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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

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

Bureau of Right-of-Way
October 26, 2021

REQUESTED ACTION

The Department of Transportation, Bureau of Right-of-Way, requests authorization to **retroactively** pay Cooper, Cargill and Chant, P.A., of North Conway, NH (Vendor# 155841) \$7,233.36 as documented in the attached invoices and approved by orders of the NH Board of Tax and Land Appeals, effective upon approval by Governor and Council.

Funding is available based on the following:

FY 2022

04-096-096-963515-3054
Consolidated Federal Aid
401-500877
Land and Interest in Land

\$7,233.36

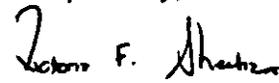
EXPLANATION

The Department requests the authorization of **retroactive** payment because the services were rendered in FY 2019 and FY 2020. In 2019, the Department of Transportation through the Department of Justice, retained the services of Cooper, Cargill and Chant, P.A. to act as the Guardian *ad litem* (GAL) for the unknown heirs of several deceased property owners (Cobb and Prescott, *et al*) in two condemnation actions filed with the Board of Tax and Land Appeals.

The Board of Tax and Land Appeals approved an assented-to motion in both cases for the payment of GAL fees on August 25, 2021. After the Board's order, the Department of Transportation paid the fees earned in both cases during FY 2021 and FY 2022, but now requests authorization to pay fees totaling \$7,233.36 that were earned in FY 2019 and FY 2020.

Your approval of this retroactive payment is respectfully requested.

Respectfully,


Victoria F. Sheehan
Commissioner

VFS/pfc
Attachments



**COOPER
CARGILL
CHANT**

ATTORNEYS AT LAW

2935 WHITE MOUNTAIN HIGHWAY, NORTH CONWAY, NEW HAMPSHIRE 03860 . 603-356-5439

ATTN: Emily C. Goering, Esq.
Heirs of Winston M. Prescott, et al
Transportation & Construction Bureau
33 Capital Street
Concord NH 03301

Page: 1
June 30, 2019
ACCOUNT NO: 21006-000M
Amount Enclosed \$ _____
Please return top portion with payment

For Professional Services Rendered Regarding:

Heirs of Winston M. Prescott, et al

INTERIM STATEMENT

			HOURS	
01/28/2019	KJT	Process documents for file.	0.20	27.00
02/15/2019	KJT	Review and process title documents provided by Attorney Goering.	1.20	162.00
FOR CURRENT SERVICES RENDERED			1.40	189.00
TOTAL CURRENT WORK				189.00
BALANCE DUE				<u>\$189.00</u>

15-96-30540000-500877-9625103-T3030-5013

VENDOR# 155841 B001

Please Include Your Account Number(s) With Your Check

COOPER CARGILL CHANT · ATTORNEYS AT LAW

2935 WHITE MOUNTAIN HIGHWAY, NORTH CONWAY, NEW HAMPSHIRE 03860 . 603-356-5439 . FAX 356-7975 . WWW.COOPERCARGILLCHANT.COM

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**COOPER
CARGILL
CHANT**

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For Professional Services Rendered Regarding:

Heirs of Winston M. Prescott, et al

INTERIM STATEMENT

HOURS

Date	Initials	Description	Hours	Amount
08/02/2019	CTM	Review of documents in preparation for meeting with appraiser and DOT (split fee)	2.30	678.50
08/05/2019	CTM	Travel to from and Attend site visit with appraiser and NH DOT, review letters from appraiser, review title information. (Split fee)	1.70	501.50
08/07/2019	CTM	Conference with emails with Steve Bernard of New Hampshire Department of Transportation; follow-up on site visit	0.30	88.50
08/09/2019	KJT	Review and process documents received from Chip Johnson from NHDOT for file.	0.20	27.00
	KJT	Review and process letter received from Chet Rogers, commercial real estate appraiser.	0.20	27.00
08/20/2019	CTM	Email to from Emily Goring at DOJ	0.20	59.00
10/07/2019	KJT	Legal research regarding heirs to Winston Prescott, Murray Wright and Marion Wright Gee.	2.50	337.50
10/29/2019	CTM	Review letter and notice from EHDOT; email to Mike Mozer.	0.50	147.50
10/30/2019	KJT	Review and process letter and public notice received from the NHDOT	0.20	27.00
11/19/2019	KJT	Review and process NHDOT letter enclosing Offer-Agreement, Temporary Easement document and Land Value Appraisal Report; docket corresponding response deadline.	0.30	40.50
	CTM	Review offer and appraisal.	0.70	206.50

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Heirs of Winston M. Prescott, et al

Heirs of Winston M. Prescott, et al

Page: 2

June 30, 2020

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For Professional Services Rendered Regarding:

			HOURS	
11/21/2019	KJT	Prepare fee and letter for payment of digital scans of East Side ROW layout plans.	0.20	27.00
12/09/2019	CTM	Conference with Nancy Welch of NHDOT. Follow up on work on offer.	0.50	147.50
12/10/2019	CTM	Review offer letter with supporting documents, consider response, research for other temp. takings measures, and respond to Nancy Welch.	0.70	206.50
12/13/2019	KJT	Letter to Nancy Welch at NHDOT enclosing original executed Offer-Agreement.	0.20	27.00
	CTM	Review, execute, improve offer agreement for both parcels.	0.20	59.00
12/16/2019	KJT	E-Mail to Nancy Welch at NHDOT attaching signed CCC W-9.	0.20	27.00
	CTM	Review, approve and sign Temporary Access Agreement.	0.30	88.50
12/17/2019	KJT	Review and process executed Temporary Access Easement.	0.20	27.00
	KJT	E-Mail to Nancy Welch, NHDOT attaching signed versions of the executed Temporary Access Easements.	0.20	27.00
	KJT	Letter to Nancy Welch, NHDOT enclosing original executed Temporary access Easements.	0.20	27.00
01/02/2020	KJT	Review and process NHDOT letter and check for property rights acquired.	0.20	27.00
	CTM	Review and process letter from NHDOT, process settlement check.	0.30	93.00
01/30/2020	KJT	Review and process NHDOT 1099 tax form received.	0.20	27.00
	CTM	Review and process 1099	0.10	31.00
		FOR CURRENT SERVICES RENDERED	12.80	2,982.00

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Heirs of Winston M. Prescott, et al

Heirs of Winston M. Prescott, et al

Page: 3

June 30, 2020

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For Professional Services Rendered Regarding:

10/07/2019	Computer-Assisted Legal Research	94.76
11/21/2019	Minuteman Press- Invoice #106769; Blueprint Scans- Check #30761	16.00
	TOTAL ADVANCES	<u>110.76</u>
	TOTAL CURRENT WORK	3,092.76
	BALANCE DUE	<u>\$3,092.76</u>

Your Trust Account balance is \$750.00

Please Include Your Account Number(s) With Your Check

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**COOPER
CARGILL
CHANT**
ATTORNEYS AT LAW

2935 WHITE MOUNTAIN HIGHWAY, NORTH CONWAY, NEW HAMPSHIRE 03860 . 603-356-5439

ATTN: Emily C. Goering, Esq.
Heirs of Louise M. Cobb, et al
Transportation & Construction Bureau
33 Capital Street
Concord NH 03301

Page: 1
June 30, 2019
ACCOUNT NO: 21007-000M
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For Professional Services Rendered Regarding:

Heirs of Louise M. Cobb, et al

INTERIM STATEMENT

			HOURS	
01/28/2019	KJT	Prepare documents for file.	0.20	27.00
02/07/2019	CTM	Multiple emails with Emily Goering at NHDOT, review pleadings.	0.50	147.50
		FOR CURRENT SERVICES RENDERED	0.70	174.50
		TOTAL CURRENT WORK		174.50
		BALANCE DUE		<u>\$174.50</u>

15-96-30540000-500877-9625103-T3030-5013

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For Professional Services Rendered Regarding:

Heirs of Louise M. Cobb, et al

INTERIM STATEMENT

HOURS

08/01/2019	KJT	Telephone conference with independent appraiser Chet Rogers regarding site visit.	0.20	27.00
08/02/2019	CTM	Review of title documents from the New Hampshire Atty. Gen.'s office in preparation for site visit; review of title and investigate the possibility of finding current errors; look at possibility that Linda Fox Phillips has a potential adverse possession claim against property; look at tax payment history for tax parcel; look at tax map for three parcels. (Split fee with 21006)	2.30	678.50
08/05/2019	CTM	Travel to from and Attend site visit with appraiser and NH DOT, review letters from appraiser, review title information. (Split fee)	1.70	501.50
08/08/2019	CTM	Email to appraiser; email to NHDOT. Email to Emily Goring at New Hampshire Atty. Gen.'s office about procedure, and requesting further documents; start search for heirs. Research requirements for distribution proceeds. Further emails with Chip Johnson, review additional materials provided by Chip.	3.70	1,091.50
08/09/2019	KJT	Review and process documents received from Chip Johnson from NHDOT for file.	0.20	27.00
	CTM	Email to from Emily Goring at New Hampshire Atty. Gen.'s office regarding miscellaneous;	0.50	147.50
	KJT	Review and process letter received from Chet Rogers, commercial real estate appraiser.	0.20	27.00
10/07/2019	KJT	Legal research regarding regarding heirs of		

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Heirs of Louise M. Cobb, et al

Heirs of Louise M. Cobb, et al

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June 30, 2020
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For Professional Services Rendered Regarding:

			HOURS	
		Louise M. Cobb, Nathan A. Cobb, William L. Cobb and Frances Louise Cobb.	2.50	337.50
10/30/2019	KJT	Review and process letter and public notice received from the NHDOT	0.20	27.00
11/19/2019	KJT	Review and process NHDOT letter enclosing Offer-Agreement, Temporary Easement document and Land Value Appraisal Report; docket corresponding response deadlines.	0.30	40.50
	CTM	Review offer and appraisal; look at criteria for temp taking; consider offer of sale.	0.90	265.50
12/10/2019	CTM	Review offer letter with supporting documents, consider response, research for other temp. takings measures, and respond to Nancy Welsh.	0.70	206.50
12/13/2019	KJT	Letter to Nancy Welsh at NHDOT enclosing original executed Offer-Agreement.	0.20	27.00
	CTM	Review, execute, improve offer agreement for both parcels. (Split time)	0.20	59.00
12/16/2019	CTM	Review, approve and sign Temporary Access Agreement.	0.30	88.50
12/17/2019	KJT	Review and process executed Temporary Access Easement.	0.20	27.00
01/02/2020	KJT	Review and process NHDOT letter and check for property rights acquired.	0.20	27.00
	CTM	Review and process letter from NHDOT, process settlement check.	0.30	93.00
01/30/2020	KJT	Review and process NHDOT 1099 tax form received.	0.20	27.00
	CTM	Review and process 1099.	0.10	31.00
		FOR CURRENT SERVICES RENDERED	15.10	3,756.50

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Heirs of Louise M. Cobb, et al

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Page: 3

June 30, 2020

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For Professional Services Rendered Regarding:

10/07/2019	Computer-Assisted Legal Research	<u>20.60</u>
	TOTAL ADVANCES	20.60
	TOTAL CURRENT WORK	3,777.10
	BALANCE DUE	<u>\$3,777.10</u>

Your Trust Account balance is \$750.00

15-96-30540000-500877-9625103-T3030-5013

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State of New Hampshire

Board of Tax and Land Appeals

Michele E. LeBrun, Chair
Albert F. Shamash, Esq., Member
Theresa M. Walker, Member

Anne M. Stelmach, Clerk



Governor Hugh J. Gallen
State Office Park
Johnson Hall
107 Pleasant Street
Concord, New Hampshire
03301-3834

State of New Hampshire

v.

Heirs of Winston M. Prescott, Murray J. Wright and Marion Wright Gee

Docket No.: 29240-19ED

ORDER

The board has reviewed the Guardian Ad Litem ("the GAL") report and the itemized bill for services filed on August 2, 2021 and the prior March 30, 2021 Assented-To Motion of the GAL for Order on Settlement Proceeds, Payment of GAL Fees, and Closing of Docket ("Motion").

The record does not reflect any objection or questions of the amounts claimed by either the State of New Hampshire, Department of Transportation or the State of New Hampshire, Department of Justice.

Consequently, the board grants the Motion (see RSA 498-A:31).

SO ORDERED.

BOARD OF TAX AND LAND APPEALS
Per Order of the Board

DEPT. OF TRANSPORTATION
RIGHT-OF-WAY

AUG 26 2021

RECEIVED


Anne M. Stelmach, Clerk

State v. Heirs of Winston M. Prescott, et al.

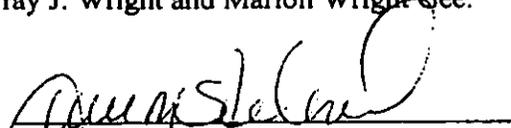
Docket No.: 29240-19ED

Page 2

CERTIFICATION

I hereby certify copies of the foregoing Order has been mailed this date, postage prepaid, to: State of New Hampshire, Department of Transportation, 7 Hazen Drive, Concord, NH 03301, Condemnor; Emily C. Goering, Esq., State of New Hampshire, Department of Justice, 33 Capitol Street, Concord, NH 03301, counsel for the Condemnor; and Christopher T. Meier, Esq., COOPER CARGILL CHANT, P.A., 2935 White Mountain Highway, North Conway, NH 03860, GAL for Heirs of Winston M. Prescott, Murray J. Wright and Marion Wright Gee.

Dated: August 25, 2021


Anne M. Stelmach, Clerk

State of New Hampshire

Board of Tax and Land Appeals

Michele E. LeBrun, Chair
Albert F. Shamash, Esq., Member
Theresa M. Walker, Member

Anne M. Stelmach, Clerk



Governor Hugh J. Gallen
State Office Park
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03301-3834

State of New Hampshire

v.

Heirs of Louise M. Cobb, Nathan A. Cobb, William L. Cobb and Frances L. Cobb

Docket No.: 29239-19ED

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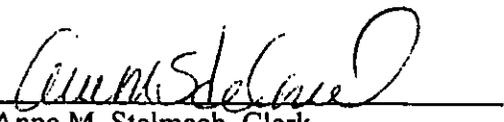
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BOARD OF TAX AND LAND APPEALS
Per Order of the Board


Anne M. Stelmach, Clerk

DEPT. OF TRANSPORTATION
RIGHT-OF-WAY

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Dated: August 25, 2021



Anne M. Stelmach, Clerk