

**LONG RANGE CAPITAL PLANNING AND UTILIZATION  
COMMITTEE**

Legislative Office Building, Room 201  
Concord, NH  
Tuesday, June 26, 2012

**MEMBERS PRESENT:**

Sen. James Rausch	Rep. John Graham (Chair)
Sen. John Gallus	Rep. Carl Seidel
	Rep. Christopher Nevins
	Rep. Gene Chandler
	Rep. John Cloutier

(Convened at 10:00 a.m.)

**1. Acceptance of Minutes**

CHAIRMAN GRAHAM: I'd like to open the meeting of the Long Range Capital Planning and Utilization Committee. The first order of business will be the acceptance of the minutes from the May 8th meeting. We do have a quorum.

**\*\*** SEN. RAUSCH: Move to accept.

REP. NEVINS: Second.

CHAIRMAN GRAHAM: Move to accept the minutes from the May 12 meeting. Any discussion? All those in favor, aye. Opposed, nay. They are approved.

Accepted.

\*\*\* {MOTION ADOPTED}

## 2. Old Business

### RSA 228:31-b Disposal of Highway or Turnpike Funded Real Estate

#### LRCP 12-009 Department of Transportation

CHAIRMAN GRAHAM: Old business. Item 12-009 from the Department of Transportation requesting authorization to transfer six, plus or minus, acres parcel of land in the Town of Bartlett.

\*\* MR. CHANDLER: We remove that item from the table.

CHAIRMAN GRAHAM: We move that we take it off the table. Is there a second?

SEN. RAUSCH: Second.

CHAIRMAN GRAHAM: It's been moved and seconded. Any discussion? All those in favor, say aye. Okay. It is now up.

\*\*\* {MOTION ADOPTED}

MR. CHARLES SCHMIDT, Transportation Bureau Administrator, Department of Transportation, Bureau of Right of Way: Good morning. This is that piece that we came back in -- I believe it was May, April requesting the authorization to transfer six, plus

or minus, acres 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 the record, Check Schmidt from the New Hampshire Department of Transportation. And I have Phillip Miles with me.

CHAIRMAN GRAHAM: Question?

SEN. RAUSCH: I'm just -- why did we table it to begin with?

CHAIRMAN GRAHAM: We tabled it at the request of the Selectmen from Bartlett.

REP. CHANDLER: The only thing I would -- I -- I don't think there's anyone here from Trails, is there, today? Okay.

MR. SCHMIDT: I don't think so.

MR. CHANDLER: Is there anyone here from the Trails Bureau? Well, they've issued a memorandum of how the operation will work.

MR. SCHMIDT: Um-hum.

**\*\*** MR. CHANDLER: The only thing I would like to add to this is I'd like to have a two-year trial period and see how it works up there because there are a number of problems, and I think the Department

will be able to handle them. And I think they're headed in the right direction, but we've thought that before, so I'd just like to see it come back for review after two years. So I'll add that as an amendment to the approval.

MR. SCHMIDT: Okay.

CHAIRMAN GRAHAM: It's been moved by Representative Chandler that we amend this item to make it a two-year -- to come back in two years for reauthorization. Is there a second?

REP. NEVINS: Second.

CHAIRMAN GRAHAM: Seconded by Representative Nevins. Any discussion on the amendment? Seeing none, all those in favor, say aye. Opposed, nay. The ayes have it, and it is amended.

\*\*\* {MOTION ADOPTED}

\*\* REP. CHANDLER: Can we approve it as amended?

CHAIRMAN GRAHAM: Representative Chandler moves that item 12-009 be approved as amended. Is there a second?

SEN. RAUSCH: I'll second it. I have a question.

CHAIRMAN GRAHAM: Discussion?

SEN. RAUSCH: I don't recall us doing this before because it's a transfer of land, to give them land, so how do we -- how do we do it with a look

back two years later?

MR. CHANDLER: Well, I think that the issue is what this involves is a public -- or what was formerly a public snowmobile parking lot. It has since become pretty much taken over by three commercial snowmobile operators, and it's created quite a few conflicts. I think, and I believe that it's probably going to work out fine with the Trails Bureau taking control -- or the State taking control of this land, but I'm just not sure.

And if we do get in a situation where it doesn't work out, then we're stuck with not having an option. I just think after two years we'll know. We'll have had two winters, and the town can see whether it will work well or not and may make some recommendations at the end of two years on changes that it would like to see. I mean I think there's no money. It's just two state agencies agreeing to swap a piece of land.

SEN. RAUSCH: And, if I may, maybe I --

MR. CHANDLER: I guess it would be kind of like a reversion clause is what it would be.

SEN. RAUSCH: I guess maybe I misread it, too, because, if I'm correct that this is their only -- they're only accepting control in management, we are not actually deeding this property over to them.

MR. SCHMIDT: That's correct.

SEN. RAUSCH: So we can relook at this in two years.

MR. SCHMIDT: Correct.

SEN. RAUSCH: Okay. Thank you.

CHAIRMAN GRAHAM: Any further discussion? If not, all those in favor, say aye. Opposed, nay. The ayes have it, and the item is approved.

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

## **2. Informational**

### **LRCP 12-020**

CHAIRMAN GRAHAM: We will skip the informational 12-020 since it is replaced by item 12-025, which is a policy concerning listing of State property.

## **3. New Business**

### **LRCP 12-025 Department of Transportation**

MR. SCHMIDT: Yes. Good morning. This is a policy concerning the extension of listing agreements with real estate professionals marketing property for the Department of Transportation as specified in the request dated May 23rd, 2012. This request replaced the informational item LRCP 12-020 which was held over from the meeting of April 3rd, 2012.

CHAIRMAN GRAHAM: Why don't you explain it.

MR. SCHMIDT: Yep. In summary, what we propose or recommend is that the initial listing be for one year to a realtor on D.O.T. property, possible two six-month extensions. At the end of that total of two years, we would send out for a market analysis and bring it back before this Committee at that point.

CHAIRMAN GRAHAM: And right now we are doing six months and then extensions on six months.

MR. SCHMIDT: No, we're doing -- the initial is a year and then with six-month extensions without any end for revisiting except for the extension.

CHAIRMAN GRAHAM: What is your pleasure?

SEN. RAUSCH: I believe -- isn't this what we had requested?

CHAIRMAN GRAHAM: It is. By a motion on --

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

REP. SEIDEL: Second.

CHAIRMAN GRAHAM: Moved and seconded that we accept item 12-025. Any discussion? If not, all those in favor, say aye. Opposed, nay. The ayes have it. The item is approved.

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

**RSA 4:39—c Disposal of Highway or Turnpike Funded  
Real Estate**

**LRCP 12-026**

CHAIRMAN GRAHAM: Item 12-026.

MR. SCHMIDT: The Department requests authorization to sell 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, Incorporated, for \$276,100, which includes an 1,100-dollar administrative fee, subject to the conditions as specified in the request dated May 31st, 2012.

**\*\*** SEN. RAUSCH: Unless the Representative from Conway objects, I will move to accept.

REP. CHANDLER: Second.

CHAIRMAN GRAHAM: Moved and seconded. Is there anybody else who wishes to say anything on this item? If not, any discussion from the Committee? Then all those in favor, say aye. Opposed, nay. The item is approved.

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

**LRCP 12-031**

CHAIRMAN GRAHAM: Item 12-031.

MR. SCHMIDT: The Department requests authorization to sell a 2.37, plus or minus, acre



portion of the limited access right of way located on the westerly side of the Laconia Bypass, U.S. Route 3, in the Town of Gilford directly to the abutter, Traditional Catholics of New Hampshire, for \$13,500, which includes an 1,100-dollar administrative fee, subject to the conditions as specified in the request dated May 31st, 2012.

CHAIRMAN GRAHAM: Anything from the Committee?

\*\* REP. NEVINS: I move that we accept.

REP. SEIDEL: Second.

CHAIRMAN GRAHAM: Moved and seconded. Anybody in the audience wishing to speak on this item? If not, any discussion? All those in favor, say aye. Opposed, nay. The ayes have it.

\*\*\* {MOTION ADOPTED}

**LRCP 12-032**

CHAIRMAN GRAHAM: Item 12-032.

MR. SCHMIDT: The Department requests authorization to transfer 3,200, plus or minus, square foot parcel of State-owned land located in the southeast corner of U.S. Route 3/New Hampshire Route 11/New Hampshire Route 132, Main Street, in Tilton to the Town of Tilton at no cost. Further request authorization to waive the administrative fee of \$1,100, subject to the conditions as specified in the request dated May 31st, 2012.

CHAIRMAN GRAHAM: And why are we doing it at no

cost?

MR. SCHMIDT: Well, when we originally constructed the project, going through the files, it appears the intent was to transfer it to the town at that point, and it was an oversight at that time of construction. At this point -- and the town has been maintaining it throughout. They've come forward at this point, and in order to allocate monies to continue the maintenance, they've requested that they be able to purchase it or that they own it.

CHAIRMAN GRAHAM: Any discussion from the Committee?

SEN. RAUSCH: Mr. Chairman, I don't have a problem with this other than if in fact there was a prior agreement that it was going to be deeded over at no cost, because the policy on this Committee has been that we sell at fair market value. There's got to be some type of documentation to the effect that you said that this was some type of a commitment done years ago --

MR. SCHMIDT: Um-hum.

SEN. RAUSCH: -- prior to what now is the policy of this Committee that we sell at fair market value even to a community. So I just want to make sure we have it documented that this was a prior commitment.

MR. SCHMIDT: Right. Mr. Miles did a lot of the research on this for us, and we have a letter dated November 16th, 2000, which is actually from

the town. The directors of the Tilton Main Street program voted unanimously to support the two votes taken by the Tilton Board of Selectmen at their meeting, and one of those items is upon completion of the project, the remaining vacant land shall be made into a park green area at the expense of the State of New Hampshire and to the specification of the Town of Tilton. The park green area will be maintained by the Town.

CHAIRMAN GRAHAM: Yes.

REP. NEVINS: I would just add I understand and don't object. There may be something additional that needs to be put in writing, but it is for a park. And it's 3,200 square feet. It's not for commercial use, and I think it's a betterment, not only for the Town of Tilton, but I would guess any of our summer visitors who go up there and visit, that I think we'd want to throw our digs in and say New Hampshire is beautiful, and we're taking care of our parks. And I just think this is just too small a piece of land to get excited about.

MR. CHANDLER: Thank you. My concern is I -- it sounds like the town is asking for it. Was there any evidence of anything by the State saying they would give it to them? Obviously the town would ask. I understand that.

MR. SCHMIDT: Right. Right. And, by the way, there may be somebody here from the town, also. What we discovered as far as note -- documentation notes is we interviewed the project manager and some of the other folks that worked on the project, and their recollection is that the Department had made

that commitment.

CHAIRMAN GRAHAM: Brother Seidel.

REP. SEIDEL: Thank you, Mr. Chairman. By its size and access, is there anything that can even be built on it?

MR. SCHMIDT: I don't believe so. It's right up against the river, and the bridge is right there with a guardrail coming around, so.

REP. SEIDEL: Thank you.

SEN. RAUSCH: My concern certainly is not the town getting the property and using it. My concern is that we've had multiple communities that have come forward looking for property, and some of them for areas that are utilized for recreation, but we have put a fair market value, and they've paid for it.

So I just want to make sure that we're not setting a precedent with this one that we're giving something to a community. The reason I will accept this is if in fact there was a prior commitment from the State saying that we would deed it over at no charge.

MR. SCHMIDT: Right.

SEN. RAUSCH: Because, other than that, we're setting a precedent here that we haven't done for other communities because now we are charging them for these properties.

MR. SCHMIDT: Right. It does appear after the interviews that that was the intent, and the commitments were made.

SEN. RAUSCH: Okay.

CHAIRMAN GRAHAM: Representative Seidel.

REP. SEIDEL: To follow up on Senator Rausch's points, prior precedent is one point, but if it's unbuildable, there's no market value. No one is ever going to buy it if you can't build on it.

SEN. RAUSCH: No. My point is even if you put a fair market value of \$100, we can at least say we sold at fair market value. That's all I'm saying.

REP. SEIDEL: Okay.

SEN. RAUSCH: But I would say it wouldn't apply if the State had made a commitment to that community on this piece of property. Then I'd say okay.

REP. SEIDEL: Okay.

CHAIRMAN GRAHAM: Brother Chandler.

\*\* REP. CHANDLER: I move to approve the item.

SEN. RAUSCH: Second.

CHAIRMAN GRAHAM: It's been moved and seconded to approve item 12-032. Any further discussion? All right. All those in favor, say aye.

MS. KATHERINE DAWSON, Selectman, Town of

Tilton: I'm a Selectman from the Town of Tilton, and I just wanted to say I've been a Selectman for 12 years in Tilton, so I was Selectman at the time of this project. And what happened was it was a widening of the bridge -- um -- at the intersection of Park Street and Route 3/11, and there's also a railroad bridge there.

The State bought up four storefronts which took that revenue, that tax revenue, from the town. Two of the storefronts were taken down for the widening of the bridge, and this parcel was leftover. So the State said -- and there were many discussions about this, that look, we'll build you a little park here. Well, we really didn't need the park, but we weren't going to get the storefronts back, so we said okay, and we'll maintain the park. It was with the understanding that they were going to deed it to us so that we could maintain it.

The municipality cannot spend public tax dollars on property it does not own. So for these years we have maintained the park thinking it was ours. D.O.T. thought it was ours until a few years -- last year when we discovered it was not. So the park was somewhat of an exchange of this revenue the town received from the two storefronts that the State took down to widen the road.

SEN. RAUSCH: Thank you for that explanation. If I had had that earlier, it would have made a lot more sense.

CHAIRMAN GRAHAM: All those in favor of the motion to approve the item, say aye. Nay? The ayes have it, and the motion is approved.

\*\*\* {MOTION ADOPTED}

LRCP 12-033

CHAIRMAN GRAHAM: Item 12-033.

MR. SCHMIDT: The Department requests authorization to enter into a listing agreement for a term of one year with Shea Commercial Properties, Incorporated 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 New Hampshire Route 111 in the Town of Windham for \$3,400,000, assessing an administrative fee of \$1,100 and allowing negotiations within the Committee's current policy guidelines, subject to the conditions as specified in the request dated June 11th, 2012.

CHAIRMAN GRAHAM: Representative Seidel.

REP. SEIDEL: Thank you, Mr. Chairman. How big of a hit are we taking on the assessed value on this parcel, on this piece of land?

MR. SCHMIDT: I'm not sure what the assessed value is, are you?

MR. PHILLIP MILES, Department of Transportation, Bureau of Right of Way: I'm not sure.

CHAIRMAN GRAHAM: I think one way to ask it is what did we try to sell it for before?

MR. SCHMIDT: I believe that was 4.5, correct?

MR. MILES: Four point seven we came in asking for a listing agreement in 2009.

MR. SCHMIDT: Representative, Harry Shea, the realtor, is with us, and he just indicated the assessed value is 1.2.

CHAIRMAN GRAHAM: All right.

\*\* REP. CHANDLER: Move to approve the item.

CHAIRMAN GRAHAM: It's been moved that we approve the item. Is there a second?

SEN. RAUSCH: Second.

CHAIRMAN GRAHAM: Moved and seconded. Any discussion? I would just like to say that I sincerely hope that the realtor that you selected does a good job of marketing this and comes in over the 3.4 and not come back to us and say well, I can't sell it even at the 10 percent less and that there really is -- this is a large piece of land in a growing community, so I would really hope that we -- when you come back to us and tell us what you've done, that we have done due diligence and gotten everything that we can out of this piece of property.

SEN. RAUSCH: Do they have to come back?

CHAIRMAN GRAHAM: Well, I'd like to know what they do as information, if nothing else.



SEN. RAUSCH: On -- well, there's two problems. How does the purchase and sale agreement work?

MR. SCHMIDT: If it's 3.4, within that negotiation range, we would execute that.

CHAIRMAN GRAHAM: But I'm asking for an informational briefing back on what you did.

SEN. RAUSCH: I have a follow-up. How do we deal with entities that may be willing to pay more? How is that ascertained in this process that -- I guess that's -- there might not be anybody out there willing to do that, but if there is, how would that be accommodated in this process?

MR. SCHMIDT: Mr. Shea may be able to shed some light on it, but historically what we've done when we've gotten the group of offers, we'll evaluate them, and then we'll go back and say is this your final and best offer.

SEN. RAUSCH: Okay.

REP. CHANDLER: You know, we can amend this any way we want to. If you're concerned with not -- this Committee being in the process when the purchase and sales agreement is signed, let's say, for -- within the 10 percent range, but you don't think it should be, we can change that as part of the approval and say, one, if we don't get the 10 percent, any purchase and sales agreement has to come back to this Committee for approval first. I'm just -- if you're uncomfortable with it. I just think it's time to move on. I wished we would have

done this, gosh, I don't know how many years ago.

CHAIRMAN GRAHAM: Three.

REP. CHANDLER: If we had even gotten this much money or even a little less than this, then just the cost of the money would have made up for the difference in value. So, having said that, I think we need to move on. But if you think we need to amend this to have it come back here for approval, that's no problem.

SEN. RAUSCH: I'm not sure we have to. I guess my concern is that this property is -- there's so much going on over there and so much -- I guess in those communities so much divergence of, you know, how much these properties are worth, and I guess I -- I have no clue. I don't even know if somebody is going to come in with this.

I'm just trying to figure out if there are business entities that view that as very valuable, if in the process we can make sure that we accommodate the different business entities that might be interested in it. That's -- that's all. I don't know that we have to amend it. I just am hopeful that we'll get everything or more.

CHAIRMAN GRAHAM: Representative Seidel.

REP. SEIDEL: Thank you, Mr. Chairman. What's the harm in having the P and S on this property being reviewed and approved by the Committee?

SEN. RAUSCH: I don't know. Have we ever done it before?

REP. SEIDEL: We've done it before. Sure. We've done it on some of the properties for the Community College.

CHAIRMAN GRAHAM: The only thing I would say is that to bring it back here, looking at we're going into July and August, and it will be after the -- before I'm planning to meet again, we take this to mid-September --

REP. SEIDEL: Okay.

CHAIRMAN GRAHAM: -- but that would significantly slow down if there are people out there who want to put the bids in this summer and maybe get started doing something on it. That -- that would be my concern of just trying to get a quorum of some people who aren't running again, and some of us who may be back here.

REP. CHANDLER: I have no problem with this, but I'm just saying the people that had a question, do you want to take out the 10 percent flexibility or reduce it somewhat so this is the price? We're selling at this price or not at all? Or what do you want to do?

SEN. RAUSCH: Given this piece of property has -- I'm -- I even looked at, you know, the different realty entities that put values to it, and when you listen to people in the community, some people say you'll never get it. Some people say it's cheap. I guess I don't know. I guess the real reason for my saying anything is I'm just hoping that the Department will, you know, review these

with the realty company and try and make sure that we can accommodate everyone who was interested, especially those people who are willing to pay more, that we make sure that there's a process, that we define that.

CHAIRMAN GRAHAM: And my hope would be if next week a full price offer came in, that the realty company, knowing that they get paid on how much they sell it for, would be looking around to see if anybody else was going to outbid that particular offer. But we'll see.

REP. CHANDLER: Okay. I guess I asked to move -- did I -- the other question because this gets back to the policy thing anyway, and I don't have a ready answer. In essence, we're already saying we'll take less for it.

CHAIRMAN GRAHAM: Yeah.

REP. CHANDLER: It's almost like we're advertising something for best offer. I always get a kick out of that. Why would you pay full price? We've already settled to take 10 percent less, so why would anyone start at full price, but, nonetheless, that's the way we're doing it, so that's it, I guess.

CHAIRMAN GRAHAM: Any further discussion?

REP. CLOUTIER: Mr. Chairman, I would suggest at the next meeting, whenever we have it, we have an update from BLT, if they're going to be here anyway. I want to know what's going on with that sale September, October.

CHAIRMAN GRAHAM: Instead of --

REP. CLOUTIER: Yeah, I think we need to stay on top of this piece of property in my opinion.

CHAIRMAN GRAHAM: All right. There being no further discussion, all those in favor, say aye. Opposed, nay. The ayes have it.

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

REP. CHANDLER: I have one question for Administrative Services. This site would be big enough for a women's prison, wouldn't it?

CHAIRMAN GRAHAM: Or another Park and Ride?

MR. MICHAEL CONNOR, Director, Plant and Property Management, Department of Administrative Services: Yeah.

REP. CHANDLER: All right.

CHAIRMAN GRAHAM: Moving on.

REP. SEIDEL: Not subject to local zoning.

#### **LRCP 12-034**

CHAIRMAN GRAHAM: Item 12-034.

MR. SCHMIDT: The Department requests to withdraw this item at this stage. We'll bring it back in the future. What's come to light is the areas that have been defined are actually within the

slope easements, and we want to go back to our operation folks and verify that there's not a need for that space to be maintained.

CHAIRMAN GRAHAM: Without objection, the item is withdrawn until our next meeting.

MR. SCHMIDT: Thank you.

**LRCP 12-035**

CHAIRMAN GRAHAM: Item 12-035.

MR. SCHMIDT: The Department requests authorization to enter into a listing agreement for a term of one year with KW Commercial for the sale of a 3.5, plus or minus, acre parcel of State-owned land located on the easterly side of U.S. 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 11th, 2012.

**\*\*** REP. CHANDLER: I move its approval.

REP. SEIDEL: Second.

CHAIRMAN GRAHAM: It's been moved and seconded. Is there any discussion or anybody from the audience? Any discussion among the Committee? If not, all those in favor, say aye. Opposed, nay. The ayes have it, and the item is approved.

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

**LRCP 12-036**

CHAIRMAN GRAHAM: Item 12-036.

MR. SCHMIDT: The Department requests authorization to enter into a listing agreement for a term of one year with the Prudential Verani Realty for the sale of a 1.76, plus or minus, acre of State-owned land located on the southeast corner of U.S. Route 3 and Iron Horse Road in the Town of Bedford for \$325,000, assess an additional 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.

CHAIRMAN GRAHAM: And, as always, the town has the right of first refusal.

MR. SCHMIDT: It will be offered to the town. Also, in this particular case, the previous property owner will be offered.

CHAIRMAN GRAHAM: Okay. That is they do have a revision.

MR. SCHMIDT: Yes.

SEN. RAUSCH: What is the difference in these properties? Where the prior one is 3.5 acres for 350, and this is almost half of that, 1.76 for three and a quarter, what is the difference in these properties?

MR. SCHMIDT: The one with the -- the first one drops right off, so there would be a lot more

site work involved for development versus this one. It's level off of Route 3. And there's a couple parcels on either side. You know, they combine the units. It would be valued based on that.

**\*\*     REP. CHANDLER:** Move to approve the item.

SEN. GALLUS: Second.

CHAIRMAN GRAHAM: It's been moved and seconded that we approve item 12-036. Discussion, if at all? Those in favor, say aye. Opposed, nay. The ayes have it, and the motion is approved.

**\*\*\*    {MOTION ADOPTED}**

#### **LRCP 12-037**

CHAIRMAN GRAHAM: Item 12-037.

MR. SCHMIDT: The Department requests authorization to grant an access point through the limited access right of way of New Hampshire Route 11 for the connection of Frye Road and New Hampshire Route 11 -- correction. New Hampshire Route 111 in Danville to the Town of Danville for \$51,100, which includes an 1,100-dollar administrative fee, subject to the conditions as specified in the request dated June 12th, 2012. And I'd also like to note that there are representatives from the town here.

REP. CHANDLER: No, we give the people a chance.

CHAIRMAN GRAHAM: I think we should give them a



chance.

REP. CHANDLER: Should we give them a chance to say they recall a conversation back in 2000?

CHAIRMAN GRAHAM: If the representatives from the town would --

MR. CHRIS GIORDANO, Selectman, Town of Danville: My name is Chris Giordano. I'm one of five Selectmen from the Town of Danville. I've been working on this project for almost 16 years. I've got a copy of the letter here from the rest of the board. I don't know if you guys want to pass it out or not. They're backing the position I'm taking today with this parcel.

I'll give you a brief history about Frye Road a/k/a Huntington Hill Road which intersects Route 111. Back in 1968 when they constructed 111 through the Town of Danville, they took by eminent domain a lot of land to construct 111, including two roads which were part of Danville's road structure at the time. One of them was Olde Road, and the other one was Huntington Hill Road.

Back at that time I don't think there was a lot of forward thinking of some of the board members from the Planning Board or the Selectmen. It created two dead-ends when they did that with no provisions for cul-de-sacs at the end of either road. Olde Road could have used a cul-de-sac instead of turn around in someone's driveway. At the dead-end Huntington Hill Road, they created one of the longest dead-ends. Back then it was a thousand feet. It wasn't in compliance. Today it's

1,500 feet. It's still not in compliance. It's well over a mile long.

Another thing, too, when they took it by eminent domain, the town received zero compensation for the land, and it was a useable roadway in the Town of Danville. It's part of our infrastructure. We don't think it would be fair to be an assessment for the town when the town didn't receive any compensation when -- when it was taken by eminent domain.

In accordance with your own letter here, it describes if the road was to be tied into a town road, you have the ability to waive the assessment if the town was going to -- if this access point was tying into a town road. It -- actually we're asking for the access back that was cut off.

CHAIRMAN GRAHAM: Senator Rausch.

SEN. RAUSCH: Thank you. You're requesting access. I'm very familiar with that area. The road was originally bisected, but you're only looking for an access from the eastern component. What about -- the western component is also dead-ended?

MR. GIORDANO: It would have been nice if we could have got the whole intersection, but the other part, the northern side of 111 is already -- already developed. And it really wouldn't be any use having a four-way intersection there. It would be nice if you had a cul-de-sac at the end of the other end of Huntington Hill Road so you wouldn't have it dead-ended. I mean it would have been nice to have a little forward thinking by everyone

involved back then, but to be able to lay it out a little more user-friendly, to have cul-de-sacs wherever they created dead-ends.

This one here, it creates more of a safety issue being over a mile long to get emergency vehicles in there. There was one instance where I was out working one night in a snowstorm, come back home after a long -- I was out for three days snowplowing, and there was a tree down on Johnson Road. I had to park the truck at the end of Johnson Road and walk home.

Through my walk home I was thinking gees, wonder if there's a fire or emergency developed, you had to get emergency vehicles in there, they couldn't. There was trees down and wires down, so there was no other access they could have come in off of 111, but there was a gate. And if you're calling for an emergency, are you going to wait for the gentleman to get out of the truck, unlock the gate, put the gate up, and drive in? And it's unplowed. I mean it just creates an awful -- it's an awful situation for the people that live up there.

SEN. RAUSCH: Follow-up. I -- maybe this is a question for the Department. But that stretch of highway has been open, uninterrupted, and people probably exceed the speed limit on it. If we do this, is there any plan for a yellow blinking light?

MR. SCHMIDT: No, there is no plan.

MR. GIORDANO: Actually there is a plan.

MR. SCHMIDT: Oh, sorry.

MR. GIORDANO: We're working with a developer because we want to develop a couple parcels up there, and it's contingent on them getting access to 111. And the Planning Board and Selectmen are adamant about them putting in a working -- not just a blinking yellow light but a working set of lights at that intersection and putting speed limit signs to reduce the speed at that point. I think it's 50 or 55 out there now. I think at the set of lights at Main Street it's down to 40 or 45 miles an hour posted speed, so there is a -- there is a set of plans for a working set of lights there.

MR. SCHMIDT: Our operations bureau didn't indicate any knowledge of that, but certainly if a major developer went in, part of the -- I request that we look at something similar to that. The key would be access via the side road. Our understanding was that this opening was -- was needed because of two large development proposals that have come before the town, and that's why we felt we should elevate it to this Committee.

CHAIRMAN GRAHAM: Representative Seidel.

REP. SEIDEL: Thank you, Mr. Chairman. A question for the Department. In arriving at your \$51,100 assessed value, were you privy to or did you take into account any of these circumstances that are outlined in the letter by the Town of Danville or the gentleman's addressed?

MR. SCHMIDT: No, I don't believe they did. I wasn't -- I'm not the appraiser, but I believe it

was valued based on the development potential of opening this connector.

MR. GIORDANO: If I can add to that, when I met with the appraisers that come out to do the appraisal, they were actually surprised there was going to be an assessed value for this piece where it was actually town-owned property previously and taken from the town without any kind of compensation back then. I mean that was your own Department appraisers were surprised when assessing the value.

CHAIRMAN GRAHAM: When does the town need to have a decision on this?

MR. GIORDANO: Very soon. We got conditional approval with the developer, and this kind of ties the whole project up. And the reason why we're pushing for this development is Danville is a very small town with hardly any commercial tax base. The taxpayers are supporting everything in town as far as additional residential tax.

This development that would -- would be going in would create much needed jobs, not just in Danville but statewide and create tax revenue for both the town and the State. So we're eager to get going with this project to see if we can't get some jobs created, not just construction jobs but over 200 perimeter jobs.

SEN. RAUSCH: I have no problem with what they're attempting to do. So the only thing that, I mean, I'm looking at is just what I had said about the other one is that, you know, now we got the same request that we shouldn't be charging an

assessment. So it's not the approval of this that -- you know, it's what I wanted to avoid from the other situation is we start making exceptions for different communities, and everybody is going to want an exception.

So I am fine with the access. I don't know how we figure out the access is okay. How -- what do you do about the assessment? I don't know.

REP. CHANDLER: I have a question. I don't even know where -- it's obviously in Danville. Obviously it was a limited access highway for a reason, to not have roads onto it for safety purposes. That's why they're done. So now we're going to break that, which I guess -- or we might. I don't know. We are proposing -- or there is a proposal to do that. That's the first thing.

The second item is -- as pointed out, it isn't so much what the value of this is. It's that the increased value of the abutting lands to this would certainly be very significant, probably in excess of what they're paying -- or what would be paid for this. I don't know, there again, if the town in fact should be the one to pay it or the abutting landowners should pay it, but certainly there's a value to them if this happens. I'm not sure that this is even enough for those pieces of land.

MR. GIORDANO: Mr. Chairman, may I --

REP. CHANDLER: Then what happens across the street? Will the next request be on the road on the other side of 111, to open that up, especially if they're going to have a light there? So I don't

know. It's a complex issue.

MR. GIORDANO: According to you people, you do have the right to waive any fee according to your letter back from 1991. If, however, the Town of Danville duly laid out and constructed a Class V highway that ties into the town road system and built a town road to standards, this action in question could be construed as highway purpose, and the credit would be waived. I mean we're not asking for a brand new road. We're asking for our road back.

REP. SEIDEL: Can I see that letter, please?

MR. SCHMIDT: If I can clarify, that's a letter from Federal Highway saying the State can waive that fee. So it's not your Committee at all. But to get back to one of the questions that the Representative had, this was originally laid out as a two-barrel roadway, so the limited access, controlled access, was laid out with that intent. There's no plans at this point to ever widen that road beyond where we're at. So that's why it was purchased the way it was.

MR. GIORDANO: Could I add to that, too? We also took a 300-foot right of way in that part of Danville, which is the widest right of way they purchased between Hampstead and Kingston. The reason why they took that much, I have no idea. But I come to find out they're not going to utilize it in any future plans and don't need 300 feet. Matter of fact, I think they were looking to sell part of that to whoever wanted to purchase it, maybe back to the town. But it's not needed, and limited access

doesn't mean no access. It means limited.

CHAIRMAN GRAHAM: Senator Rausch.

SEN. RAUSCH: Yeah. Thank you. I'm actually a little surprised in looking at this that there was not an access point at least for future consideration because 111 down further south, if they bisected a road, they tried to make sure that we didn't landlock it, so it certainly is not unprecedented to have access, and that's why I don't have a problem with the access. I just don't know what to do about the assessment.

REP. CHANDLER: I just want to point out I agree that there's more to the paragraph on the part of it being waived. Further on they talk about obviously the value of the abutting properties will be increased, and there should be some compensation for this.

The other question is were any of those landowners compensated at the time of the taking for losing access?

MR. SCHMIDT: Well --

REP. CHANDLER: I would assume they were.

MR. MILES: They would have been.

MR. SCHMIDT: Yeah.

REP. CHANDLER: So now they were paid because they lost access. Now the proposal is to give them back the access without charging them for it.



That's not what we do here, I hope.

SEN. RAUSCH: Maybe the town might be better off saying yeah, we'd rather have our access point.

CHAIRMAN GRAHAM: Representative Seidel.

REP. SEIDEL: Well, if there's a deal down there, a major developer is going to hate this, and we would be the ones to foul it up. As far as access, I mean if it was laid out as limited access highway, and it's not anymore, that's fine. If there's going to be some kind of light there, the State is going to evaluate that on their own standard for any development like they would for any road. The question is the value.

I mean Representative Chandler makes the case that we didn't take it for nothing. We actually probably paid out to the private landowners, and I don't know how much the developers want to pay towards this instead of the Town of Danville, but what's the town have to say, I guess is the question. What's the town have to say as to what value? Do they think zero value?

MR. GIORDANO: Zero value. And whether this development gets developed or not, the town would like that access just for the safety, to address the safety issue. It was taken from the town at a zero value back when they took it by eminent domain, so the State figured there was no value to it back then. Now all of a sudden there's a value because there's an interest in development.

I doubt the people that lived up on that road

were compensated because the access got cut off. It created a bigger safety problem than anything. There was very little houses built up there back then, but, like I said, there was no forward thinking on the part of both the State and the town to consider future development as far as future planning.

That's what planning boards are for is to plan for the future, and there was no future planning as far as laying out for -- to keep that connection there for any kind of future expansion for that old Johnson and Frye Road or a/k/a Huntington Hill Road. To have a cul-de-sac or a dead-end that's well over a mile long is not very good planning at all.

REP. CHANDLER: Thank you, Mr. Chairman. I hope you realize that what we're mostly focusing on isn't actually the town's little portion of the land. It's the value increase of the abutting land once this road is opened up that's asked to be compensated for.

I mean I don't think anyone -- the question is the land around this, especially on each side of it right there at the corner, will obviously increase greatly in value because of this, and those people were compensated something before when it was -- when this access was taken from them, and that's all we're trying to recoup. I think that's the idea. That's why I don't care who pays it. I don't think we care whether the Town of Danville pays it or the Town of Danville and the abutting owners or whoever. That's the issue.

REP. SEIDEL: Another way to look at this is who actually should get the value for the increased value in land? Should it be the State or the town? The town is saying we gave it to you for nothing. Now you're selling it back to us. I mean for 51,000. They're saying the access point was denied. The town -- I mean doesn't the town have the right to regain the value rather than the State? There's going to be -- there is going to be -- the landowners are going to benefit by it, but basically it's the town's access point that was taken away.

REP. CHANDLER: They -- someone received money when the access was taken away from them.

MR. GIORDANO: No, the town received zero.

REP. CHANDLER: I'm not talking about the town. Forget the town. I don't care if the State charges -- if they give you the land where the road is built, the land around that is going to have a significant increase in value because of this access road being open. I don't care who pays.

MR. GIORDANO: You guys bought all the land. You bought a 300-foot wide swath through Danville.

SEN. RAUSCH: Here's -- we have dealt with these before, and the Selectman is looking at it from the town, but what -- how the State has valued this is that this community is going to gather a lot more in property taxes because that property value is going to go up significantly because of that access point.

So that's where a lot of these -- unless I'm wrong with D.O.T. because we dealt with this when the big entity wanted to come up and have an access. What -- the big -- oh -- sports company that wanted -- yeah, Cabela's came in. It was because of the increased base to the community that there's value there, and if they're developing all this property, you're going to make the 51,000 in increased property taxes probably in a few months. I mean that's how this is.

I don't think it's because back when land was taken. It's that once we give you that access, all that property that's going to have immediate access is going to go up in property value, so you'll get it in property taxes.

MR. GIORDANO: Mr. Chairman, if I may, I'm here on the principle of the fact that it was taken from the town, not given by the town to the State. It was taken from the town for zero value. The development is going to be access to a town-owned road, not directly to 111.

If any commercial development was to enter directly on Route 111, I could see a value charged the developer, but where it's a town-owned road that was taken by the State with a zero value at the time, they didn't think there was a value then. Now all a sudden there's a value because there's an opportunity to create development, which is going to create much needed tax revenue for the town and for the State. I realize that budgets are depleted, and we're after every dollar that we can get, but to take it out of the taxpayers of Danville isn't right.

CHAIRMAN GRAHAM: All right. We've argued around in circles. What is your Committee going to do on this?

REP. CHANDLER: Well, best I can propose that -- I mean the way the thing is written it says that the Town of Danville has to pay the money, and, like I said, I -- I don't care. They can go to the landowners or the developers. There's three parcels, two that will really have been directly affected even though you say that you can't access onto Route 111. Their frontage will be on 111, and the -- their access will be on the town road immediately adjacent.

It's just a tremendous amount of value there, and I would amend the article to say that the State be paid by -- what do you say? Anybody as long as they --

REP. SEIDEL: Any willing party.

REP. CHANDLER: Any willing party or combination of parties?

REP. SEIDEL: I don't know.

REP. CHANDLER: And if you want to argue over the value, I don't know. But I just feel strongly that we should be given something.

REP. NEVINS: Mr. Chairman, is there room for compromise here? Obviously we know the town's feeling. It's been expressed pretty strongly. They're hurt, and that's why they don't want to pay

any money, and I fairly concur with the fact that there definitely is going to be a benefit, though, to the new owners and that they properly were reimbursed and so on and so forth. But is there room for compromise? Does it have to be 50? Is that really important to the State? Or does it have to be zero? Is that really important to the town?

I just -- you know, to make up for it. Is there a compromise of another number of 25 or something to that effect? Would that satisfy both? Well, it probably will never totally satisfy, right? We know better in politics. But would that move this to the general satisfaction of both parties?

SEN. RAUSCH: If I might on that one, that's why I said something the previous time because having been on this Committee for 10 years, that we always struggled with the communities, and that's why we came to fair market value. Whatever that appraisal came in at, that's what they were going to be charged. So we didn't get into we favor this community over that community.

And that's why I wanted to make it very clear on the other one is that we haven't -- we haven't given property to communities since a long -- I don't -- much as I think early on in this Committee we just made the determination that the only way to be fair to all communities is to have a policy and follow it.

So once we started playing with the assessments and the valuations, every community is going to want to be treated that way, too. Well, what about my

community? We don't want to pay that much either. So that's the difficulty.

CHAIRMAN GRAHAM: Senator Gallus.

SEN. GALLUS: Thank you very much. I agree with Senator Rausch. We started a policy where we've charged everybody. You know, there have been times when we did the transaction in Gorham with the old highway there with a Wal-Mart going in there, and the town wanted that section of highway. And, if you remember back correctly, I think the appraisal value started off at something like \$21,000, and at the end of the day the town ended up paying 89 because we didn't think it was enough money.

And as much as I would have liked to have given it to them, we've changed the policy a little bit with the other one, and I can see where the Selectmen are coming from here, but we have to either evaluate what we're doing with the policy -- we're either going to -- you know, if we want to have a policy where the local community is getting it for free, then that's one thing, but we haven't done that over the years.

The time that -- you know, we've been here an extended period of time, and I hate to charge the communities. You know, it seems like we're charging our own people, and, as I mentioned to Representative Seidel, you know, this would be a great revenue source for the State. We can run around taking land and then sell it back to the communities, but the policy has been when we've taken it, and it comes back to this Committee, we've

always charged some type of small fee.

And, you know, I've thanked the Committee at other times for communities in my district to say hey, let's give this to the community or lower the price. And I always remember the thing in Gorham where we increased the price four times.

REP. SEIDEL: Mr. Chairman, I've been on this Committee for six years, and I've never seen these circumstances, road bisected, taken for nothing, and then sold back. I don't think any of us have. I think it's a unique situation. I understand what you gentlemen are saying about precedents and policies, and I believe we have to have them, but this is a unique situation. That's why we're here to look at it, and I think, you know, this is -- this should be given back to them, to the town.

I understand all the conversation about the surrounding land, but the fact is you bisected a town road. I know if this was Nashua, I'd be livid about this. And I think if any of you look at the circumstances and put your own town's name at the top of the letterhead, I don't think you'd be very happy with this situation. So I think we should look for a nominal amount of money like a thousand dollars and only because --

REP. CHANDLER: You're kidding.

REP. SEIDEL: I'm not kidding. And only because -- only because we bisected their road, and now we're asking, and they want it back.

REP. CHANDLER: Well, I don't -- give them the



darn road. I could care less. That's not what we're paying for. You're not paying them for that piece of road. Let 'em have it. Who cares? It's the value of the land that the shopping center is going to be built on, and I don't know -- which lot is that?

MR. GIORDANO: There's two lots. On both the east and west side of Frye Road there's going to be development.

REP. CHANDLER: Right. And that's what the value is for --

MR. GIORDANO: Right.

REP. CHANDLER: -- the increased value of those lots. If it will make the town feel better, you can have that road.

MR. GIORDANO: If you want to put in a set of lights, too, we'll --

REP. CHANDLER: None of us wants to pay for that.

MR. GIORDANO: I mean you put it back on the taxpayers of Danville.

SEN. RAUSCH: I think we also have to be careful, and I don't -- the Department can correct me, but federal money was used to build that. The town is kind of shooting themselves in the foot already by saying private development because if we give that access to a private development, we have to pay back the Federal Government.

MR. GIORDANO: No, you don't. You already got -- we already checked into that.

SEN. RAUSCH: That's because you claim it's access for the road system, but if you claim it's for private development, you have to pay the Federal Government.

MR. GIORDANO: It's not for private development. The private development is coming onto Frye Road. The town's asking for the road back to access 111. The Feds already signed off on this.

MR. SCHMIDT: The Feds indicated that they're not interested. We could waive the --

SEN. GALLUS: Do we want to compromise on the fee?

REP. SEIDEL: I'll go along with that. That's the best thing we can do.

SEN. GALLUS: I don't think we should charge them anything. Can I ask a question?

CHAIRMAN GRAHAM: Certainly.

SEN. GALLUS: What -- is there -- I mean what they're asking for is the access point. Give them the road, as Representative Chandler said, but I -- then that's all we're asking for, right, is give them the access point?

REP. CHANDLER: We still have to charge someone for the value of the land acres. That's what --

that's what the appraisal is based on. That's where the appraisal came from, the increased value of the parcel that we paid for when we shut it off.

MR. SCHMIDT: Point of clarification on that.

REP. CHANDLER: People will laugh about that forever if we do that.

MR. SCHMIDT: When we built 111 that was over virgin territory, so there wasn't a road to access that at that point. The access points were off of either Frye Road or there's a network of roads on the other side.

REP. CHANDLER: All right.

MR. SCHMIDT: So the -- the -- there wasn't a drive or an access point cut off from 111 because it didn't exist. You know, so it wasn't we took an existing road, made it limited access. It was all woods. So I just wanted to clarify that. We didn't reimburse a property owner for taking an access point off of 111 because there wasn't an access point.

REP. CHANDLER: You just didn't give them one.

MR. SCHMIDT: Correct.

MR. GIORDANO: Would it help if I showed you a map of what it looked like?

CHAIRMAN GRAHAM: We've got it.

REP. CHANDLER: I have it.

CHAIRMAN GRAHAM: Representative Seidel.

\*\* REP. SEIDEL: In recognition of the fact that the point was taken for nothing, and now we're asking for 51,000, I understand there will be increase in property values. In the spirit of compromise, I say -- I would say that we move the item for the amount of 25,550 and the 1,100-dollar administrative fee.

REP. NEVINS: A discussion, Chairman?

CHAIRMAN GRAHAM: Is there a second?

SEN. GALLUS: I'll second.

CHAIRMAN GRAHAM: Representative Seidel, discussion on this amendment?

REP. NEVINS: Is the town willing to compromise?

MR. GIORDANO: Compromise would be better than nothing, but still our argument is it was taken from the town for zero dollars, and there was zero value then.

REP. NEVINS: No, I understand the argument. If I were a selectman, I'd be arguing exactly like you are right now.

MR. GIORDANO: It's all principle. It was taken from us for zero value, and now there's value because there's interest in development around it. It's not fair. It's like holding a gun to our head

over a barrel.

REP. NEVINS: Well --

CHAIRMAN GRAHAM: Any further discussion on the motion? All those in favor, say aye. Opposed, nay. Nay.

REP. NEVINS: Two for nay.

SEN. RAUSCH: I'm a nay.

CHAIRMAN GRAHAM: All right. All those in favor, raise your hand. All right. The motion now is amended to read \$25,550 with a 1,100-dollar administrative fee.

\*\*\* {MOTION ADOPTED}

REP. CLOUTIER: Excuse me, Chairman. We have two alternates. Are we supposed to be voting? Okay. I don't know what the proper protocol is.

REP. NEVINS: Did we not have a quorum in the very beginning?

CHAIRMAN GRAHAM: We did not have a quorum.

REP. CLOUTIER: Okay. I understand Representative Nevins and I shouldn't be voting on this item unless someone excuses themselves.

REP. NEVINS: We have a full quorum.

REP. SEIDEL: One of them votes.

CHAIRMAN GRAHAM: Yeah, one of them votes. Is there a motion on the -- now that we approved the amendment, is there a motion?

\*\* REP. SEIDEL: I move the item.

SEN. GALLUS: Second.

CHAIRMAN GRAHAM: Representative Seidel moves the item, second by Senator Gallus. All those in favor, say aye. Opposed, nay. The ayes have it.

\*\*\* {MOTION ADOPTED}

MR. GIORDANO: Thank you for your time.

CHAIRMAN GRAHAM: Thank you for coming in.

REP. CHANDLER: May I ask who's voting?

CHAIRMAN GRAHAM: The two Senators and one, two, three, four Representatives. And the Governor's representative is not here.

REP. CHANDLER: So I assume that last vote was three to three or --

SEN. GALLUS: Yeah, we've got to figure this out.

REP. SEIDEL: There's only six voting.

SEN. RAUSCH: What are we doing, John?

CHAIRMAN GRAHAM: I voted in the affirmative. The motion passed.

REP. CHANDLER: Oh. You voted yes?

CHAIRMAN GRAHAM: Yes.

REP. CHANDLER: Oh. Okay.

### **Late Item**

#### **LRCP 12-039**

CHAIRMAN GRAHAM: I would like to bring up the late item right now since it does deal with the transfer of property in the Town of Hudson. Is there anybody from Hudson here? I'm guessing not. Okay. Item 12-039 that was handed out this morning if you didn't read the E-mail yesterday. We used to have it right there.

MR. SCHMIDT: Good morning. I have Nancy Mayville here with me today representing the Department. She is the project manager on the -- on the project that this affects. And, with that, I'll turn over the explanation of what we wanted, what we are proposing to do.

MS. NANCY MAYVILLE, Municipal Highway Engineer, Department of Transportation: Thank you. Good morning, everyone. The Department bought the former Benson's Wild Animal Farm back in 1993 as mitigation for the circumferential highway project as well as the F.E. Everett Turnpike expansion, 165-acre parcel mostly in a natural state, and we did actually construct some wetlands on-site, and the Town of Hudson expressed interest in purchasing the property

to -- with the intention of creating a town park, and we did do that transfer in 2008, which I believe was seen here at the Committee.

And, as part of transferring that, there are conservation easements over the entire property and historic easements over a part of the property. It -- also, the original transfer allowed before the reconstruction of the red barn, which was historic, and I would just comment that it's been -- since 2008, it's been extremely impressive what the Town of Hudson community has done so far to improve the property.

They've restored many of the buildings that were on the property and done a lot of work to restore the landscape and walking trails and that sort of thing. They also have requested to us to be able to build a senior center on the property. And the first thing that we looked at within that discussion was to actually rebuild the red barn that I spoke of to be able to be used as a senior center, and that did not work partly because of the configuration of the building, as well as the location would not work for the access that they needed for the use.

So they then proposed to be able to build it at a different location in lieu of building the red barn, and they want to use a 2.1-acre parcel kind of in the interior of the property between the red barn and where the wetlands eventually will be. And we looked at that with them and reviewed it, and we do believe that can work.

So we do think it has a value, and it would



need for the restrictions both the conservation easements to be listed on that 2.1-acre parcel so that they could in fact build the building and the amenities that need to go with it, as well as there is some value in giving up the future ability to build the red barn. So that's all accounted for in the appraisal that was done that I believe is in the packet that was given to you.

We went on, and I -- the final number was 76,000 in value and the \$1,100 in the administrative fee. We then went on to have discussions with them that they proposed to do some in-lieu work that had an equivalent value within the next five years, and there is a number of things that need to be done on that property.

We still -- the Department still has responsibilities there to clean up solid waste that's on the property, commitments to do our wetlands area, the control of invasive species, and there's also a problem with the outlet control at the wetlands that was constructed. And they have agreed that they would do that work for us to the value of the \$77,100, and also part of that would be to not assess a tipping fee for the solid waste that needs to come off the property.

We recently executed a Memorandum of Understanding on that detail that we would agree on that and what the value and the items would be and how the process would work, so I believe that's why we're here. You had seen this previously, given them the ability to do the senior center. Now we're adding another kind of detail to the whole mechanism to make it happen of this in-lieu work of equivalent

value that they would do in lieu of the payments.

CHAIRMAN GRAHAM: Senator Rausch.

SEN. RAUSCH: Thank you, Mr. Chairman. Yes, we've seen this before, and we released an easement before. Where is the easement that we released?

MR. SCHMIDT: It's in this same location. The only reason we're coming back is you approved the value for the sale, and now we're coming back to say in lieu they want to provide the services in lieu of paying that \$77,100.

SEN. RAUSCH: Follow-up. So this is the same easement we talked about beforehand?

MR. SCHMIDT: Yeah.

SEN. RAUSCH: It's not an additional one?

MR. SCHMIDT: That was back in August of 2011.  
Yep.

SEN. RAUSCH: All right.

CHAIRMAN GRAHAM: Representative Chandler.

REP. CHANDLER: This is exactly the same easement.

MR. SCHMIDT: Yes. The only difference --

REP. CHANDLER: They don't want to pay for it.

CHAIRMAN GRAHAM: They want to do work instead.

MR. SCHMIDT: Right. They want to --

REP. CHANDLER: But we don't have a copy of the Memorandum of Understanding, do we?

MS. MAYVILLE: Yeah, it's in your packet.

MR. SCHMIDT: It should be.

MS. MAYVILLE: It's the third page in on the packet, I believe.

MR. SCHMIDT: Yeah.

CHAIRMAN GRAHAM: There. It's the third page in.

MR. SCHMIDT: Do you have it, Representative?

SEN. RAUSCH: Follow-up? Can the Department tell me? I thought when this was sold to the town that we gave them a pretty good deal on this property to begin with. What -- how did we end up selling it originally?

MS. MAYVILLE: We did. There are conservation easements over the entire property so that there are restrictions on what they can do. It has to stay in a natural state, and buildings can't be built. And then there's also historic easements on part of the property that -- in the kind of core part of the facility where the buildings are. That -- that has to be -- as it's restored, it has to be done in a historically acceptable manner. So all of those restrictions reduce the value.

SEN. RAUSCH: What did the town pay for the property originally to the State?

MS. MAYVILLE: I believe it was \$188,000. I think it was 188.

REP. CHANDLER: Mr. Chairman, for some reason is today the day of follow the press?

CHAIRMAN GRAHAM: It is. I planned it that way. We were going to have it replaced all day tomorrow. We may as well start today.

MS. MAYVILLE: We sold the property. It's in the appraisal that's in the back of the packet that you have for the price of \$188,000.

SEN. RAUSCH: And, if I recall, that was because the property had easements, the property had problems. You know, it's a big piece of property, so the sale price was to accommodate all the problems that the land had and the easements.

REP. CHANDLER: Right. Original sales and deduct 77 for it and collect the -- I don't know if it's 110.

SEN. RAUSCH: I just recollect that the value was diminished because we knew that we were putting easements on it and that the town was going to be responsible for some of the problems with the land.

REP. CHANDLER: And I have a question. Remove all the solid waste, et cetera. I mean the town's waiving the tipping fees --

MS. MAYVILLE: Um-hum.

REP. CHANDLER: -- but they're doing the work. So they wouldn't charge themselves a tipping fee.

MS. MAYVILLE: No, the Department has the responsibility still for the two solid waste areas that are on the property; that we need to bring those into compliance, so there is something that we need to do.

REP. CHANDLER: What is the town -- if I may, what is the town doing?

MS. MAYVILLE: They're not -- if we were in this scenario, they would do the work for us. We're the ones -- the Department has the responsibility to clean up the solid waste as the former property owner.

REP. CHANDLER: Can you tell me, if this agreement is signed, is the Town of Hudson cleaning up the solid waste?

MS. MAYVILLE: Yes.

REP. CHANDLER: So they're waiving their own tipping fee?

MS. MAYVILLE: Yes.

REP. CHANDLER: I would think that -- would the State really go and initiate control of Japanese knotweed?

MS. MAYVILLE: It's a commitment that we have with the mitigation that was constructed on the property where we created wetlands to get a wetlands permit for the F.E. Everett Turnpike expansion. We created five acres of wetlands on-site, and we have to -- part of that whole permit for the entire turnpike project has that as a requirement. For this to be an effective wetlands, we have to control invasive species.

CHAIRMAN GRAHAM: What would the Department spend \$76,000 on in five years? On all of these things that the town is either going to do or assist us in doing?

MS. MAYVILLE: We would potentially spend more than that. The 76,000 is going to get part of this list. This is a menu of things that they could potentially do. We would spend significantly more than that actually.

**\*\*** REP. SEIDEL: I'll move the question.

CHAIRMAN GRAHAM: Representative Seidel has moved the question. Is there a second?

SEN. RAUSCH: Second.

CHAIRMAN GRAHAM: It's been moved and seconded. Any discussion? Seeing none, all those in favor, say aye. Opposed, nay. The ayes have it.

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

CHAIRMAN GRAHAM: And I would ask that the Department come back to this Committee in a year and tell us what has been done.

REP. CHANDLER: Are you -- a recommendation?

CHAIRMAN GRAHAM: On what?

REP. CHANDLER: He moved the question. We voted to take a vote.

CHAIRMAN GRAHAM: All right. Representative Seidel moves we approve the item.

REP. CHANDLER: You moved the question.

SEN. RAUSCH: And I seconded it.

REP. SEIDEL: All right.

REP. CHANDLER: Sorry. I would have voted no on this.

**\*\*** REP. SEIDEL: I'm surprised you didn't. Okay. Then I move the item.

REP. CHANDLER: I'm sorry.

CHAIRMAN GRAHAM: All those in favor of approving item 12-039, say aye. Opposed?

REP. CHANDLER: No.

CHAIRMAN GRAHAM: The item is approved.

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

CHAIRMAN GRAHAM: How many nos?

REP. SEIDEL: Two.

CHAIRMAN GRAHAM: Two.

SEN. RAUSCH: Mr. Chairman?

CHAIRMAN GRAHAM: Yes.

SEN. RAUSCH: Before -- I believe that's the last one for the Department of Transportation; is that correct? Before they leave, could I ask a question?

CHAIRMAN GRAHAM: Certainly.

SEN. RAUSCH: And that would be the property in Windham, the nursery property, can you give me an update on what is going on with that?

MR. SCHMIDT: Sure. We have two offers for the property. We've compared the two. One of them appear to be more feasible to go through the process than the others. So we have countered with some restrictions shortening up the due diligence period and so on, and we -- wait. I haven't heard back -- we haven't heard back from them at this point.

SEN. RAUSCH: Okay. Thank you.

MR. SCHMIDT: Sure.

REP. SEIDEL: Mr. Chairman, also, for our next meeting -- it should probably be our last in



September.

CHAIRMAN GRAHAM: Yeah.

REP. SEIDEL: Could you also provide us with one of those spreadsheets that gives us the update on all the properties?

MR. SCHMIDT: Sure.

REP. SEIDEL: And if you could note the ones that happened in the session, you know, by somehow noting on those the ones that are this session versus all of them.

MR. SCHMIDT: Yeah.

CHAIRMAN GRAHAM: And the others as well because there I have to prepare a report for the end of the session, so it would be helpful.

REP. SEIDEL: Thank you.

#### **RSA 4:40 Disposal of Real Estate**

#### **LRCP 12-028**

CHAIRMAN GRAHAM: All right. Item 12-028 from the Office of Energy and Planning.

MR. SCHMIDT: Thank you.

CHAIRMAN GRAHAM: Thank you, Chuck. We appreciate it.

MS. SUSAN SLACK, Office of Energy and Planning:

Good morning. My name is Susan Slack. I'm representing the Office of Energy and Planning. The office requests authorization 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 Transmissions, Incorporated of Hampton 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 6th, 2012.

By way of explanation, there is an existing natural gas pipeline on the Little Bay Bridge between Newington and Dover which the Department of Transportation will be reconstructing, and they have asked that the pipeline be removed. And the Office of Energy and Planning sees this as a critical existing interstate energy supply.

And on my right is Attorney Maureen Smith from Orr & Reno representing Granite State Gas Transmissions. If the Committee has questions or wants some detail on the project, Attorney Smith is available to answer those questions.

REP. CHANDLER: Once again, we are having a giveaway program here today, but is the State -- we're taking the pipeline off the bridge?

MS. SLACK: That's correct.

REP. CHANDLER: Who's paying to remove it? The Department of Transportation?

MS. MAUREEN SMITH ESQ., Orr & Reno: No, because D.O.T. has asked Granite State Transmission

to remove it for the State to allow rehabilitation of the Little Bay Bridge. That is a project that Granite State has to undertake because it is -- it owns and operates the interstate gas pipeline that runs from Haverhill to Maine.

REP. CHANDLER: So the total cost of the removal of that will be borne by the company?

MS. SMITH: Right. And we're before you today only for the portion of the pipeline -- it's like a 1,500-foot segment that goes under the bridge. It's an underground pipeline, and we actually have the picture that you have in your materials showing that the -- the easement really is just for the -- going under the river. It's about 30 feet to drill under the river -- um -- to replace that 1,500-foot segment that D.O.T. has asked to be removed.

REP. CHANDLER: All right. Fine. Thank you.

MS. SMITH: And this today is Roger Barham, Chief Gas Engineer for Granite State. If you have any, you know, technical questions, he can provide in detail what the procedure involves, but it's basically D.O.T. is revamping, as you know, the Spaulding Turnpike, and as part of the rehab of the bridge the pipeline, which is suspended under the bridge, has to come down.

Now, this is a critical natural gas pipeline for Maine to Massachusetts, so the supplies have to continue. So the timing is really critical for this to -- to disconnect and get the pipeline -- the drilling has to occur beginning this fall to drill 30 foot under the riverbed. And because the State

owns the land under the river, we need your approval to have the property interest granted to Granite State to do that.

And then the D.O.T. land, which isn't really part of this today, but D.O.T. controls the land on either side. We're negotiating separately on doing the tie-in later on, but this red line here from shore to shore, that's the portion that you would approve in terms of the easement, and that's all underground. It's all under the river. So there's no -- you know, no taking of shores. I mean it's basically water to water. So it's -- everything is under the river. So we are --

REP. CHANDLER: Does the pipeline -- or the gas company pay any fee now to use the bridge?

MS. SMITH: No. This pipeline has been in place since the 1960s, and it is under a licensing agreement from D.O.T. There's been no payment. And because we're going -- or they are going underground now, and that land is owned by the State, that is why we are before you. So it's really a replacement of a 1,500-foot segment. They're just taking it from above the bridge and going underground, which is a very safe and low-impact approach.

CHAIRMAN GRAHAM: Follow-up?

REP. CHANDLER: You said this pipeline goes from Maine to Massachusetts.

MS. SMITH: It's an interstate gas pipeline, but there are supplies that go to New Hampshire from

this gas pipeline as well, but it's an 87-long mile -- 87-mile long pipeline, so the -- all the regulatory approvals are in the process or have been received.

We were recently before the Site Evaluation Committee, Public Utilities Commission to grant a license. The Department of Environmental Services is involved. So there's been quite a regulatory burden, and the cost burden to Granite State is substantial, but it's something the D.O.T. finds necessary.

And Granite State has tried to work cooperatively with the State to get this done while at the same time continuing energy supplies, critical energy supplies, doing it in a -- a way that won't impact supplies at any point. But it also will not impact any use of the river. Any -- everything will be invisible. No one will even know it's there.

There have been public hearings. There's been absolutely no objection to this. It is a solution that D.O.T. and Granite State have worked out in order to accommodate D.O.T.'s needs for the bridge and at the same time continuing energy supplies.

**\*\***     SEN. RAUSCH: I move to approve the item.

REP. SEIDEL: Second.

CHAIRMAN GRAHAM: Senator Rausch moves to approve item 12-028. Any discussion?

REP. CHANDLER: Just is it worth -- I'm

concerned. And I know we've been told -- could we -- or might we amend it just to make sure there's no cost to the Department or State of New Hampshire for this in any -- regarding the hookups? Because they've got land on either side. On both sides they're going to have to hook up to. I just -- but I don't care if you don't think it's necessary. I just hate to see us just give this away, and then we get to somehow something gets charged, but --

MS. SMITH: If I could just clarify. Any of the dealings with D.O.T. with hookups and all of that is all being dealt with separately under an agreement with D.O.T., and those are not part of the easement that would be approved today. And if there are any cost issues, that will be negotiated as part of those agreements as far as I know; however, there will be no cost to the State.

REP. CHANDLER: Right. My point is I don't think the D.O.T. should pay any of those costs.

MS. SMITH: For this?

REP. CHANDLER: No. For any part of it.

MS. SMITH: My understanding is there are not D.O.T. costs involved. To the extent it's a Granite State project, Granite State would carry all the costs of its own project.

REP. CHANDLER: But did you say they were negotiating those?

MS. SMITH: Just the right to be able to, you

know, do the tie-ins. It's not -- it's just a license. Basically it's a license to perform the work. It's not any kind of property interest.

REP. CHANDLER: Well, I would probably amend it that there be no cost to the Department of Transportation or State of New Hampshire for any part of relocation of this pipeline.

SEN. RAUSCH: I'm okay with that.

CHAIRMAN GRAHAM: Are you seconding it?

SEN. RAUSCH: If he -- if Representative Chandler wants to amend my motion, I'm fine.

\*\* REP. CHANDLER: I move to amend it.

CHAIRMAN GRAHAM: All right. Representative Chandler.

REP. SEIDEL: I'll second the amended motion.

CHAIRMAN GRAHAM: As moved, it be amended to read that the State of New Hampshire, Department of Transportation nor any other part of the State of New Hampshire shall be responsible for any of the costs associated with the relocation of the pipeline, and it has been seconded. All those in favor, say aye. Those opposed, nay. The ayes have it, and the motion -- the item as amended. Representative Seidel moves the item as amended.

SEN. RAUSCH: Second.

CHAIRMAN GRAHAM: Second by Senator Rausch.

Any discussion? If not, all those in favor, say aye. Opposed, nay. The ayes have it, and the item as amended is approved.

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

MS. SLACK: Thank you.

**LRCP 12-029**

CHAIRMAN GRAHAM: Item 12-029, the Department of Administrative Services.

MR. MICHAEL CONNOR, Department of Administrative Services, Director, Division of Plant and Property Management: Mr. Chairman, members of the Committee, hopefully this will be a little easier. Mike Connor from the Administrative Services. I serve as Director of Plant and Property Management.

I'm here for an amendment to the current lease of State-owned property located at 247-249 Pleasant Street in the City of Concord. The current lease will terminate on October 2nd, 2013, and this request will be to amend the lease to extend the term for a period of four months until February 2nd, 2013.

The State has leased this facility to the City of Concord since 1979. The State has notified the city of its desire to sell the property, and the city is in the process of moving their operations to a new facility. The city needs the extra time to complete the renovations at their new location. The rental rate will remain at a dollar, and the City of



Concord is responsible to maintain the facilities at their expense during the term of the lease. I'll be glad to answer any questions you may have.

REP. CHANDLER: I don't have any questions.

CHAIRMAN GRAHAM: I do have a question. These are the properties that we carved out for --

MR. CONNOR: Yes, and we notified them of our intent to sell the properties.

CHAIRMAN GRAHAM: In recent legislation? Okay. What is the pleasure of the Committee?

**\*\*     SEN. GALLUS: Move the item.**

CHAIRMAN GRAHAM: It's been moved --

REP. SEIDEL: Seconded.

CHAIRMAN GRAHAM: -- and seconded that we approve item 12-029. Any discussion? If not, all those in favor, say aye. The ayes have it.

**\*\*\*    {MOTION ADOPTED}**

## **5. Informational**

### **LRCP 12-030**

CHAIRMAN GRAHAM: Informational items. According to the Department of --

REP. CHANDLER: I have a question.

CHAIRMAN GRAHAM: Yeah, on Administrative Services. Don't go away. 12-030.

MR. CONNOR: Okay.

MR. CHANDLER: My question is why is that informational? Doesn't that need our approval?

MR. CONNOR: Excuse me. Mike Connor again for Administrative Services. We actually had it as an approved item, and working with the LBA office we could not find a law that required us to do so, but I wanted to make sure that you knew about it because there's a lot of discussion about the Laconia property, and I know this was a sensitive issue for all of us so I wanted to make sure you knew what was going on.

So the answer -- direct answer is we found nothing in law, and looking at Mike here, too, that required your approval. Certainly I'm glad to do that.

**\*\*** REP. CHANDLER: I would move that item 12-030 be brought up at our next meeting as an approvable item. I'll phrase it that way.

REP. SEIDEL: It might be too late.

REP. CHANDLER: So be it.

CHAIRMAN GRAHAM: Is there a second?

REP. SEIDEL: Second.

CHAIRMAN GRAHAM: It's been moved and seconded that item 12-030 be brought up at our next meeting as an actionable item. Is there any discussion?

REP. SEIDEL: I think in between maybe LBA and somebody should take a look at this and see if we have the authority to do this.

MR. KANE: In our original discussion with Mike, we couldn't find anything that required Long Range Capital Planning approval of this transfer. You're not transferring the land.

MR. CONNOR: Just the management.

MR. KANE: D.O.T. was a little different. There was an item D.O.T. used in a separate chapter to come in which specifically required Long Range Capital Planning approval.

CHAIRMAN GRAHAM: But I think that the concern of many of us on the Committee is that this is all tied into with the possible sale of property at Laconia within the next few months, and we want to make sure that this entire action is part and parcel of the same thing and that we're not transferring authority so we can sell more or less or not get the price some of us think we should be getting or whatever, and I think that's the reason that this motion is before us at the moment, if I'm not speaking out of turn, Representative Chandler.

REP. SEIDEL: And, if I could, Mr. Chairman, you know, we can research it ourselves independently, but -- and it should be on the record, but even if there's not specific legislation

regarding this property as far as Long Range goes, does it not fall under our general purview and our statutory charge of Long Range? That would be one thing I would look at.

SEN. RAUSCH: Well, I think certainly this goes back to a failed piece of legislation where we thought we had resolved --

CHAIRMAN GRAHAM: That is false.

SEN. RAUSCH: -- an issue, but the Department is operating under existing law.

CHAIRMAN GRAHAM: Yes.

SEN. RAUSCH: And I don't know how we ask -- I think accommodate the wishes of at least most of the legislators and certainly this Committee that Long Range should have a say in the sale of that property, but under existing statute that was eliminated, so I'm certainly speaking for myself. I'm very concerned about prematurely selling that piece of property, but the Department is in a bind because the law says that they're under a mandate to do so.

CHAIRMAN GRAHAM: That is not what is under discussion. This one piece of transferring responsibility for a property which may or may not be tied with that other piece.

REP. SEIDEL: Mr. Chairman, when the Senator says that it was -- a Long Range goal was eliminated, it was less silent. I believe it wasn't eliminated. It was less silent.

CHAIRMAN GRAHAM: No, it was eliminated.

REP. SEIDEL: It was eliminated?

REP. CHANDLER: Yeah.

CHAIRMAN GRAHAM: House Bill 2.

REP. CHANDLER: Notwithstanding.

CHAIRMAN GRAHAM: Notwithstanding. All right. We do have a motion on the floor to bring this back. All those in favor, say aye. Opposed, nay. The ayes have it.

\*\*\* {MOTION ADOPTED}

REP. CHANDLER: Can I just have one question?

CHAIRMAN GRAHAM: Certainly.

REP. CHANDLER: Similar to the question I asked before. I asked -- I assume there would be enough land on this parcel up there for the site of a prison, a women's prison?

MR. CONNOR: Of this in totality? Absolutely.

REP. CHANDLER: Thank you.

CHAIRMAN GRAHAM: And from the Department of Environmental Services --

REP. SEIDEL: Mr. Chairman, I'm sorry. Before we move on -- are you moving on? I'm sorry.

CHAIRMAN GRAHAM: I'm moving on.

REP. SEIDEL: One last question. I assume the Governor and Council still has to sign off on this.

CHAIRMAN GRAHAM: They do. They do.

REP. SEIDEL: So if something did happen, Long Range could petition the Governor and Council --

CHAIRMAN GRAHAM: We've already talked to your Council.

REP. SEIDEL: Thank you.

**LRCP 12-038**

CHAIRMAN GRAHAM: The Department of Environmental Services and Transportation, item 12-038. It's informational, but just explain what you plan on doing and the fact that you're going to come back to us if we think it's even worth pursuing.

MR. MICHAEL FITZGERALD, Administrator, Technical Services Bureau, Air Resources Division, Department of Environmental Services: Good morning. My name is Mike Fitzgerald. I'm the administrator of the Technical Services Bureau in the Air Resources Division in DES, and with me is Rebecca Ohler. She's in charge of our transportation and fuels programs.

Yes, we've been having discussions with the Department of Transportation for quite some time with regards to planning for increased use of

compressed natural gas as a fuel for State vehicles for energy and environmental benefits. And we met with Chuck a few weeks ago, and he suggested that some of these plans might -- it might be good to bring them before this Committee and inform you of the plans, and then knowing that at some point in time we may be coming before you with a -- executing a lease.

So what I wanted to explain is basically, as I said, we've been promoting the use for more than 10 years. Our Department has had a program under the Department of Energy called Clean Cities that promotes the use of alternative fuels in the state, and we've done that for a number of years speaking about the environmental -- significant environmental benefits related to alternative fuels.

However, in this case and in many other types of fuel cases, because of the abundance of -- significant abundance of compressed natural gas here in the United States over the past several years the price of CNG has been dropping significantly to the point where it is a dollar or -- more or less a dollar or more lower than gasoline for a gallon equivalent. And plus we've been significantly lower, and the price decreases may actually -- that spread may actually be getting larger as more and more natural gas is found here in the United States, and the price decreases.

So, with that, given the overall environmental benefits and the significant price benefits, we have worked with D.O.T. and a number of state agencies. We've had federal grants over the years. We still

have some federal grants, and we have significantly increased the fleet of compressed natural gas vehicles in use here in the state. D.O.T., our agency, have recently purchased several more. We've also been expanding this.

We approached, and the City of Concord has actually purchased two vehicles today. And what we would like to do over the next couple of years is to bring in a private vendor who will work with us on a station that's currently located on Stickney Avenue in association with D.O.T.'s regular fueling facilities which will be moved in the near future, but we're proposing to leave the CNG fueling station that has been there for about 10 years at that site, bring in a private vendor, and have that vendor operate and maintain the site and start marketing it to public fleets for waste and transit. You know, trash trucks and so on.

There's a significant number of fleets that are operating in the area, also headed up to the transfer station and incinerator in Penacook, and so we think this makes significant sense. We've talked with vendors. There is interest in a private vendor operation. The City of Nashua has recently completed a similar project and has significant public private use going on. And we think that this is a good model, and so we wanted to inform you of the plans.

And those plans would ultimately require that we execute a lease with the private vendor in order to give them some assurance that they would have several years to operate this station, to go out, market, bring in new fleets, and that would assure



us of having someone to maintain the station, to make sure that it meets all the specific operating requirements and eventually expand the station and potentially move it to a new location potentially in conjunction with D.O.T.'s fueling facilities being relocated or at another site that's amenable to the City of Concord and our Departments.

So our purpose is to expand the use among the State fleet. We think that can be done better in conjunction with a public private venture, and so we'll be thinking about a five-year lease that would give the private vendor some assurance that they have the time and the ability to go out, market and increase this -- the use of the site.

So, with that, if there's anything I missed.

MS. REBECCA OHLER, Technical Services Bureau, Air Resources Division, Department of Environmental Services: Just add on one more thing. This piece of property would be kind of carved out, for tax purposes, as a private operation at this point. It would be subject to property taxes to the City of Concord. We have been working with the city and are prepared to go before them to get a variance for this, and then the private vendor would be responsible for paying the property taxes.

And the draw for a private vendor is that we have, I would say, conservatively, you know, 400, \$500,000 worth of equipment on-site. So it provides they're coming in and taking over all the operational costs, which are not insignificant, but they have existing equipment in place that they can use. We'll have to continue to maintain, and

they'll have to pay ongoing energy bills and property taxes, but in our discussions with various vendors it is an attractive proposal to them as well as to us.

REP. SEIDEL: Thank you. How big a facility is it? Not in terms of acreage but in terms of how many vehicles that takes care of.

MS. OHLER: Right now it's a single dispenser with a single hose, but it can dispense up to, I think, 75-gallon equivalent per hour, and because it's got a series of three storage tanks, so it's -- not per hour. It's more than that. Um -- I'm sorry. I'm not recalling the exact, but it would be able to fill a couple of trash trucks back to back, and then it would have a little bit of recovery time in between, but it can fill pretty much a steady stream of light-duty vehicles throughout the day.

MR. FITZGERALD: And our purpose would be to have the private vendor, as they bring in more users and so on, have the ability to expand and provide additional capacity. And it is a fast fueling station. You don't have to sit there and fuel over a half an hour or whatever. So I request -- or our informational request, I guess, is to just get a sense from the Committee that we seem to be on the right track here and that if we should continue with our negotiations with the private vendor and then come before you with a potential lease.

CHAIRMAN GRAHAM: And just the -- Committee, the reason I asked them to come in with this is when talking with the Department of Transportation they're dealing with the City of Concord and

potentially a private vendor. If we were going to say no to this, they'd want to know that before they jumped through all the hoops and brought in a lease to us that we were going to say no to.

So, personally, I think it's a good idea, a public private partnership. It helps the City of Concord a little bit by carving out a piece of land. So that's where I'm coming from. So.

SEN. RAUSCH: Are you looking for some type of a conditional motion or --

CHAIRMAN GRAHAM: No.

REP. CHANDLER: Are we going to get a dollar or something out of this?

REP. SEIDEL: At least a nickel you're looking for.

CHAIRMAN GRAHAM: Well, we thank you for that one.

MR. FITZGERALD: Thank you. And I appreciate your time.

## **6. Date of Next Meeting and Adjournment**

CHAIRMAN GRAHAM: There being no further business -- there are some other informational items. If anybody wants to discuss the memos from CORD, we are willing to do that. If not, it is my intention -- it is my intention -- I wanted you to hear that -- to have the next meeting on the 18th of September. It is a week after the primary. I

may or may not be back here, but that will be probably the last for this session of General Court. So let the agencies know.

MS. ELLIS: What time?

CHAIRMAN GRAHAM: Ten o'clock. If not, I'll accept a motion to adjourn.

\*\* SEN. GALLUS: So moved.

REP. CHANDLER: We'll meet if we have an emergency.

CHAIRMAN GRAHAM: Yeah, next regularly scheduled meeting. All in favor, say aye. We are adjourned.

\*\*\* {MOTION ADOPTED}

(Adjourned at 11:45 a.m.)

## C E R T I F I C A T E

I, Debra L. Mekula, a Licensed Court Reporter and Justice of the Peace of the State of New Hampshire, do hereby certify that the foregoing, to the best of my knowledge, skill and ability, is a true and accurate transcript of my stenographic notes of the Long Range Capital Planning and Utilization Committee Hearing, taken at the place and under the circumstances present on the date hereinbefore set forth.

---

Debra L. Mekula, LCR, RMR  
Licensed Court Reporter  
Registered Merit Reporter  
N.H. LCR No. 26 (RSA 310-A)

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE  
JUNE 26, 2012