

STATE PROPERTIES COMMITTEE

Tuesday, July 26, 2005

The meeting of the State Properties Committee was called to order at 10:08 A.M. by Chairman Jerome F. Williams. Other members present were Genevieve Allaire Johnson, Esquire, representing the Department of Attorney General, Mr. John Ryan, representing the Department of Administration, and Mr. Robert W. Kay, Public Member. Also present were, Ms Marlene McCarthy-Tuohy, and Michael Mitchell, Esquire, from the Department of Administration; Ms. Valena Bianco and Mr. Rick Kalunian from the Department of Transportation; Brian Wagner, Esquire, from the Department of Environmental Management; Nellie Gorbea, Esquire, and Mr. Tim Patterson, from the Office of the Secretary of State; Mr. Jeff Renzi, from the Department of Corrections; Ms. Barbara Hurst and John Hardiman, Esquire, from the Office of the Public Defender; and, Robert I. Stolzman, Esquire. The minutes of the Special Meeting held on June 28, 2005 were approved with a correction. The minutes listed Jametta Alston, from the Office of the Child Advocate as attending the meeting and she did not, in fact, attend. The minutes will be corrected to reflect that she was not in attendance. The minutes of the meeting held on July 12, 2005 were approved.

1) OLD BUSINESS – Division of Motor Vehicles – Bid Protest.

The Chair, Mr. Jerome Williams gave an update of the bid protest relative to the Registry of Motor Vehicles.

The Department has responded to the bid protest made on behalf of

Mr. Paolino and his group from Attorney William Kolb. The first item that they were protesting was that the bid was eight minutes late. There is flexibility within the purchasing regulations that allow bids to be accepted when it is in the best interest of the state. The Department feels, considering the fact that there were only two other bidders and this is a substantial project and, there was a gridlock on the highway, it is in the best interest of the state to receive the bid. The Department has rejected that item.

The second component of the protest was the location of the space. An argument has been made that the bid was outside of the Route 95 Corridor. It was written in the bid specifications that it would be part of the Route 95 Corridor. Mr. Paolino and his group referenced a map that was given out. There were two RFPs conducted for the Registry. There was a map given out on the first one. There was no map on the second one, because the Department was trying to broaden the range of options by establishing the subsequent RFP. The Department has rejected this issue because there was no map delineating exactly where the Registry needed to be and the Department feels that the proposed location is within the Route 95 Corridor.

The third issue was parking. Mr. Paolino did not believe there would be 500 parking spaces associated with the facility being proposed. The Department has rejected this protest item because it firmly believes there is sufficient parking.

The last item is that they believe that Platt is not a responsible bidder. Platt was authorized to act as agent for GU Markets of

Cranston, LLC who is the tenant. In addition, the landlord had provided information that they were going to create a new Lease, if need be. Also implied was the lease term was shorter than the proposed ten year period. That was not true because there were four additional five year option periods which covered well beyond the ten year period.

The Department believes that in all cases the protest had no merit and the Department has rejected it. The Department is moving forward. The State Properties Committee had given the Department approval to negotiate for a lease document and the Department will return when that is completed.

2) NEW BUSINESS – Miscellaneous - The next meeting of the State Properties Committee is scheduled to be held on Tuesday, August 16, 2005.

ITEM A – OFFICE OF THE SECRETARY OF STATE – A request was made by the Office of the Secretary of State for approval and signatures on Agreement with M.S.I. Holdings, LLC relative to space at 100-110 North Main Street, Providence.

The Office of the Secretary of State is a tenant at 100-110 North Main Street, Providence, which is currently owned by M.S.I. Holdings, LLC. The Lease expires on November 1, 2005. There was a lease dispute between M.S.I. Holdings, LLC and the Office of the Secretary of State which led to a small lawsuit. This matter has been settled. The Office of the Secretary of State will be moving, and as part of the settlement, an extension of the Lease was agreed upon. The Lease will be extended until December 31, 2005.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Ryan to approve the request of the Office of the Secretary of State for approval and signatures on Agreement with M.S.I. Holdings, LLC.

Passed Unanimously

ITEM B– OFFICE OF THE SECRETARY OF STATE – A request was made by the Office of the Secretary of State for approval and signatures on a Lease with River Commerce Center, LLC for space at 148 West River Street, Providence.

On June 7, 2005 the State Properties Committee granted the Office of the Secretary of State permission to enter into negotiations for office space at 148 West River Street in Providence. The negotiations are concluded and the Office of the Attorney General has reviewed the documents. The Lease is for 12,152 square feet of space. The term of the Lease is for a ten (10) year period with a ten (10) year option. The Office of the Attorney General had requested that the Lease contain a no cause termination clause and this language has been added to the Lease.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Kay to approve the request of the Office of the Secretary of State for approval and signatures on a Lease with River Commerce Center, LLC for space at 148 West River Street, Providence.

Discussion took place regarding the Master Lease that has been developed by the Department of Administration. This was the first time that this Lease has been utilized and the reception by all parties was excellent. This Lease was developed by Ms Marlene McCarthy-Tuohy and Attorneys Genevieve Allaire Johnson and Louis

DeQuattro. Thanks were given to Ms. McCarthy-Tuohy and Attorney DeQuattro by the Office of the Secretary of State.

Passed Unanimously

ITEM C – DEPARTMENT OF CORRECTIONS/ADULT PROBATION AND PAROLE – A request was made by the Department for permission to initiate negotiations for office space in Woonsocket.

An advertisement was done in the newspaper and there was no response to the RFP. In May, 2005, the Department received permission to waive the RFP process and seek office space for the Woonsocket Adult Probation and Parole Office. The current space is not big enough to meet their needs. The Department has chosen the site located at 1 Cumberland Street, Woonsocket. This is a multi-floored office building consisting of 3,625 square feet. The Department is looking for a five (5) year term with a five (5) year option to renew. The proposed rate, exclusive of electricity is \$12.00 per square foot and there are twelve parking spaces. It is anticipated at this point that the handicap, structural and fire codes can be met, but letters will be sent to the appropriate persons verifying the space meets all the codes.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Ryan to approve the request of the Department for permission to initiate negotiations for office space in Woonsocket.

Passed Unanimously

ITEM D – OFFICE OF THE PUBLIC DEFENDER – A request was made by the Department for permission to advertise and seek Requests for Proposals for office space.

The Office of the Public Defender is looking for permission to advertise for office space and to negotiate a one - year extension at the current location at 100 North Main Street, Providence. The Public Defender's office currently has 11,400 square feet at the North Main Street office and is looking to negotiate with the owner for one year while going through the process of locating new space. Additional square footage is needed for the Office of the Public Defender. The draft of the RFP indicates a need of 18,000 to 20,000 square feet. Within the RFP there also calls for a requirement to be in close proximity to the courthouse. A ten (10) year term with a ten (10) year renewal is being sought with a one year cancellation clause.

A motion was made by Mr. Ryan and seconded by Mr. Kay to approve the request of the Office of the Public Defender for permission to negotiate a one - year extension at the current location at 100 North Main Street, Providence and permission to advertise for office space.

Passed Unanimously

ITEM E – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on Access Agreement with Blasland, Bouck & Lee, Inc. (CCL Custom Manufacturing, Inc.) in conjunction with site investigation for hazardous waste cleanup in Cumberland.

This is a continuation of an access issue that was previously dealt with in 2003. This involves access through the Blackstone Bikeway areas that require environmental investigation relating to the Peterson Puritan Superfund Site in Lincoln. Access was granted in

2003 with the understanding that the work might not be completed by the expiration of the access agreement and the Environmental Protection Agency and the responsible parties do need more time to complete their work and are requesting similar access through July 31 of next year.

One of the differences between this agreement and the previous agreement is access over the Pratt Dam. The Department has limited the weight of their trucks to the capacity of the dam. Also, one of the Cumberland lots has been deleted that they previously felt that they needed access to.

The Chair, Mr. Williams inquired about any damages that might occur as a result of the vehicles. This is covered in the agreement. The parties have agreed to repair or replace any damage resulting from ingress or egress to the property. A discussion took place regarding the Pratt Dam and any damage that might occur. Ms. Allaire Johnson referenced Article 10 of the Agreement which indicates that they shall be solely and completely obligated to repair any damage to the premises caused by its activities in a timely fashion. They also indemnify the state for any negligence or willful acts.

A Motion was made by Mr. Ryan and seconded by Ms. Allaire Johnson to approve the request of the Department for approval and signatures on Access Agreement with Blasland, Bouck & Lee, Inc. (CCL Custom Manufacturing, Inc.) in conjunction with site investigation for hazardous waste cleanup in Cumberland.

Passed Unanimously

The Committee moves to go into Executive Session, pursuant to

Rhode Island General Law 42-46-4 (a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

A motion to go into Executive Session was made by Mr. Kay and seconded by Ms. Allaire Johnson. A roll call vote was made. Mr. Kay voted "Aye", Mr. Ryan voted "Aye", Ms. Allaire Johnson voted "Aye", and the Chair voted "Aye".

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Ryan to close the Executive Session and return to the regular meeting.

The regular session of the State Properties Committee re-opened with the following requests.

ITEM F - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for re-approval of Condemnation Plat 183A, Smithfield Avenue/Great Road, Lincoln.

The Department requested re-approval to acquire one temporary easement and drainage easements in conjunction with the improvements to Smithfield Avenue/Great Road in Lincoln. Approval was obtained on March 24, 2004, and the Department was in the process of negotiating with the property owners. Because of the significance involved with the drainage facilities, it was determined that the Department needed to go out for a formal wetlands application with lengthened the timeframe and the Department put the project on hold. The Department is now ready to go out and

negotiate for these easements and move the project forward. Total cost for acquisition of easements is \$476.00, of which 80% is Federally funded.

A Motion was made by Mr. Kay and seconded by Mr. Ryan to approve the request of the Department for re-approval of Condemnation Plat 183A, Smithfield Avenue/Great Road, Lincoln.

Passed Unanimously

ITEM G - DEPARTMENT OF TRANSPORTATION – Requests approval of Condemnation Plats 2667, 2670 and 2671, Portsmouth and Tiverton in conjunction with the Sakonnet River Bridge Replacement Project.

Condemnation Plat 2670 – consists of an industrial/commercial property totaling 31,988 square feet. The land is improved with a building housing four tenants as well as an owner occupied oil company and storage business. The appraised value is \$670,000.00.

Condemnation Plat 2671 consists of a residential multi-family structure and land area of 23,350 square feet. The appraised value is \$390,000.00.

Condemnation Plat 2667 – This acquisition consists of four parcels. Three parcels include partial acquisition totaling 13,391 square feet and improvements. The appraised value of these three acquisitions is \$105,491.00. One parcel includes a total acquisition of 5,227 square feet improved with a two story home. The appraised value of this acquisition is \$310,000.00. Total estimated cost of Condemnation Plat 2667 is \$415,491.00.

A Motion was made by Mr. Kay and seconded by Mr. Ryan to approve the request of the Department for approval of Condemnation Plats

2667, 2670 and 2671, Portsmouth and Tiverton in conjunction with the Sakonnet River Bridge Replacement Project.

Passed Unanimously

ITEM H – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on a Temporary Easement Agreement, a Permanent Easement Agreement and a License Agreement in conjunction with the Relocated Route 403-Bridge 1009 Contract, North Kingstown.

The Department received approval on March 4, 2004 to acquire Permanent and Temporary Easements from Amtrak, Plat 2646 for the Relocated route 403 1009, North Kingstown project. After discussion with Amtrak, the Department has negotiated a Temporary Easement Agreement, a Permanent Easement Agreement and a License Agreement. These agreements will allow the Department to utilize portions of the property to construct the project. The compensation has been adjusted to reflect a license rather than an easement to install drainage structures, as well as an additional year for the temporary easement. The new amount of compensation is \$5,395.00. This is slightly less than the original amount approved which was \$5,590.00.

A Motion was made by Ms. Allaire Johnson and seconded by Mr. Ryan to approve the request of the Department for approval and signatures on a Temporary Easement Agreement, a Permanent Easement Agreement and a License Agreement in conjunction with the Relocated Route 403-Bridge 1009 Contract, North Kingstown. Inherent in this Motion is approval of the adjusted compensation in

the amount of \$5,395.00.

Passed Unanimously

ITEM I - DEPARTMENT OF ADMINISTRATION/DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Superior Court

C.A. No. 05-3316

Tidewater Realty, LLC vs. State of Rhode Island and Providence Plantations, State of Rhode Island Department of Environmental Management, Rhode Island State Properties Committee, City of Providence, and Providence Redevelopment Agency.

Attorney Michael Mitchell gave the Committee an update on this litigation.

All matters presented to the Committee were approved by all present. There being no further business to come before the Committee, the meeting adjourned.

Anne L. Lanni, Executive Secretary