



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



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Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, NH 03301

Executive Office
November 6, 2019

REQUESTED ACTION

Authorize the Department of Transportation to allow the Town of Andover to mine approximately 4,000 cubic yards of sand from currently State owned land during the winter of 2019/2020, to be effective upon Governor and Council approval through March 31, 2020.

EXPLANATION

The Department of Transportation is in the process of transferring property at 41 Salisbury Highway in Andover to the Town of Andover. The Department and the Town have made considerable progress towards completing the conveyance, but have yet to finalize the sale. The Town requested to mine approximately 4,000 cubic yards of sand for winter maintenance from the subject property. The Department understands that the Town has a need for this sand during the upcoming winter season, and that delays in the conveyance may make it impractical to transfer the subject property prior to the winter season beginning. The Department and the Town wish to enter into the attached agreement to formalize the removal of sand from the subject property. In the event the conveyance does not proceed, the Town would reimburse the costs of material removed.

The agreement has been approved by the Attorney General as to form and execution. Copies of the fully executed agreements are on file at the Secretary of State's Office and the Department of Administrative Services, and subsequent to Governor and Council approval, will be on file at the Department of Transportation.

It is respectfully requested that this item be approved.

Sincerely,

Victoria F. Sheehan
Commissioner

Attachments



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

October 28, 2019

Charles Keyser, Chair
Andover Select Board
PO Box 61
Andover, NH 03216-0061

Re: Winter Sand from 41 Salisbury Highway in Andover

Dear Chairman Keyser,

The Department of Transportation (the "Department") and the Town of Andover (the "Town") have had ongoing discussions about a conveyance of the above-described property from the Department to the Town. As of the date of this letter, the Department and the Town have made considerable progress towards completing the conveyance, but have yet to finalize the sale. The Department received your request, attached hereto, seeking to mine approximately 4,000 cubic yards of winter sand from the subject property. The Department understands that the Town has a need for this sand during the upcoming winter season, and that delays in the conveyance may make it impractical to transfer the subject property prior to the winter season beginning. The Department and the Town wish to enter into an agreement to formalize the removal of sand from the subject property.

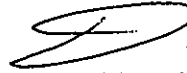
The Town may remove approximately 4,000 cubic yards of sand during the winter of 2019/2020. In the event that the conveyance does not transpire, the Town is only authorized to remove sand until March 31, 2020. In the event that the conveyance does not transpire prior to March 31, 2020, the Town must reimburse the costs of all material removed, at the agreed rate of \$3.00 for each cubic yard removed. The Town must keep detailed records, to be inspected upon demand by the Department, documenting the quantity of material removed. In the event that the conveyance is finalized prior to March 31, 2020, the Town has no obligation to reimburse the Department for the costs of material removed. In no way does this agreement authorize the Town to remove material beyond March 31, 2020 or during any other winter season. This agreement becomes effective, and the Town may begin to remove material, only upon approval by the Governor and Executive Council.

The Town is responsible for obtaining and complying with all local and state permits, as well as for compliance with all Federal, state, and local laws and rules. The Town shall defend, indemnify, and hold harmless the Department and its officials, agents, and employees from and against any and all claims, liabilities or suits arising from (or which may be claimed to arise from) any removal of sand.

If you agree to these terms please provide the signatures of the Andover Select Board below and return a copy of this letter to me. Upon receipt of an executed copy, the Department will obtain the signature of the Commissioner, approval as to form and execution by the Attorney General, and submit for review by the Governor and Executive Council.


If you have any further questions regarding this matter, please contact me.

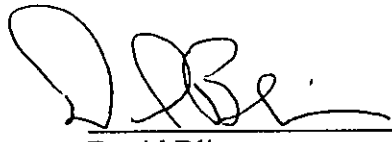
Sincerely,

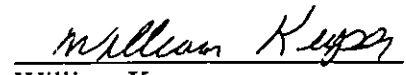


David Rodrigue, P.E.
Director of Operations

cc: William Cass (email)
Patrick Herlihy (email only)
Shelley Winters (email only)
Douglas King (email only)
Phillip Miles (email only)

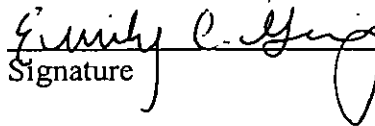


Charles Keyser, Chair
Date: 10-31-19

David Blinn
Date: 10-31-19

William Keyser
Date: 10/31/19

Approved by the Attorney General



Signature

EMILY C. GOERING

Print Name

NOVEMBER 1, 2019

Date

Approved by the Governor and Executive Council

Secretary of State

Date