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STATE OF NEW HAMPSHIRE  
DEPARTMENT of NATURAL and CULTURAL RESOURCES  
OFFICE OF THE COMMISSIONER

172 Pembroke Road Concord, New Hampshire 03301  
Phone: 271-2411 Fax: 271-2629

August 24, 2017

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

**REQUESTED ACTION**

Authorize the Department of Natural and Cultural Resources and the Department of Business and Economic Affairs to enter into a Memorandum of Agreement (MOA) for certain office space located at 172 Pembroke Road in Concord occupied by the Office of Workforce Opportunity for a 12-month period effective upon Governor and Executive Council approval from October 1, 2017 through September 30, 2018.

**EXPLANATION**

In September 2010, the Governor and Executive Council approved a 7-year Lease Agreement with McCarthy Properties and the former Department of Resources and Economic Development for the period of October 1, 2010 through September 30, 2017. In January, 2011 the Office of Workforce Opportunity (OWO) became part of the department under the Division of Economic Development. To accommodate the added costs associated with the expanded occupied space in the building, OWO was assessed separately for their portion of occupancy and the added overall costs to the lease agreement. Since that time, OWO has funded a portion of the yearly lease cost.

As of July 1, 2017 (Fiscal Year 2018), the Department of Resources and Economic Development is now organized as two separate departments: (1) the Department of Natural and Cultural Resources (DNCR) consisting of the Division of Parks and Recreation, the Division of Forests and Lands, and the former Department of Cultural Resources, along with its commissioner's office and administrative support elements; and (2) the Department of Business and Economic Affairs (DBEA) consisting of the Division of Economic Development and the Division of Travel and Tourism Development, along with its commissioner's office and administrative support elements.

The current lease agreement will expire on September 30, 2017. DNCR is requesting a 12-month extension in a separate requested action while DBEA pursues a new lease agreement for space elsewhere. The rent rate will remain the same during the extension period.

We are seeking approval of this MOA between DNCR and DBEA so that OWO may continue to fund their portion of the occupied space consistent with the current agreement.

The Attorney General's Office has approved this lease amendment as to form, substance and execution.

Respectfully submitted,

(15W)

Concurred,

Jeffrey J. Rose  
Commissioner (DNCR)

Taylor Caswell  
Commissioner (DBEA)

**MEMORANDUM OF AGREEMENT**

between the  
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES  
and the  
DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS

This Memorandum of Agreement (“Agreement”) is entered into between the New Hampshire Department of Natural and Cultural Resources (“DNCR”), 172 Pembroke Road, Concord, New Hampshire 03301, and the New Hampshire Department of Business and Economic Affairs (“DBEA”), also of 172 Pembroke Road, Concord, New Hampshire 03301.


WHEREAS the DBEA Office of Workforce Opportunity (“OWO”) occupies space located at 172 Pembroke Road which is leased and managed by McCarthy Properties via contract agreement with DNCR;

NOW THEREFORE, DNCR and DBEA agree to the following terms:

1. **Occupied Space.** DBEA OWO shall have the right to occupy certain space with the right to common areas necessary for access to lavatories and conference rooms as well as use of all other common space internally and externally.
2. **Term.** The Agreement shall be in effect from October 1, 2017 until September 30, 2018 or until such time that they vacate the building, whichever comes first.
3. **Rent.** DBEA OWO shall pay DNCR \$3,524.75 per month in rent at the commencement of this Agreement. If DBEA OWO vacates the premises, payment of rent will cease and final payment will be calculated on a prorated basis for the number of days in the final month they occupy the space based on a daily rate of \$117.49.
4. **Assignment.** DBEA shall not assign its rights under the Agreement to any other third party without DNCR’s prior written consent.
5. **Notices.** All notices, demands, requests and other communications required by the Agreement shall be in writing and shall be delivered to:

(a) For DNCR:

The State of New Hampshire  
Department of Natural and Cultural Resources  
172 Pembroke Road  
Concord, New Hampshire 03301  
Attention: Jeffrey J. Rose, Commissioner (or duly appointed successor)

Initials:   
Date: 8/22/17

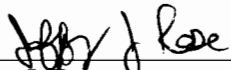
or at such other address of DNCR from time to time may have designated by written notice to DBEA. Such notice shall be deemed properly given upon the posting in the United States mail.

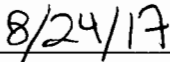
(b) For DBEA:

The State of New Hampshire  
Department of Business and Economic Affairs  
172 Pembroke Road  
Concord, New Hampshire 03301  
Attention: Taylor Caswell, Commissioner (or duly appointed successor)  
or at such other address as the DBEA from time to time may have designated by written notice to the DNCR. Such notice shall be deemed properly given upon the posting in the United States mail.

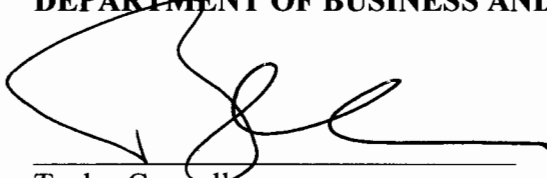
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed:

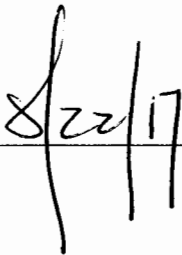
**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES**

  
\_\_\_\_\_  
Jeffrey J. Rose  
Commissioner

  
\_\_\_\_\_  
Date

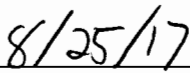
**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS**


  
\_\_\_\_\_  
Taylor Caswell  
Commissioner

  
\_\_\_\_\_  
Date

Approved as to form, substance and execution:

  
\_\_\_\_\_  
Asst. Attorney General

  
\_\_\_\_\_  
Date

Initials:   
Date: 