

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE

MINUTES

June 23, 2009

The Long Range Capital Planning and Utilization Committee met on Tuesday, June 23, 2009 at 3:00 p.m. in Room 201 of the Legislative Office Building.

Members in attendance were as follows:

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

Linda Hodgdon, Department of Administrative Services

Chairman Cloutier called the meeting to order at 3:03 p.m.

ACCEPTANCE OF MINUTES:

On a motion by Representative Rausch, seconded by Senator Janeway, that the minutes of the May 19, 2009 meeting be accepted as written. MOTION ADOPTED.

NEW BUSINESS:

RSA 4:40 DISPOSAL OF REAL ESTATE:

LRCP 09-030 New Hampshire Fish and Game Department – Steven Webber, Chief, Wildlife Division, and Richard Cook, Land Agent, New Hampshire Fish and Game Department presented the request and responded to questions of the Committee. Philip Hastings, Esquire, Cleveland, Waters and Bass, Concord, representing RMR Pacific, LLC was also present to respond to questions of the Committee.

On a motion by Representative Chandler, seconded by Senator D'Allesandro, that the Committee approve the request of the New Hampshire Fish and Game Department to grant two waterline easements across a 111.3 acre parcel of State owned land for the construction of two underground water lines and transfer ownership of 1.3 acres of land containing the Danbury Bog dam to RMR Pacific, LLC in exchange for seven (7) parcels of land totaling 100 acres of wetland and forest surrounding the Danbury Bog Wildlife Management Area, and subject to the conditions as specified by the Department in their request dated June 8, 2009. MOTION ADOPTED.

LRCP 09-038 Department of Administrative Services – Michael Connor, Director, Bureau of Plant and Property, Department of Administrative Services presented the request and responded to questions of the Committee. Anthony Blenkinsop, Senior Assistant Attorney General, Department of Justice, Jennifer Czysz, Senior Planner, Office of Energy and Planning and Steve Duprey, Foxfire Property Management, Concord, were also present.

On a motion by Representative Chandler, seconded by Representative Campbell, that the Committee approve the request from the Department of Administrative Services to sell State owned property known as the two “pass-ways” on the Sanel Block in Concord for \$82,000, and assess an Administrative Fee of \$1,100, as specified in their request dated June 15, 2009 and the letter from the Department of Justice dated June 19, 2009. MOTION ADOPTED.

LATE ITEM:

LRCP 09-023 Department of Resources and Economic Development – William Carpenter, Administrator, Land Management Bureau, Department of Resources and Economic Development presented the request and responded to questions of the Committee.

On a motion by Representative Campbell, seconded by Senator Gallus, that the Committee approve the request of the Department of Resources and Economic Development, Division of Forests and Lands, to sell 4.3 acres of State owned land known as the Southeast State Forest located in the Towns of Nottingham and Barrington, by competitive bid for no less than the fair market value of \$112,000, as specified in their request dated June 12, 2009. No Action Taken.

On a motion by Representative Rausch, seconded by Senator D'Allesandro, that the Committee **amend** the request of the Department of Resources and Economic Development, Division of Forests and Lands, to sell 4.3 acres of State owned land known as the Southeast State Forest located in the Towns of Nottingham and Barrington, by competitive bid for no less than the fair market value of \$112,000 and **assess an additional Administrative Fee of \$1,100, not waive the Administrative Fee**, as specified in their request dated June 12, 2009. MOTION ADOPTED.

On a motion by Representative Campbell, seconded by Senator Janeway, that the Committee approve the **amended** request of the Department of Resources and Economic Development, Division of Forests and Lands, to sell 4.3 acres of State owned land known as the Southeast State Forest located in the Towns of Nottingham and Barrington, by competitive bid for no less than the fair market value of \$112,000 and **assess an additional Administrative Fee of \$1,100, not waive the Administrative Fee**, as specified in their request dated June 12, 2009. MOTION ADOPTED.

OLD BUSINESS:

Subcommittee update regarding recommendations for standardizing real estate commissions

– A compromise to the Proposed Broker Commission Schedule was presented to the Committee as recommended and agreed upon by the Subcommittee of Representatives Campbell, Chandler, Senator Gallus and William Oldenburg, Administrator, Bureau of Right-of-Way, Department of Transportation.

On a motion by Representative Campbell, seconded by Representative Chandler, that the Committee approve as a general policy recommendation the following proposed broker commission schedule for vacant land; 6 percent for the first \$500,000; 5 percent from \$500,001 to \$1,000,000; 4 percent from \$1,000,001 to \$2,000,000; 3 percent \$2,000,001 to \$3,000,000; 2 percent \$3,000,001 to \$4,000,000; and 1 percent above \$4,000,001 and a straight 5 percent commission on properties improved with buildings. MOTION ADOPTED.

NEW BUSINESS:

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

LRCP 09-028 Department of Transportation – William Oldenburg, Administrator for the Bureau of Right-of-Way, presented the request and responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Representative Rausch, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to sell 6,050 square feet of State owned land located at the northeasterly corner of NH Route 16 and Pisani Street in the Town of Gorham to the abutter, William J. Green, Jr. and Priscilla J. Green, for \$31,100, which includes an Administrative Fee of \$1,100, and subject to the conditions as specified by the Department in their request dated May 21, 2009. MOTION ADOPTED.

LRCP 09-029 Department of Transportation – William Oldenburg, Administrator for the Bureau of Right-of-Way, presented the request and responded to questions of the Committee.

On a motion by Representative Rausch, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to enter into a listing agreement with Tami Pelletier Real Estate, for a term of one (1) year at a 6% commission, to sell a 0.9 acre parcel of State owned land located between the westerly side of North Riverdale Road and the easterly side NH Route 114 in the Town of Weare for \$60,000, with authorization to negotiate within a 10% range of the listing price, and assess an additional Administrative Fee of \$1,100, and subject to the conditions as specified by the Department in their request dated June 4, 2009. MOTION ADOPTED.

LRCP 09-031 Department of Transportation – William Oldenburg, Administrator for the Bureau of Right-of-Way, presented the request and responded to questions of the Committee.

On a motion by Representative Chandler, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to enter into a listing agreement with REMAX Synergy, for a term of six (6) months at a commission of 6%, to sell a 2.04 acre parcel of State owned land located on the westerly side of Allard Drive in the City of Manchester for \$400,000, assess an additional Administrative Fee of \$1,100, and subject to the conditions as specified by the Department in their request dated June 11, 2009. MOTION WITHDRAWN

On a motion by Representative Campbell, seconded by Representative Rausch, that the Committee **amend** and approve the request of the Department of Transportation, Bureau of Right-of-Way, to enter into a listing agreement with REMAX Synergy, for a term of six (6) months at a commission of 6%, to sell a 2.04 acre parcel of State owned land located on the westerly side of Allard Drive in the City of Manchester for **not less than** \$400,000, assess an additional Administrative Fee of \$1,100, **denied authorization to negotiate within a 10% range of the listing price**, and subject to the conditions as specified by the Department in their request dated June 11, 2009. MOTION ADOPTED.

LRCP 09-032 Department of Transportation – William Oldenburg, Administrator for the Bureau of Right-of-Way, presented the request and responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Senator Gallus, that the Committee **amend** and approve the request of the Department of Transportation, Bureau of Right-of-Way, to enter into a listing agreement with H.G. Johnson Real Estate, for a term of one (1) year at a 6% commission, to sell a 4.3 acre parcel of State owned land located on the southeast corner of the intersection of NH Route 123 and Cobb Hill Road in the Town of Alstead for **\$52,500 not \$50,000**, with authorization to negotiate within a 10% range of the listing price, and assess an additional Administrative Fee of \$1,100, as specified in their request dated June 5, 2009. MOTION ADOPTED.

LRCP 09-033 Department of Transportation – William Oldenburg, Administrator for the Bureau of Right-of-Way, presented the request and responded to questions of the Committee.

On a motion by Senator Gallus, seconded by Senator D'Allesandro, that the Committee **amend** and approve the request of the Department of Transportation, Bureau of Right-of-Way, to enter into a listing agreement with Great North Woods Realty, for a term of one (1) year at a commission of 5%, to sell a 1.45 acre parcel of State owned land improved with a one-story ranch style house with a barn located on the northerly side of NH Route 26 in the Town of Colebrook for **\$89,000 not \$90,000**, with authorization to negotiate within a **30% range not a 10% range** of the listing price, assess an additional Administrative Fee of \$1,100, and subject to the conditions as specified by the Department in their request dated June 10, 2009. MOTION ADOPTED.

LRCP 09-034 Department of Transportation – William Oldenburg, Administrator for the Bureau of Right-of-Way, presented the request and responded to questions of the Committee.

On a motion by Representative Campbell, seconded by Representative Chandler, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to sell a 0.6 acre parcel of State owned land located on the westerly side of NH Route 28 Bypass in the Town of Auburn to the abutters by a sealed bid process with a minimum bid price of \$36,100, which includes the Administrative Fee of \$1,100, and subject to the conditions as specified by the Department in their request dated June 5, 2009. MOTION ADOPTED.

LRCP 09-035 Department of Transportation – William Oldenburg, Administrator for the Bureau of Right-of-Way, presented the request and responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Representative Chandler, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to sell a 0.2 acre parcel of State owned land located on the northerly side of NH Route 25/3A in the Town of Plymouth to the abutters, Vuong Family, LLC in exchange for deeding a 10,600 square foot permanent drainage easement to the Department plus \$45,100, which includes the \$1,100 Administrative Fee, as specified in their request dated June 10, 2009. MOTION ADOPTED.

LRCP 09-036 Department of Transportation - William Oldenburg, Administrator for the Bureau of Right-of-Way, presented the request and responded to questions of the Committee.

On a motion by Representative Chandler, seconded by Representative Rausch, that the Committee approve the request of the Department of Transportation, Bureau of Right-of-Way, to transfer two (2) contiguous parcels of State owned land consisting of 0.45 acres located in the Towns of Windham and Salem to the New Hampshire Department of Resources and Economic Development at no cost, and subject to the conditions as specified by the Department in their request dated June 10, 2009. MOTION ADOPTED.

MISCELLANEOUS:

The Committee requested that the Department of Transportation provide a current status report of properties on the market, to include how long they have been advertised, and requested that the Office of Legislative Budget Assistant provide a report of the net sales of properties generated from State agencies over the past three biennium's. This information is requested for the September meeting.

INFORMATIONAL:

The informational materials were accepted and placed on file.

DATE OF NEXT MEETING AND ADJOURNMENT:

The next meeting of the Long Range Capital Planning and Utilization Committee will be Tuesday, September 15, 2009 at 10:00 a.m. in Room 201 of the Legislative Office Building.

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

Representative David Campbell, Clerk