

**Minutes of the Meeting of the Lakeshore Redevelopment Planning Commission
May 12, 2020**

Place: By ZOOM and Conference Call Only (for Commissioners + General Public)

[Pursuant to RSA 91-A:2, III(b) the Commission Chair and its Presiding Officer have determined that due to the current coronavirus outbreak, the unavailability of our regular meeting space, the recent orders and guidance issued by NH State Government relative to social distancing during this health crisis, and the requirement to file a million dollar grant application with the Northern Borders Regional Commission by May 30, 2020, an emergency exists. Consequently, this Commission meeting will not be held at a physical location, but will be conducted entirely by conference call and over the Internet via Zoom. All members of the public that wish to listen to the meeting will be able to call-in at the number below or join via Zoom using the link below. Specific instructions for the conduct of this meeting will be announced by the presiding officer at the beginning of the meeting. Thank you for your patience.]

**Dial-in Number: 1-929-205-6099
Meeting ID: 961 1724 6589**

**Connection via ZOOM:
<https://sheehan.zoom.us/j/96117246589>
Meeting ID: 961 1724 6589**

Meeting called to order at 10:05 AM.

Commissioner Attendance: George Bald, chair, Gino Baroni, Robert Cheney, George Hurt, Rusty McLearn, Chris Shumway, Peter Spanos

Adoption of Minutes

Commissioner McLearn moved the adoption of the minutes for the meeting held on March 30, 2020. The motion was seconded by Commissioner Spanos.

Roll call vote:

George Bald __Yes__

Gino Baroni __Yes__

Bob Cheney __Yes__

George Hurt __Yes__

Rusty McLearn __Yes__

Chris Shumway __Yes__

Peter Spanos __Yes__

The motion passed 7-0.

Discussion and vote regarding Northern Borders Regional Commission grant application

Commissioner Cheney introduced the consultants working on the Northern Borders grant application on behalf of the Commission: Alan Mountjoy and Chris Herlich of NBBJ, Dave Fenstermacher of VHB, Jeff Hayes and Tracey Secula of Lakes Region Planning Commission, and Russ Thibeault of Applied Economic Research. Commissioner Cheney also pointed out that Mike Connor of NH Department of Administrative Services was working closely with the

team in preparing the grant application materials. Jeff Hayes provided an overview of the grant application process. He pointed out that prior to working on the grant application itself, the grant application team had to first prepare a request for a waiver from the Northern Borders Regional Commission – the first ever made to the NBRC – since Laconia had not been included on the NBRC’s 2020 list of distressed communities. Mr. Hayes indicated that the Lakeshore Commission’s request for a waiver was granted by the NBRC on April 22. Mr. Hayes reported that the grant application for \$1 million in federal funds to be matched by an equal amount of state funds was due by June 1, 2020, and that he anticipated that the Lakeshore Commission’s grant team would have no problem meeting that date. Another application could be submitted to the NBRC by the Lakeshore Commission in 2021, if the Lakeshore Commission received a grant in 2020 and obligated 75% of the grant funds before filing grant application in 2021.

Mr. Mountjoy described the proposed NBRC grant project. It is a modified version of the proposed Phase I redevelopment set out in the NBBJ Redevelopment Master Plan submitted to the Lakeshore Commission by NBBJ at the end of 2019. Major elements of the proposed grant project are replace of the lower end of the existing sewer system on the north side of the site, improving Right of Way Path to approximately the 911 building with a new roadway, sidewalk and utilities, establishing a access road to Route 106 north of Right Way Path, and establishing a connecting roadway between Right Way Path and the new access road. The project plan also calls for stabilization improvements to the dairy barn structure. Mr. Mountjoy pointed out that the project area was selected due to its proximity to Route 106, thus providing relatively easy access to the municipal water system.

Although a developer would create a final plan for the areas to be serviced by the new roadways and utilities, Mr. Thibeault reviewed a hypothetical plan for the project that he deemed “reasonable” and estimated that future development associated with the project area could yield up to 150 new jobs. Commissioner Baroni stated that there is an impact on real estate development due to the COVID-19 matter that is affecting developer and lender interests at this time and a need to account for this in our schedule. Although Commissioner Baroni and Mr. Thibeault both agreed that the Covid-19 crisis may delay some development prospects even as long as 18 months, Mr. Thibeault still thought that development prospects for the project area were very good. Commissioner Baroni noted that the most promising option in the current Phase 1 plan is for a food production facility within the project area as proposed in the grant project plan.

Mr. Mountjoy reviewed the proposed project costs, which met the grant cap of \$2 million (including matching funds). A couple Commissioners noted that replacing the deteriorated existing sewer infrastructure would help to alleviate current concerns of the NH Dept. of Environmental Services regarding groundwater infiltration into the sewer system. It was stated that the current system is costing approximately \$60,000 per year in repairs and maintenance and that this sewer work would provide some relief. Commissioner Baroni asked whether, at \$60,000 per year, the option of septic or other temporary sewer remedial action for the residential units at the “top” of the parcel was analyzed. There was a response that it was and that there was limited state interest in doing so. Commissioner Baroni stated that at \$60,000 per year cost there should be interest in an interim remedial action until this development could alleviate that matter. Some additional discussion occurred.

Commissioner Baroni moved that the Commission proceed with a \$1 million matching grant application to the Northern Borders Regional Commission based on a modified version of the Phase I improvements identified in the Commission’s Redevelopment

Master Plan prepared by NBBJ and dated September 2019, and as more particularly described in the NBBJ Phase I Development document presented to the Commission on May 12, 2020, describing improvements to a portion of the existing sewer system, Right Way Path, and two new roadways, in a total amount, including matching funds, not to exceed \$2 million, and authorizing Jeff Hayes and the Lakes Region Planning Commission, with the approval and, to the extent necessary, under the signatures of Commissioners Bald and Cheney, to execute and submit on behalf of the Commission such documents and information as may be necessary to support the grant application.

The motion was seconded by Commissioner Spanos.

Roll call vote:

George Bald __Yes__ Rusty McLear __Yes__
Gino Baroni __Yes__ Chris Shumway __Yes__
Bob Cheney __Yes__ Peter Spanos __Yes__
George Hurt __Yes__

The motion passed 7-0. [Commissioner McLear was temporarily off-line at the moment of the vote, but returned to the meeting and indicated that he would vote in favor of the motion.]

Discussion of Lakes Region Planning Commission contract amendment for additional support for Northern Borders grant application and vote regarding same

Commissioner Cheney reported that the Lakes Region Planning Commission (LRPC) was providing great support and leadership coordinating the team of Commission consultants and Commissioners working on the grant application. LRPC also carefully coordinated the preparation of the waiver application to the NBRC. Commissioner Cheney pointed out that not only was the waiver application unanticipated in LRPC’s original scope of work, but the effort and detailed required to coordinate and prepare the grant application itself was requiring more effort than originally anticipated. Commissioner Cheney recommended increasing LRPC’s budget and total contract price by \$6,000 and extending the term of LRPC contract to October 30, 2020, to ensure that LRPC would be available to assist the Lakeshore Commission through the NBRC grant award process in October 2020.

Commissioner Hurt moved that the Commission vote to further amend the Commission’s contract with Lakes Region Planning Commission dated March 3, 2020, with Contract Amendment #1 to extend LRPC’s contract to October 30, 2020, and increase the total contract price by \$6,000 in order for LRPC to provide consulting services in support of a Northern Borders Regional Commission grant application and eligibility waiver and authorize Commissioners Cheney to prepare and execute such documents as are necessary for this purpose.

The motion was seconded by Commissioner Cheney.

Roll call vote:

George Bald __Yes__ Rusty McLear __Not Present__
Gino Baroni __Yes__ Chris Shumway __Yes__
Bob Cheney __Yes__ Peter Spanos __Yes__
George Hurt __Yes__

The motion passed 6-0.

Discussion of contract with Nobis Group for soil removal + well monitoring and vote regarding same

Commissioner Cheney summarized the past activity and findings associated with the Phase II site assessment and supplemental site investigation activities performed by Nobis Group at the Lakes Region Facility. Tim Andrews of Nobis Group reviewed with the Commissioners certain site diagrams from the Phase II site investigation and, in particular, reviewed those locations where additional groundwater monitoring or soil removal is recommended as a result of the Phase II site assessment. Mr. Andrews presented Nobis Group's updated proposal to perform the recommended monitoring and soil removal activities.

Commissioner Hurt moved that the Commission approve the proposed contract with the Nobis Group to provide to the Commission services to arrange and oversee removal of contaminated materials and additional groundwater monitoring and to provide a summary report of such activities as specified in the proposed May 12, 2020, services agreement with Nobis Group incorporating the Nobis Group proposal dated May 11, 2020, with work under this agreement to commence as soon as practicable with a completion date of September 30, 2020, and in an amount not to exceed \$25,000 and authorize Commissioner Cheney to execute this agreement on behalf of the Commission.

The motion was seconded by Commissioner Spanos.

Although in favor of proceeding with the monitoring and soil removal, Commissioner Baroni made several suggestions relative to the latest Nobis Group proposal including: specifying in the proposal the persons and their work rates instead of using general titles and ranges, removing the cost item related to use of technology for project tasks, and reducing the markup percentage from 15% to 10%. Mr. Andrews indicated that Nobis Group has no issue with revising the proposal to reflect these suggestions. Commissioners Hurt and Spanos consented to the amendment of their motion.

Amended motion:

Commissioner Hurt moved that the Commission approve the proposed contract with the Nobis Group to provide to the Commission services to arrange and oversee removal of contaminated materials and additional groundwater monitoring and to provide a summary report of such activities as specified in the proposed May 12, 2020, services agreement with Nobis Group incorporating the Nobis Group proposal dated May 11, 2020, which proposal will be amended to include identification of Nobis Group employees that may work on this project task and their respective billing rates, elimination of the technology charge, and reduction of the markup rate to 10%, with work under this agreement to commence as soon as practicable with a completion date of September 30, 2020, and in an amount not to exceed \$25,000 and authorize Commissioner Cheney to execute this agreement on behalf of the Commission.

Roll call vote:

George Bald Yes

Rusty McLear Not Present

Gino Baroni Yes

Chris Shumway Yes

Bob Cheney ___Yes___
George Hurt ___Yes___

Peter Spanos ___Yes___

The motion passed 6-0.

Discussion of NBBJ contract amendment for additional work in support of Northern Borders grant application and related wetlands delineation work and vote regarding same

Commissioner Cheney explained that a portion of the Northern Borders grant application addressed environmental issues and the most expeditious way of addressing these issues for the grant application was to utilize NBBJ's subcontractor, VHB. According to Commissioner Cheney, VHB had a very qualified in-house staff. Commissioner Cheney also noted that the regulatory window was closing for the portion of this environmental review relating to vernal pools, and there was a need to get VHB's field personnel to the site as soon as possible. Dave Fenstermacher from VHB stated that identification of the vernal pools would help in better estimating of the next phase of work related to sitewide delineation of wetlands. Mr. Fenstermacher indicated that VHB was both interested in the project and ready to proceed.

Commissioner Spanos moved that the Commission vote to further amend the Commission's contract with NBBJ dated July 30, 2018, with Contract Amendment #6 to extend NBBJ's contract to July 31, 2020, and increase the total contract price by \$5,000 to \$218,000 in order for the NBBJ team to identify the presence of and, if present, assess vernal pools located at the Lakes Region Facility in support of a Northern Borders Regional Commission grant application to be prepared by the Commission for the purpose of implementing as much of the proposed Phase I and/or Phase II infrastructure improvements identified in NBBJ's September 2019 redevelopment master plan as are feasible and authorize Commissioner Cheney to prepare and execute such documents as are necessary for this purpose.

The motion was seconded by Commissioner Hurt.

Though generally in favor of the motion, Commissioner Baroni wanted the motion to clearly state that the billings for the work under this task would not exceed \$5,000. Commissioners Hurt and Spanos consented to the amendment of their motion.

Amended motion:

Commissioner Spanos moved that the Commission vote to further amend the Commission's contract with NBBJ dated July 30, 2018, with Contract Amendment #6 to extend NBBJ's contract to July 31, 2020, and increase the total contract price by \$5,000 to \$218,000 in order for the NBBJ team to identify the presence of and, if present, assess vernal pools located at the Lakes Region Facility in support of a Northern Borders Regional Commission grant application to be prepared by the Commission for the purpose of implementing as much of the proposed Phase I and/or Phase II infrastructure improvements identified in NBBJ's September 2019 redevelopment master plan as are feasible, subject to the further condition that the billings for work performed and expenses incurred in carrying out this task of vernal pool identification not exceed \$5,000, and authorize Commissioner Cheney to prepare and execute such documents as are necessary for this purpose.

Roll call vote:

George Bald __Yes__

Gino Baroni __Yes__

Bob Cheney __Yes__

George Hurt __Yes__

Rusty McLear __Not Present__

Chris Shumway __Yes__

Peter Spanos __Yes__

The motion passed 6-0.

Old business

Commissioner Cheney reported that RPF Associates estimated that it was approximately 30% through its on-site hazardous materials assessment activities relative to the 28 buildings located at the Lakes Region Facility. Issues related to the Covid-19 crisis had slowed their progress somewhat. Delivery of a final report is still targeted for July 2020.

New business -- None

Comments from public -- None

Set dates for next meeting – The dates for the next meeting was left to the call of the Chair, but tentatively identified as some time during the first two weeks of June 2020.

Adjournment

Commissioner Hurt moved to adjourn the meeting. Commissioner Baroni seconded the motion.

Roll call vote:

George Bald __Yes__

Gino Baroni __Yes__

Bob Cheney __Yes__

George Hurt __Yes__

Rusty McLear __Not Present__

Chris Shumway __Yes__

Peter Spanos __Yes__

The motion passed 6-0.

The meeting adjourned at approximately 10:30 AM.

