CHAIRMAN CAMPBELL: No, please.

**\*\*** REP. CHANDLER: Based on everything we have heard and talked about, I think this needs some more examination and especially I do know I spoke to the Governor earlier and, obviously, she's had a lot of things going on, want to take a look at it. I would move to table this to our next meeting.

CHAIRMAN CAMPBELL: Representative Chandler moves to table the matter. Is it seconded?

REP. CLOUTIER: Second.

CHAIRMAN CAMPBELL: Representative Cloutier seconds it. I think on the floor of the House I think it is debatable, isn't it? No? Even in a Committee?

SEN. LARSEN: No.

CHAIRMAN CAMPBELL: Okay. All right. All those in favor? Opposed?

SEN. STILES: Aye.

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

CHAIRMAN CAMPBELL: Senator Stiles opposes. What we will do is we will make sure we have this on -- we will meet within three or four weeks so we can resolve this issue. I apologize to the people who drove all the way down from Conway and Ossipee. I apologize to the Commissioner, too, because you're caught in-between, you know, last session and this session. But we will resolve this at the next meeting up or down. We need to do that.

MR. TOUMPAS: If I may?

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CHAIRMAN CAMPBELL: Yes.

MR. TOUMPAS: What is it that the Committee, if there are key questions that in terms of either data or other things that you need? I mean, clearly --

CHAIRMAN CAMPBELL: That's a fair question.

MR. TOUMPAS: -- we went through a procurement process. While I don't have the details in terms of what Senator Rausch is talking about at this point, clearly we awarded this based on the low-cost bid and it met all the requirements. It came in at the lower cost. Now if I can give you all the details that will basically say that, but the Governor and Council item clearly states that. But if -- so if there are other type of data or information you need in order for the Committee to basically weigh in one way or the other on this, that would be very helpful.

CHAIRMAN CAMPBELL: I think what Representative Rausch asked for may be helpful; right? You asked for comparables?

SEN. RAUSCH: I'd just like to see what the current per square foot basis is, what this is, and if there was another from the current landlord you've got a lease extension and I don't know what -- I'd just like to see what the financial data is. Just so I can try and calculate, you know, where the savings are financially. If the savings are because you're consolidating, that's a little different than the savings on the per square foot basis. So I'd like to at least see what the square foot basis is.

MR. TOUMPAS: I believe the source of the savings will be in both of those areas due to the consolidation, as well as the cost for the facility. Because it had to be apples

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to apples between -- between one versus the other.

CHAIRMAN CAMPBELL: If any information that you get, I think the earlier you provide it to the LBA, they can distribute it to us way ahead of our packet so we can have that information at our disposal. Yes, Representative Chandler.

REP. CHANDLER: I have some questions that I will submit to the Chairman. Then I will submit some information I would like and I'll submit that through the Chairman and he can deal with you.

CHAIRMAN CAMPBELL: Pass on to LBA and to you. But we will resolve this issue because of the fact that your lease is expiring. We need to make plans. We will do that. We will try to have a meeting within the next four weeks -- three to four weeks so we can resolve this issue. Okay.

MR. TOUMPAS: Okay.

CHAIRMAN CAMPBELL: Thank you all for coming. Sorry you didn't get to speak.

Okay. Next item. I guess the DOT is up. Next item is LRCP 13-004, Department of Transportation. Gentlemen, introduce yourselves for our new members. Know your faces to a lot of us. Thank you.

CHUCK SCHMIDT, Administrator, Bureau of Right-of-Way, Department of Transportation: Good afternoon. I'm Chuck Schmidt from New Hampshire DOT. I'm the Administrator for the Bureau of Right-of-Way. And today I have Mr. Philip Miles here who is the Chief of Property Management for the Bureau of Right-of-Way with me.

This afternoon 13-002 or, excuse me, 13-004, the

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Department of Transportation requests authorization to sell and release its interests in a 1,539 square foot portion of the limited access right-of-way located on the westerly side of the F.E. Everett Turnpike Interstate 293 in the City of Manchester, directly to the Allard Family L.C. for \$4,100, which includes an administrative fee of \$1,100, subject to the conditions as specified in the request dated January 18th, 2013.

CHAIRMAN CAMPBELL: Is there any --

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

CHAIRMAN CAMPBELL: Senator Rausch moves and Representative Lerandean seconds that we approve LRCP 13-004. Any discussion?

SEN. LARSEN: Question.

CHAIRMAN CAMPBELL: Yes.

SEN. LARSEN: It's interesting to me that when you read that they constructed the building later, realized they were using -- they were inside the limits of the Everett Turnpike right-of-way. So, in essence, aren't we rewarding people who -- I mean, we are --

MR. SCHMIDT: No.

SEN. LARSEN: What is the deterrence from doing this in the future if you allow people to encroach on right-of-way and then allow them to buy it later on like whoops?

MR. SCHMIDT: Sure, Senator. This is somewhat unique. That was part of the Turnpike Project and the relocation or the addition on that building was coincident to that. And the original intent was to give them this right-of-way,

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sell it to them at the time of the project and --

CHAIRMAN CAMPBELL: So DOT's mistake more or less you're saying?

MR. SCHMIDT: Well, I'm not sure how. I don't want to admit just yet. I don't know how it slipped through the crack.

CHAIRMAN CAMPBELL: That's okay. We all make them.

MR. SCHMIDT: Starting off the session right.

CHAIRMAN CAMPBELL: That does answer the question.

SEN. LARSEN: That does answer my question. Thank you.

CHAIRMAN CAMPBELL: Thank you, Senator. We got a motion on the floor. Anymore discussion? All those in favor say aye? Opposed? The item is approved.

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

MR. SCHMIDT: Thank you. 13-009, the Department requests authorization to sell a two plus or minus acre parcel of State-owned land by sealed bid process to the general public in the Town of Piermont by amending LRCP 11-028, approved August 23rd, 2011, to decrease the minimum bid requirement from \$25,100 to \$7,600, which includes an \$1,100 administrative fee, subject to the conditions as specified in the request dated February 11th, 2013.

CHAIRMAN CAMPBELL: Can you explain the logic?

MR. SCHMIDT: Yeah. When the original appraisal was done, there wasn't -- the market was so slow there weren't -- there was just one comparable used. And it wasn't really

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specific or didn't fit the characteristics of this property.

When we put it out to bid, we received one bid for 5,000. So we had our chief appraiser re-evaluate the appraisal. He did a summary -- another and I think that's in the package, and he was able to find several other comparables that had happened in that time span. So with his revised analysis, this is his recommended true value.

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

**\*\*** SEN. LARSEN: Move approval.

REP. CLOUTIER: Second.

CHAIRMAN CAMPBELL: Senator Larsen moves and Representative Cloutier seconds approval of LRCP 13-009. Any further discussion? Ready for the question? All those in favor? And opposed? Nobody.

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

CHAIRMAN CAMPBELL: Thank you. 13-011.

MR. SCHMIDT: The Department requests authorization to extend the listing agreement with Coldwell Banker for a term of 6 months for the sale of a 4.4 plus or minus acre parcel of State-owned land located on the corner of Radburn Street, Smyth Road, and Mammoth Road. With the parcel also being located on the easterly side of Interstate 93 in the City of Manchester for the current listing price of \$150,000, allowing negotiations within the Committee's current policy guidelines, and assess an \$1,100 administrative fee, subject to the conditions as specified in the request dated February 13, 2013, LRCP 11-032, originally approved November 3rd, 2011, and subsequently

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amended by LRCP 12-045, September 18th, 2012.

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

**\*\*** REP. CLOUTIER: Mr. Chairman, I move approval of item 13-011.

REP. LERANDEAU: Second.

CHAIRMAN CAMPBELL: Representative Cloutier moves and Representative Lerandeau seconds. Any discussion?

SEN. RAUSCH: Mr. Chairman, I'm not familiar with this. And my only question is I don't know what happened to our Senator who represents Manchester, but I am wondering where he is on this.

CHAIRMAN CAMPBELL: Why don't we skip over it and come back to it. Wait until he gets in the room. Fair enough? Yeah, move on to 13-012.

MR. SCHMIDT: Okay. The Department requests authorization to sell two parcels of land, 0.94 plus or minus acre and 0.1 acre, located on the easterly side of U.S. Route 3, New Hampshire Route 11, in the Town of Tilton, directly to the Town of Tilton for \$14,700 which includes an \$1,100 administrative fee subject to the conditions as specified in the request dated February 15th, 2013. I would also like to point out that the town is represented in the audience today, also.

CHAIRMAN CAMPBELL: Okay.

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

REP. LERANDEAU: So move.

CHAIRMAN CAMPBELL: Senator Rausch moves and

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Representative Lerandean seconds acceptance of item 13-012. Any discussion or questions? Seeing none. All those in favor? Opposed? Item is approved.

\*\*\* {MOTION ADOPTED}

MR. SCHMIDT: Thank you, sir.

CHAIRMAN CAMPBELL: Thank you. We are going to come back, Senator. We skipped over an item, 'cause we wanted your input. It's in your neck of the woods here. 13-011. This item right here. We have taken no action at all.

SEN. RAUSCH: There was a motion.

CHAIRMAN CAMPBELL: There was a motion.

REP. CLOUTIER: Motion -- I made the motion.

CHAIRMAN CAMPBELL: Motion to approve. We wanted your input.

SEN. RAUSCH: We waited for the Senator from Manchester.

CHAIRMAN CAMPBELL: Collegiality of the Senate is something to behold.

SEN. BOUTIN: My good friend from Derry always has my back.

CHAIRMAN CAMPBELL: So there is a motion on the floor to accept it. Do you have any --

SEN. BOUTIN: No questions right now.

CHAIRMAN CAMPBELL: Okay. Any other further discussion

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or questions on 13-011? Seeing none. All those in favor? Opposed? 13-011 has been approved.

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

CHAIRMAN CAMPBELL: We took care of 13-012 while two members were out of the room. Now we are up to 13-013.

MR. SCHMIDT: The Department requests authorization to extend the listing agreement with NAI Norwood Group for a term of 6 months for the sale of 11.7-acre (4.75 hectare) parcel of State-owned land with buildings located at 41 Range Road, easterly side of New Hampshire Route 111, just south of Searles Road in the Town of Windham for the current listing price of \$1,250,000, allowing negotiations within the Committee's current policy guidelines and assess an \$1,100 administrative fee, subject to the conditions as specified in the request dated November 20, 2013, LRCP 12-019, approved April 3rd, 2012.

SEN. RAUSCH: Thank you, Mr. Chairman. I thought we already sold this? I thought -- what happened?

MR. SCHMIDT: Well, we are close to finalizing. But what's going to probably happen is this -- their date will end before we can do the final closing.

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

SEN. BOUTIN: Second.

SEN. LARSEN: It's a listing agreement extension.

CHAIRMAN CAMPBELL: Senator Rausch moves and Senator Boutin seconds the acceptance of item 13-013. Yes, Representative Chandler.

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REP. CHANDLER: Without disclosing anything you can't disclose, are we close, like within a month, or we talking -- I mean, it's pretty close?

MR. SCHMIDT: I think we are within a month, maybe a little longer. We are discussing details of the deed.

REP. CHANDLER: Okay. Thank you.

CHAIRMAN CAMPBELL: All right. Any other questions? Discussion? Good luck. All those in favor? Opposed? None.

\*\*\* {MOTION ADOPTED}

CHAIRMAN CAMPBELL: Okay, that does it for DOT.

MR. SCHMIDT: Thank you very much.

CHAIRMAN CAMPBELL: Next is Department of Administrative Services. Michael Connor is here to walk us through these next three items or next two items, I should say. Hi, Michael.

MR. CONNOR: Good afternoon, Mr. Chairman, and Members of the Committee. For the record, my name is Mike Connor. I work for the Department of Administrative Services where I serve as Director of Plant and Property Management. I'm here today to seek your approval to enter into a listing agreement with NAI Norwood Group to sell the property located at 25 Walnut Street known as the Nashua District Courthouse in Nashua. The property consists of one building totaling approximately 19,459 square feet with just over an acre of land. We solicited proposals for real estate services in September. We received five responses with opinions of value between 750,000 and 1.8 million. Based on the criteria of the RFP, NAI Norwood Group is being

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recommended for award. We are seeking approval to list the property for \$1,153,778 with the ability to negotiate up to 10% below list price, plus an administrative fee of \$1,100. I'd be glad to answer any questions you may have.

CHAIRMAN CAMPBELL: Yeah, I have one and, I'm sorry, I didn't -- I forgot, just came up now. The Mayor of Nashua called me last night, and they have interest in this and asked that it be tabled. I don't know. She was under the impression, just so you know, and I don't mean to blind side you on this, but she was under the impression that she was waiting for the appraisal number, and said that the City of Nashua never got the appraisal from you.

MR. CONNOR: They requested it from us?

CHAIRMAN CAMPBELL: That's what she was aware of. That's what she thought.

MR. CONNOR: Okay. Well, we'll be glad to provide --

**\*\*** CHAIRMAN CAMPBELL: That's what I told her you would be. So given that, and where they can have first crack at it, I would make a motion that we table LRCP 13-005.

SEN. STILES: I'll second.

CHAIRMAN CAMPBELL: Seconded by Senator Stiles. Any discussion? All those in favor? Opposed?

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

CHAIRMAN CAMPBELL: The next, LRCP 13-006. This is an interesting one.

REP. CHANDLER: I would say.

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MR. CONNOR: Again, Mike Connor from Administrative Services. I'm here today to seek your approval to enter into a listing agreement again with NAI Norwood Group to sell the property located at 247-249 Pleasant Street in Concord. The property consists of two buildings totaling 5,356 square feet, with just under an acre of land. We solicited proposals again for real estate services in November and received three responses with opinions of value between 350,000 and 480,000. Based on the criteria of the RFP, NAI Norwood Group is being recommended again for award.

Given the unique location of this facility, and the amount of interest, and we have had a lot of interest in this property, we are requesting permission to list the property without setting a listing and/or asking price. We are proposing to return to the Long Range Planning and Utilization Commission -- Committee within 60 days to seek approval to sell the property at the highest and best price. With the approval of Long Range Planning and Utilization Committee, the property would then be offered to the City of Concord at the proposed sale price, and I would be glad to answer any questions you may have.

CHAIRMAN CAMPBELL: Thank you. I guess the reason, this property abuts Concord Hospital, I believe; right?

MR. CONNOR: It's right across the street from Concord Hospital. It abuts the Dartmouth-Hitchcock Clinic.

CHAIRMAN CAMPBELL: And both hospitals are interested in this property.

MR. CONNOR: They're very much interested.

CHAIRMAN CAMPBELL: Very much interested.

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MR. CONNOR: As well as other folks that have called.

CHAIRMAN CAMPBELL: So we are here to, hopefully, get the best price for it. We thought that -- Mr. Connor recommended that instead of setting a price that allow a broker to get the best price by talking to all parties.

REP. CHANDLER: Well, a couple things.

CHAIRMAN CAMPBELL: Sure. It's unusual so we need to discuss it.

REP. CHANDLER: Why don't we have an auction?

CHAIRMAN CAMPBELL: Well, I also recommended that or suggested that, that we go to either seal bid or auction as well.

REP. CHANDLER: But my other question is, and I --

SEN. LARSEN: It's prime real estate.

REP. CHANDLER: Pardon?

SEN. LARSEN: I say it's prime real estate.

REP. CHANDLER: Let the Department do a -- the other question I have though is, and I'm not -- I am somewhat, I guess, in the real estate business, although it isn't anywhere I am too much. Is there anyone else, someone here from one of the agencies or not? No? Oh, yes.

CHRIS NORWOOD, NAI Norwood Group: Yes. Chris Norwood from NAI Norwood Group.

REP. CHANDLER: Can you actually take a listing without the price being on it?

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MR. NORWOOD: We can take a listing with a price and not disclose it to the marketplace. If this answers your question, Representative, we could say that the price tag is a dollar and not disclose it to any of the parties. Or we could say it's \$10 million and not disclose it.

REP. CHANDLER: That was just a question. Thank you.

SEN. BOUTIN: Mr. Chairman.

CHAIRMAN CAMPBELL: Yes.

SEN. BOUTIN: Sort of a follow-up of Representative Chandler. Having been in the real estate business in years past, I find this a rather odd arrangement. And so I would -- I would think that while they may be able to disguise it to the public, this Committee and/or Members of this Committee ought to know what they're contemplating in terms of the price.

CHAIRMAN CAMPBELL: It does contemplate it comes back to the Committee for final approval however.

SEN. BOUTIN: I'm not comfortable doing it the way they're doing it.

CHAIRMAN CAMPBELL: Okay. I have the same question. What's been done in the past on properties like this, Mike? Guide us in terms of what's been done on properties that were -- well, that are heavily sought after and how have you handled them?

MR. CONNOR: I've never really been in a case where I've had this much interest. Literally, people are calling -- lots of people are calling for the property. I was just concerned if we went through the conventional

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process that we might be setting the bar too low and selling ourselves a little short. I mean, certainly within your purview to do that if you want to, just understanding you more or less set the price then when you do that.

CHAIRMAN CAMPBELL: Senator Boutin.

SEN. BOUTIN: Mr. Connor, is there an appraisal been done on this property, do you know?

MR. CONNOR: Yes, The appraisal was completed and it came in at 300,000. The market analysis had a recommendation or a range of 375 to 428,000. The properties are old, will probably need to be demolished. The value is really in the land. And so you don't get as much as you might think. But it is very valuable to the people that are next door. It's a very sought after property for a professional building.

CHAIRMAN CAMPBELL: Seems like some of the options we have is you could put it out to auction with a minimum opening bid.

MR. CONNOR: You certainly could do that.

CHAIRMAN CAMPBELL: You can do seal bid situation where people come in with their best shot. Those are pretty much the two options, I think, that you do on something like this. Yeah.

SEN. RAUSCH: You could also put it out for highest bid with approval of the Committee so we could make sure that the Department is getting the number that they think it is and we would, hopefully, concur with that. I mean --

MR. CONNOR: That's what I'm asking, if I didn't ask it right.

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CHAIRMAN CAMPBELL: That's what this is pretty much.

MR. CONNOR: That's what I'm asking, that we get the best price.

SEN. RAUSCH: Can it be done this way without saying highest -- I don't think you put in here highest bid, did you?

MR. CONNOR: No; but obviously we list -- have someone that's in the best interest to do that and perform, more or less, like an auction. Even an auctioneer, you're still going to have to pay a commission if somebody is trained to go and work within those parties and seek the best interest, in their best interest as well as ours.

SEN. RAUSCH: If I might?

CHAIRMAN CAMPBELL: It has to come back here.

MR. CONNOR: I have to come back within 60 days.

SEN. RAUSCH: There was one piece of property that the DOT had some years ago that was put out like we had almost talked about Windham about a high bid. There are a few properties that have a lot of interest that you might actually get more than one individual bidding more than what an appraised value would be.

CHAIRMAN CAMPBELL: Well, I think that's the case here.

SEN. RAUSCH: And so if we put a number to it, it does somewhat lock them in. If we said the appraised value at 300, it's hard then to go, well, we are not going to accept your 300. We're waiting for 500. So there are -- I can see they're in a little bit of a Catch-22 on this one if we put

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a number to it.

CHAIRMAN CAMPBELL: Representative Chandler.

REP. CHANDLER: The one thing you're not going to get as much as the appraised value. It's a good thing we don't pay taxes. Good Lord. The appraised value is three times higher. I mean --

MR. CONNOR: The assessed value, you're right.

REP. CHANDLER: Assessed value is three times higher than the appraised value.

CHAIRMAN CAMPBELL: Concord knows what it's doing.

SEN. LARSEN: It's prime real estate.

CHAIRMAN CAMPBELL: You know what, it's probably going to go in that range or for more maybe.

REP. CHANDLER: No, I doubt that.

CHAIRMAN CAMPBELL: You don't think that?

REP. CHANDLER: \$950,000?

CHAIRMAN CAMPBELL: You got two -- at least two hospitals that have expressed a lot of interest in this and made a lot of phone calls.

**\*\*** SEN. LARSEN: I would move that we approve this item based on their recommendation of how to get the best price. And I think we want -- we want to hear what the market is going to do on this. It is prime real estate. It is located right in our hospital corridor and that's our job is to get the best price for the State's land.

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(Senator Stiles leaves the committee room.)

SEN. LARSEN: I would move approval of 13-006.

REP. CLOUTIER: I'll second that motion, Mr. Chairman.

CHAIRMAN CAMPBELL: Okay. Let me -- go ahead.

SEN. RAUSCH: Just clarification of the motion. Just to make sure that if I vote for that, that it is the sale would have to be contingent upon the approval of not only -- well, it's approval certainly of Governor and Council, but it would be --

CHAIRMAN CAMPBELL: Comes back to us.

SEN. RAUSCH: It has to come back here for our approval.

CHAIRMAN CAMPBELL: In 60 days.

MR. CONNOR: My request is within 60 days to come back.

CHAIRMAN CAMPBELL: I mean, that's the reason I'm glad we talked about it 'cause I had the exact same questions when I went through the agenda with them. I said exactly what everybody said here, doesn't feel right. But then you go through the process and probably is the way you get the highest number. Any further discussion on this?

Motion has been made by Senator Larsen and seconded by Representative Cloutier. All those in favor of the motion say aye? Opposed? Okay. We'll try that. See you back here in 60 days with a great big number.

MR. CONNOR: Or less. Thank you.

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\*\*\* {MOTION ADOPTED}

CHAIRMAN CAMPBELL: Hello, gentlemen, from Fish and Game.

RICHARD COOK, Land Agent, Division of Facilities and Land, Department of Fish and Game: Good afternoon, Mr. Chairman, Members of the Committee. My name is Richard Cook. I'm a Land Agent for the Fish and Game Department. Joined today by Jim Rines, who's acting as agent for the potential buyer of the property. And we are seeking authorization for the sale of 0.58-acre parcel of land located on Connor Pond Road in Ossipee for \$11,500, plus an \$1,100 administrative fee to the abutters Bruce and Marion Rines of Ossipee, as specified in the request dated January 17th, 2013, LRCP 12-062, tabled November 27th, 2012, died on the table.

CHAIRMAN CAMPBELL: And I recall this item and the reason we tabled it was because one of the abutters had not been offered -

MR. COOK: None of the abutters had been.

CHAIRMAN CAMPBELL: None of the abutters had been offered the right to do it and they wanted to be contacted. Has that been done since?

MR. COOK: Yes, sir.

CHAIRMAN CAMPBELL: And no other abutters interested in the property?

MR. COOK: No. I also placed an ad in the *Conway Sun* and I got one response but no offer was tendered from that response.

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CHAIRMAN CAMPBELL: So given that.

**\*\*** SEN. BOUTIN: I move to approve, Mr. Chairman.

CHAIRMAN CAMPBELL: Senator Boutin moves to approve LRCP 13-007 and seconded by?

REP. CLOUTIER: I'll second that motion.

CHAIRMAN CAMPBELL: Representative Cloutier.

REP. CHANDLER: I have a question.

CHAIRMAN CAMPBELL: Sure.

REP. CHANDLER: I guess it's just -- I don't know it's a question or not. From the Department's or the State of New Hampshire's point of view, do you really think it makes sense to sell a piece of land that's basically abutting a pond where we have a boat launch or whatever?

MR. COOK: The shape of the parcel is quite odd.

REP. CHANDLER: Right.

MR. COOK: And we have plenty of area for future --

REP. CHANDLER: I got it here.

MR. COOK: -- expansion if we need to. And so the Department felt that the money we would receive for it put back into the Boat Access Fund would help us to do another project. 'Cause it's land that really isn't used at all for a boat access and no water frontage is included in the parcel.

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REP. CHANDLER: I understand that. I just have a problem with selling land that abuts our land. I don't know.

CHAIRMAN CAMPBELL: Mr. Rines, show us how it abuts yours?

JIM RINES, Center Ossipee, NH: Sure. Jim Rines, representing my Aunt and Uncle, Bruce and Marion Rines. This is their current parcel here. The Fish and Game parcel is this odd shape here. And they would be acquiring that .5 acres in two different locations. One here that's encumbered by a 40-foot by 40-foot NET&T easement and the other is this sort of orphan triangle that's quite a ways away from the launch. My Aunt and Uncle presently have a deeded path down to the pond and because of the improvements here there's a large rock right here that people can hide behind. There's no port-a-potty here so they're going to the bathroom in the path that my Aunt and Uncle need to get down to the pond on. So I suggested, well, why don't you approach, you know, to see if they could acquire the surplus land if Fish and Game isn't going to use them, and we have gone through that process. But so that's -- and that's obviously why we are here.

There is because of the Shoreland Protection Act, if the Fish and Game was going to expand parking or whatever, there's still a significant area here that would probably be used for it and be more compliant with the Shoreland Protection Act.

CHAIRMAN CAMPBELL: Representative Chandler.

REP. CHANDLER: No.

CHAIRMAN CAMPBELL: Any other questions? Discussion? Ready for the question? All those in favor? Opposed?

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REP. CHANDLER: No.

CHAIRMAN CAMPBELL: Okay.

\*\*\* {MOTION ADOPTED}

MR. COOK: Thank you.

MR. RINES: Thank you very much.

CHAIRMAN CAMPBELL: Thank you. That is the last item. There's two housekeeping items we need.

MR. KANE: There is one more action.

CHAIRMAN CAMPBELL: Don't forget the -- don't forget the railroads. Thank you.

LOU BARKER, Bureau of Rail and Transit, Department of Transportation: I'm Lou Barker from the Department of Transportation, Bureau of Rail and Transit. I'm here to represent the Department in requesting the Committee's authorization to enter into a sale agreement with the Town of Windham for a 1.01 acre parcel of land located on the State-owned Manchester & Lawrence Railroad Corridor in Windham for \$7,000, and assess a \$1,100 administrative fee, as specified in the request dated February 4, 2013. Anybody needs any more information or questions, glad to help.

CHAIRMAN CAMPBELL: Any questions? Yes.

SEN. RAUSCH: Yes. Just since I do represent Windham, can you -- can you just tell me why they want this particular parcel?

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MR. BARKER: Well, they have a rail trail there through the Windham Trail Lines.

SEN. RAUSCH: Yeah.

MR. BARKER: When we were approached by an butter, a developer, regarding this parcel. We did our due diligence and went to the town and asked them if they would be interested rather than face questions here or at G&C. And the Town of Windham went to their conservation club, their trail alliance, and they have come back to us saying we want to buy this and actually have a letter from them.

**\*\*** SEN. RAUSCH: Okay. They don't want it developed. I'll move to approve.

SEN. BOUTIN: Second.

CHAIRMAN CAMPBELL: Senator Rausch moves and Senator Boutin seconds item LRCP 13-008. Ready for the question? Any discussion I should say? No discussion. All those in favor? Opposed?

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

## 6. Miscellaneous

## 7. Informational

CHAIRMAN CAMPBELL: Just two quick housekeeping things we need to do because we are in a new biennium. This is our first. We have a Commission Schedule that we have used for the past several biennium. And I want to just have us approve that. Do you have copies of that for us? And the other thing is what is our policy? Phil Miles, what's our policy as far as negotiation goes? We used to print it in here. We don't anymore so everybody gets to see it.

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Basically, it allows you to negotiate or people to negotiate within 10% of the sales price?

MR. MILES: Correct.

CHAIRMAN CAMPBELL: So I would entertain a motion to say that our current -- that our policy guidelines will be whatever number we put on they're authorized to negotiate within 10%. Somebody want to make that motion?

**\*\*** REP. CHANDLER: Sure.

REP. LERANDEAU: Move.

CHAIRMAN CAMPBELL: Chandler moves and Lerandean seconds. All those in favor of that policy say aye?

**\*\*\* (MOTION ADOPTED)**

CHAIRMAN CAMPBELL: The other thing this is our Commission Schedule we have been using for several years, but we need to at least make a motion to follow that.

**\*\*** REP. CHANDLER: So moved.

REP. LERANDEAU: Second.

CHAIRMAN CAMPBELL: Representative Chandler moves and Representative Lerandean seconds using the same Commission Schedule we used for brokers that we used for the last couple biennium. Any questions on that? All those in favor say aye? And that's it.

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

CHAIRMAN CAMPBELL: I thank you all. The one thing you do want to look at in your packet, it's pretty interesting,

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is the compilation -- the compilation of year-end.

MR. KANE: Yes, the Biennial Report.

CHAIRMAN CAMPBELL: Biennial Report that shows how much property we disposed of and how much is still on the market. And if you have questions about it next time you can ask Mike Kane. But it's shows that, you know, we are -- how much did we sell last year, approximately? We went over it the other day.

MR. KANE: Calendar year '11, \$750,600, and for calendar year 2012 total listings approved was about 12.2 million. So far sold 273,000.

CHAIRMAN CAMPBELL: For the biennium was about \$900,000. A little under a million bucks. So it's a lot of work for a million bucks, boys and girls.

(Adjourned at 4:49 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, LSR, RMR, CRR  
State of New Hampshire  
License No. 47

