

STATE PROPERTIES COMMITTEE MEETING

TUESDAY, APRIL 3, 2007

The meeting of the State Properties Committee was call to order at 10:09 a.m. by Chairman Kevin M. Flynn. Other members present were Mr. Robert Griffith representing the Rhode Island Department of Administration; Richard B. Woolley representing the Rhode Island Department of Attorney General; Robert W. Kay, Public Member. Others in attendance were Attorney Gerald Ratigan from the Rhode Island House of Representatives; John Faltus from the Rhode Island Department of Environmental Management; Paul Carcieri, Robert B. Jackson, Grace Smith, Natalie Robitaille, Michael Hebert and Daniel Clarke from the Rhode Island Department of Transportation; John Ryan, Attorney Michael D. Mitchell, Marlene McCarthy Tuohy and Arn Lisnoff from the Rhode Island Department of Administration; Meredith Holderbaum from the Rhode Island Senate Fiscal Office; Attorney Louis Saccoccio from the University of Rhode Island; Juan Mariscal and Kathleen Crawley from the Rhode Island Water Resources Board, George Callahan, R. Scott Erickson, Jarrett Devine, James Devine from the Federal Emergency Management Agency; John F. Packhem and Todd Tinkham from the Rhode Island National Guard; Paul Condon from the United States Army North Department of Defense; Michael DiMascola and George S. Farrell from the State of Rhode Island Office of the State Fire Marshal; Robert Rapoza and Robert Kando from the Rhode Island Board of

Elections; Kari Nel Lang from the West Broadway Neighborhood Association; and Dave Cloutier from the Rhode Island Airport Corporation.

Chairman Flynn noted for the record that the State Properties Committee did have a quorum present.

A motion was made to approve the regular minutes of the State Properties Committee meeting held on Tuesday, March 20, 2007, by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

A motion was made to approve the Executive Session minutes of the State Properties Committee meeting held on Tuesday, March 20, 2007, by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

A motion was made to hear Items Q & O of the agenda out of order by Mr. Kay and seconded by Mr. Griffith.

Passed Unanimously

ITEM Q – Department of Administration/Federal Emergency Management Agency – A request was made for conceptual approval for the Federal Emergency Management Agency to utilize space within the Cranston Street Amory from May 11, 2007 through and including May 13, 2007. Mr. Erickson explained that the Federal Emergency Management Agency is seeking conceptual approval to utilize the Cranston Street Amory Building for purposes of conducting an emergency training exercise for a hurricane scenario, which impacts the New England area. All six (6) New England states

will partake in the training exercise. Mr. Farrell explained that he, Mr. Erickson, members of the Department of Defense and other parties interested in this event met at the Cranston Street Armory Building and determined that this event is certainly a workable operation and will not interfere with the Office of the State Fire Marshal's relocation to the Cranston Street Armory Building on May 15, 2007. Mr. Farrell indicated that he has also met with the West Broadway Neighborhood Association to discuss this event and any impact it may have on the community. Chairman Flynn asked if the City of Providence has been notified of this event. Mr. Farrell indicated that he has discussed this event with the Mayor of the City of Providence, his staff and the Providence Fire Department. Mr. Farrell indicated that he is very confident that the Federal Emergency Management Agency will make every effort to ensure that this event proceeds smoothly and any impact to the community will be minimal. Mr. Farrell reiterated that this event will not interfere with the Office of the State Fire Marshal's relocation to the Cranston Street Armory Building on May 15, 2007. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Under discussion, Mr. Griffith asked if some type of formal agreement will be prepared. Mr. Farrell indicated that a Memorandum of Understanding is being prepared. Mr. Farrell thanked the State Properties Committee for placing this item on the agenda in such an expedited manner. **Passed Unanimously**

ITEM O – Department of Administration/Division of Facilities Management –

A request was made for permission to utilize the Drill Hall and Ball Room of the Cranston Street Armory for “Go West: Art and Architecture in the Armory” on Thursday, May 3, 2007. To avoid any interference with the Federal Emergency Management Agency’s emergency training exercise Mr. Farrell requested that the date be changed to May 11, 2007, through and including May 13, 2007. Mr. Farrell explained that the primary fund raising event will be held on May 11, 2007; however, interested parties will be able to view and/or purchase art work from 12:00 p.m. to 4:00 p.m. to on May 12th and May 13th, 2007. Chairman Flynn asked if all other details have been transferred to the new date. Mr. Farrell indicated that is correct. Mr. Farrell indicated that he will be meeting with the Rhode Island Fire Safety Code Board of Appeal and Review on April 10, 2007, seeking a variance for the temporary change of use of the Cranston Street Armory Building from a business and operations facility to a place of assembly for one evening. At that time, the Rhode Island Fire Safety Code Board of Appeal and Review will require either a firefighter or someone from the State Fire Marshal’s Office be on duty at the expense of the West Broadway Neighborhood Association together with any police presence as determined by the Providence Police Department on May 11, 2007. Mr. Kay asked if alcoholic beverages will be served at the event. Ms. Lang indicated that the West Broadway Neighborhood Association is planning to serve beer and wine on the evening of May 11, 2007. Ms. Lang provided the State Properties Committee with a letter from the West Broadway Neighborhood Association’s insurance agent, which stated that

liability insurance coverage will be provided upon the State Properties Committee's approval of this item. Chairman Flynn noted that the letter indicated that an insurance certificate will be provided thirty (30) days prior to the event. A motion was made to approve subject to the State Properties Committee's receipt of the certificate of insurance by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM A – Department of Transportation – A request was made for approval of and signatures on a Quit Claim Deed between the Rhode Island Department of Transportation and Jeremiah J. Lowney, Jr. & Virginia W. Lowney for the conveyance of land located on the northwest side of Riverside Avenue in the Town of Portsmouth. Mr. Jackson provided a site map and aerial photograph to the State Properties Committee for its review. Mr. Jackson indicated that on June 20, 2006, the State Properties Committee granted conceptual approval for the Department of Transportation to convey the subject property to Jeremiah L. Lowney, Jr. and Virginia W. Lowney. The subject property consists of approximately 9,038 square feet of State-owned land upon which the Lowneys constructed a two-story garage. As a result of this encroachment on State-owned land, the State Properties Committee instructed the Department of Transportation to investigate the encroachment and establish a rental value for said encroachment. As the State Properties Committee's conceptual approval of the subject property predated his tenure on the Committee, Chairman Flynn asked how the garage came to be constructed on State-owned land. Mr. Jackson explained that at the

time the Lowneys decided to construct the garage, they believed they were the rightful owners of the subject property. The Lowneys approached the Town of Portsmouth to obtain a building permit. As the Lowneys own much of the surrounding property, the Town also assumed the Lowneys were the rightful owners of the subject property and issued a building permit. Mr. Jackson indicated that when the Department of Transportation conducted the survey for the new Sakonnet River Bridge, it was discovered that the garage was in fact encroaching on State-owned land. Chairman Flynn asked Mr. Jackson if the Town of Portsmouth issued the building permit not realizing the subject property was owned by the State of Rhode Island. Mr. Jackson indicated that the Town of Portsmouth did issue the building permit not realizing the subject property was owned by the State of Rhode Island. Mr. Jackson indicated that at the request of the State Properties Committee, a retroactive rental fee of \$2,422.00 was determined to be fair and equitable compensation for the encroachment on State-owned property from September 2004, through December 2006. The Lowneys agreed to pay the rental fee in addition to the purchase price for the subject property in the amount of \$45,190.00 for a total of \$47,612.00. Chairman Flynn asked if the appraisal of the subject property and the rental fee was conducted internally. Mr. Jackson indicated the appraisals were done internally. Chairman Flynn questioned why the Lowneys are only liable for the rental fee from the time the State of Rhode Island learned of the encroachment and not from the time the encroachment occurred. Mr. Jackson indicated the Director of the Department of Transportation

made that decision. A motion to approve was made by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM B – Department of Transportation – A request was made for conceptual approval to convey 2,129 square feet of land located on Ferry Road between Station No. 396+92.04 and 399+89.63 to accommodate a new entrance to the Roger Williams University Campus. Mr. Jackson presented a site map of the subject property to the State Properties Committee for its review. Mr. Griffith asked if this request is for an improvement to the existing entrance of Roger Williams University. Mr. Jackson stated that this request is for an improvement to the existing entrance. Mr. Jackson indicated Roger Williams University requires this 2,129 square foot strip of land to construct the improvements. A motion was made for conceptual approve by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

ITEM C – Department of Transportation – A request was made for conceptual approval to convey 1.5 acres of land located north and west of the Pawtuxet River along Knight Street in the City of Warwick.

Ms. Smith explained that the Department of Transportation is requesting conceptual approval to transfer the subject property to the Pawtuxet River Authority d/b/a the Pawtuxet River Watershed Council. The subject property consists of approximately 1.5 acres of land. Ms. Smith indicated that the Department of Transportation is working on the re-interment of human remains, which were unearthed along primary Route 37 located in the City of Cranston in June of

2006. The Department of Transportation wishes to re-inter said remains into State Institution No. 2, which is located on approximately four (4) acres of a larger forty (47) acre tract in the Cities of Warwick and Cranston of which the Cranston parcel is owned by the Pawtuxet River Authority. The Pawtuxet River Authority has agreed to be responsible for the long-term maintenance and liability of the entire cemetery. Title to the subject Warwick parcel of land is vested in the State of Rhode Island by virtue of a deed from 1907. Ms. Smith indicated that although there is no specific State agency cited as custodian of the subject parcel, the Department of Transportation would like to convey said parcel to the Pawtuxet River Authority on behalf of the State of Rhode Island to resolve this rather sensitive issue for which the Department of Transportation bears responsibility. Ms. Smith indicated that two (2) responses from the statewide agency review process were received. The first came from the Rhode Island Historic Preservation and Heritage Commission whereby it describes the subject parcel as being sensitive for Native American archeological sites and recommended that an archeological survey be conducted to determine if any Native American sites are actually present. Ms. Smith stated that the Department of Transportation's Cultural Preservation section is aware of this request and indicated that this survey will be conducted in conjunction with an archeological scraping of the cemetery acreage. The second response was received from the Statewide Planning Program regarding the parcel's distinct natural resource

open space and cultural value because of its location on the Pawtuxet River. Statewide Planning has requested that the deed transferring the property contain a reverter clause stipulating that the subject parcel of land will return to the State of Rhode Island in the event the Pawtuxet River Authority is unwilling or unable to maintain the natural resource and open space cultural values of the parcel of land. Ms. Smith indicated that the Department of Transportation believes that the Pawtuxet River Authority accepting responsibility for the long-term maintenance and liability of the cemetery and the surrounding area is a fair and reasonable exchange for a gratis conveyance of title to the subject property. Chairman Flynn clarified that the reason the human remains became unearthed was because of some drainage work, which was being conducted behind the former Davol Building owned by the Carpionato Corporation. In the course of said work, water was diverted in a way that caused erosion to the land located adjacent to Route 37. Chairman Flynn indicated that Route 37 was constructed directly over a pauper cemetery. The majority of the cemetery remains under Route 37; however, the edges of the cemetery were exposed due to the drainage work. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM D – Department of Transportation – A request was made for approval of and signatures on a Grant of Easement between the Department of Transportation, in conjunction with the Rhode Island Airport Corporation, and The Narragansett Electric Company to install

a distribution system to serve the new Westerly Police Station.

Mr. Clarke explained that the Department of Transportation is seeking approval and execution of a Grant of Easement to provide electrical service to the new Westerly Police Station. Mr. Clarke indicated this is a gratis easement. In exchange for the easement, the Town of Westerly Police Force in conjunction with Homeland Security will provide security measures for the airport. The Westerly Fire Department also provides municipal aid to the Airport Corporation properties in the Town of Westerly. A motion was made to approve by Mr. Griffith and seconded by Mr. Kay.

Passed Unanimously

ITEM E – Department of Transportation – A request was made for approval of and signatures on the Lease Agreement between the State of Rhode Island, by and through the Department of Transportation, and Brown University for the occupancy of 2,500 square feet of office and operating space located at 339 Eddy Street in the City of Providence. Mr. Carcieri explained that the Department of Transportation is seeking final approval of and signatures on a Lease Agreement between Brown University, as the Landlord, and the State of Rhode Island, acting through the Department of Transportation, as the Tenant. The quarters are located at 339 Eddy Street in the City of Providence and consists of are 2,615 square feet. The office space will be utilized to relocated twenty-three (23) Construction Division personnel from their current office site located at One Franklin Square in Providence. The Department of Transportation is being charged \$24.00 per square foot for an annual

cost of \$62,760.00. The quarters are nearly in move-in condition with very little accommodations or renovations necessary. The term of the Lease Agreement is for four (4) years with a commencement date of April 15, 2007. The State of Rhode Island has the ability to terminate the agreement in the event of insufficient funds on the part of the Department of Transportation. The leasehold is all-inclusive with respect to utilities, janitorial and other services with the exception of electricity, which the Department estimates at approximately \$6,000.00 to \$6,500.00 per year. As the State of Rhode Island/Department of Transportation and Brown University are self-insured there is no certificate of insurance for the State Properties Committee's perusal. The Lease Agreement has been reviewed by Mr. Woolley of the Department of Attorney General. Chairman Flynn asked whether the State of Rhode Island could terminate the lease upon proper notice in the event the premises are no longer needed by the Department of Transportation. Mr. Carcieri indicated that the State of Rhode Island has the option to sever the lease for a consolidation of space as well. A motion was made to approve by Mr. Kay and seconded by Mr. Griffith.

Under discussion Mr. Woolley asked what will happen to the space, which is being vacated and what the cost to the State of Rhode Island is. Mr. Carcieri indicated that the pre-bid conference for the property located at One Franklin Square property took place on April 2, 2007. The Department of Transportation is in the process of securing bids for the sale of the property. The Department of Transportation has estimated the moving costs to be approximately \$8,000.00 due to the

extraordinary nature of certain equipment being moved. Chairman Flynn asked when the Department of Transportation expected to move into the new premises. Mr. Carcieri indicated the move will be accomplished on April 16, 17 and 18, 2007.

Passed Unanimously

ITEM F – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement between the State of Rhode Island, by and through the Department of Environmental Management, and Caswell Cooke and the Misquamicut Business Association for a music concert to be held at Misquamicut State Beach in the Town of Westerly on Saturday, July 28, 2007, with rain dates of July 29 and 30, 2007. Mr. Faltus explained that this is the third year that the Misquamicut Business Association has requested the use of Misquamicut State Beach in Westerly for a musical concert. Mr. Faltus indicated that last year this event was promoted as a kickoff for the Governor’s Bay Day, which always takes place on the last Saturday of July. It is Mr. Faltus’ understanding that the Misquamicut Business Association and the Office of the Governor are discussing an affiliation of the music concert with Bay Day once again this year. Mr. Faltus indicated that the License Agreement package includes a letter dated March 7, 2007, from Lawrence C. Vetelino from Louis Panciera, Inc., which indicates that they will provide the necessary insurance. Louis Panciera, Inc. was the insurance agent last year and was in total compliance with the insurance requirements. Therefore, the Department of

Environmental Management is seeking approval of and signatures on the License Agreement subject to the Misquamicut Business Association providing the necessary insurance as indicated in Mr. Vetelino's letter. Chairman Flynn asked if any compensation would be paid to the State of Rhode Island. Mr. Faltus indicated that the concert is free and open to the public and therefore, no compensation is required. However, the Department of Environmental Management does require that the Misquamicut Business Association provide it with an accounting statement, which illustrates the expenses and revenues raised through sponsorship to host the concert without cost to the public. Mr. Griffith asked if the concession remains open during the concert. Mr. Faltus indicated that the concessionaire for the beach is allowed to remain open; however, the Misquamicut Business Association, under the terms of the License Agreement, can make arrangements for other concessionaires to come onto the property subject to the State of Rhode Island's approval. Mr. Griffith asked whether the State of Rhode Island charges for the parking of motor vehicles. Mr. Faltus indicated that as the concert takes place in the evening the State does not charge for parking. Mr. Griffith asked if any alcoholic beverages will be served during the concert. Mr. Faltus indicated that no alcohol will be allowed. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley subject to the Misquamicut Business Association providing a certificate of insurance to the Department of Environmental Management.

Passed Unanimously

ITEM G – Department of Environmental Management – A request was made for approval to work with the Division of Purchases to go out to bid for a five (5) year concession contract for the operation of a portable concession at the intersection of the Blackstone Bike Path and School Street in the Town of Lincoln. Mr. Faltus explained that the local Del’s concession has approached the Department of Environmental Management with respect to an interest in putting a portable concession at the intersection of the Blackstone Bike Path and School Street near Highland Falls Condominiums in the Albion section of the Town of Lincoln. The Department of Environmental Management wishes to solicit bids to determine if there are any other vendors, which may wish to bid on said contract. Pursuant to the specifications of the Request for Proposals, there will be a minimum bid of \$2,000.00 with \$1,000.00 being allocated to the General Fund and \$1,000.00 being allocated for maintenance services for the buildings and grounds along the Blackstone Bike Path. Chairman Flynn asked if there will be any restrictions with respect to what products the successful candidate will be allowed to sell. Mr. Faltus indicated that it is his understanding that the specifications will allow frozen lemonade and perhaps certain food items. However, Mr. Faltus does not believe the Department of Environmental Management has specified any limitations as to the type of food or beverage, which can be sold. Mr. Kay asked for clarification as to the exact location of the portable concession. Mr. Faltus indicated the portable concession will be situated on the east side of the Blackstone Bike Path. Mr. Kay suggested that the Department of

Environmental Management provide written notice to the Town of Lincoln of its intent to allow a portable concession at said intersection.

Mr. Faltus indicated that the Department of Environmental Management could certainly advise the Town of Lincoln accordingly; however, as the concession will be located on State property, to local licensing is required. Mr. Griffith asked if there are any mobile concessions elsewhere in the State of Rhode Island. Mr. Faltus indicated that there have been portable concessions along the East Bay Bike Path in the City of East Providence; however, they were not as profitable as the concessionaires had anticipated. Mr. Woolley asked if the Department of Environmental Management is confident that a radius of fifty feet (50') will be sufficient relative to clean up of containers, wrappers and the like. Mr. Faltus indicated that a radius of fifty feet (50') has been the standard used by Department of Environmental Management. Chairman Flynn asked what type of vehicle the Department of Environmental Management is planning to allow the concessionaire to use. Mr. Faltus indicated that the Department of Environmental Management expected the concessionaire would utilize some sort of pushcart. Chairman Flynn suggested that the Department of Environmental Management not be too restrictive with regard to its specifications relative to the types of items which can be sold by the concessionaire. Mr. Faltus indicated that the specifications would be rather generic to ensure that the bid is open to all prospective bidders. Chairman Flynn asked if the Department of Environmental Management is comfortable with the

location of the potential concession. Mr. Faltus indicated the prospective vendor wishes to set up at the intersection because of the traffic in that area and the Department of Environmental Management is certainly not opposed to this site. In fact, the Department of Environmental Management prefers this location because it will not create competition for the local Dunkin Donuts located at the Route 295 Visitors Center. Mr. Woolley asked if there will be any restrictions relative to the use of motor vehicles. Mr. Woolley explained that Del's often uses lemonade trucks which could potentially leak oil and/or antifreeze. Mr. Faltus indicated that the Department of Environmental Management does not envision a motor vehicle, but rather a pushcart type of vehicle. Mr. Griffith recommended that the specifications include a restriction to that effect. A motion was made for conceptual approval by Mr. Woolley and seconded by Mr. Kay. Mr. Faltus asked if the State Properties Committee wanted the Department of Environmental Management to return to the Committee for final approval. Chairman Flynn indicated that the Department of Environmental Management should

return to the State Properties Committee for final approval.

Passed Unanimously

ITEM H – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement between the State of Rhode Island, by and through the Department of Environmental, and Sail Newport, Inc. Mr. Faltus explained that the

next four (4) requests on the agenda are annual license agreements with Sail Newport, Inc., The Fort Adams Foundation and Trust, The Museum of Yachting and the Newport Rugby Club for the various social functions these entities host, together with a request for authorization to serve alcoholic beverages. Mr. Faltus explained that these are standard license agreements, which the State of Rhode Island, acting through the Department of Environmental Management, enters into with the aforementioned organizations allowing them to host these social functions. Mr. Faltus indicated that each organization has insurance coverage in place inclusive of host liquor liability. The insurance policies are due to be renewed; thus, the Department of Environmental Management is requesting that the License Agreement be approved subject to the certificates of insurance being obtained in a timely manner. By way of background, Mr. Griffith explained that these are standard annual license agreements, which have been worked out over the years. The license agreements ensure maximum use of the State's facilities at Fort Adams State Park. Mr. Griffith indicated that the license agreements also reinforce one another in bringing a variety of activities to the attention of the public. Mr. Griffith stated that he is not aware of any problems with respect to these events in the years he has served on the State Properties Committee. A motion was made to approve the License Agreement between the State of Rhode Island, by and through the Department of Environmental, and Sail Newport, Inc., by Mr. Griffith and seconded by Mr. Woolley. Chairman Flynn asked if any compensation is paid to the State of Rhode Island for the use of

the park. Mr. Faltus indicated that Sail Newport has a long-term lease for the use of the property for a fee of one dollar per year. Mr. Faltus stated that Sail Newport, Inc. is a non-profit organization, which promotes sailing activities and the use of the facility, which the Department of Environmental Management would otherwise be unable to operate and maintain.

Passed Unanimously

ITEM I – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement between the State of Rhode Island, by and through the Department of Environmental, and The Fort Adams Foundation/Trust. Mr. Faltus explained that this request is for an annual License Agreement between the State of Rhode Island, acting through the Department of Environmental Management, and the Fort Adams Foundation and Trust for the various social functions, which will be held, together with a request for authorization to serve alcoholic beverages. Mr. Faltus indicated that the Fort Adams Foundation and Trust wishes to attempt to market and promote events on the north lawn of the fort during the Tall Ships celebration. Said request is included as part of this License Agreement package. Mr. Woolley asked if there have been any problems with this entity and/or its events over the years. Mr. Faltus indicated that the Fort Adams Foundation and Trust is a legal entity pursuant to state law and it has been very successful in using these social events to raise funds to make improvements to the fort and are in the process of completing a major project for the youth

overnight barracks to host youth groups. The entity and these events are extremely beneficial to the fort. Mr. Griffith stated that without the Foundation and Trust, Fort Adams State Park would be non-existent except as an attractive nuisance. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM J – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement between the State of Rhode Island, by and through the Department of Environmental, and The Museum of Yachting. Mr. Faltus explained that the Museum of Yachting holds events similar to those hosted by Sail Newport, Inc. for fund raising events to benefit the Museum of Yachting. A motion was made to approve by Mr. Griffith and seconded by Mr. Kay.

Passed Unanimously

ITEM K – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement between the State of Rhode Island, by and through the Department of Environmental, and The Newport Rugby Club. Mr. Faltus explained that this is a request for an annual License Agreement between the State of Rhode Island, acting through the Department of Environmental Management, and The Newport Rugby Club. The Newport Rugby Club utilizes the fields at Fort Adams State Park for organized rugby tournaments with authorization to serve alcoholic

beverages. The Newport Rugby Club intends to serve beer. The Newport Rugby Club, under its License Agreement, is required to have a Department of Environmental Management police officer on duty during its tournaments. The Newport Rugby Club is well aware that it is a privilege to be allowed to utilize this facility. The rugby tournaments and other events have been very well planned and organized in the past. Mr. Griffith asked if The Newport Rugby Club was required to have an ambulance present during its tournaments. Mr. Faltus indicated that the Department of Environmental Management does not require an ambulance be present during the tournaments. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM L – Rhode Island Army National Guard – A request was made for guidance regarding the potential methods for the acquisition of an existing Emergency Management Agency/ National Guard Joint Force Headquarters. After discussing this request at length, it was the recommendation of the State Properties Committee that this item be tabled to a future meeting of the State Properties Committee to allow the National Guard sufficient time to gather specific information with respect to the its needs and funding given the enormity of this project.

Passed Unanimously

ITEM M – State Board of Elections – A request was made for conceptual approval for additional storage/assembly space for the

State Board of Elections commencing January 1, 2008. Ms. McCarthy-Tuohy presented a letter from Mr. Rapoza together with a draft copy of the advertisement which would appear on the State Properties Committee website and in the Providence Journal to the State Properties Committee for its review. Ms. McCarthy-Tuohy indicated that the Board of Elections, with the assistance of the Capital Projects Division, has investigated the use of State-owned properties, specifically the Cranston Street Armory Building and the Pastore Center for this additional storage/assembly space; however, there is no location at either property, which suits the needs of the Board of Elections. Mr. Kando indicated that because the Board of Elections has had to acquire some additional voting machines to comply with the Help America Vote Act, the Board needs additional floor space for purposes of testing and storing said equipment. Chairman Flynn asked what types of voting machines were acquired. Mr. Kando explained that there are ballot readers and machines, which assists the disabled in the voting process. Mr. Kando indicated that both machines are set up in each of the five hundred sixty (560) polling facilities in the State of Rhode Island. Mr. Kando explained that the Board of Elections sets up the machines on the floor of its warehouse to test them to ensure they are working properly. Mr. Kando stated that in order to provide the necessary space to test the machines, the staff currently has to move other machines to a second location. Chairman Flynn indicated that he has never noticed these machines while voting. Mr. Kando explained that unless someone has a specific need for these machines, they would

go unnoticed. The machines aid individuals with sight and dexterity disabilities. Chairman Flynn asked if the State of Rhode Island currently has the machines to assist the disabled. Mr. Kando indicated that the State currently has the new machines and they require storage and testing space. Chairman Flynn asked if it is necessary for the State to keep the old machines in view of the fact that it now has acquired the new machines. Mr. Kando indicated that in the past, only one machine was required at each polling facility; however, two machines are now required at each facility and therefore there is a need for additional storage space. Mr. Kando indicated that last year the Board of Elections had 6,000 square feet of storage space, which the Board found to be sufficient to its needs. In fact, additional storage space was utilized for packaging supplies, which are forwarded to each of the polling locations. However, due to the acquisition of the new machines, the storage space is no longer adequate. Chairman Flynn asked if the new machines will be used in perpetuity. Mr. Kando indicated that the Board of Elections is seeking a twelve (12) months lease. Mr. Kando explained that in 2008, there will be a presidential preference primary in March as well as the statewide primaries in September followed by the general elections in November. Thus, due to the presidential preference primary, the Board will need a twelve (12) month lease. A motion was made for conceptual approval by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

ITEM N – University of Rhode Island – A request was made for approval of and signatures on a License Agreement between the

State of Rhode Island, by and through the University of Rhode Island, and Lambda Chi Alpha Properties, Inc. Mr. Saccoccio explained that the University of Rhode Island is seeking approval of its first uniform License Agreement. The University of Rhode Island intends to utilize this document, or one very similar, for the licensing of all fraternities and sororities on its campus. By way of background, Mr. Saccoccio explained that this fraternity was originally incorporated in 1912. Lambda Chi Alpha Fraternity is a successor organization with many local chapters throughout the nation. Lambda Chi Alpha Fraternity decided to modernize its administration practices nationally, and created Lambda Chi Alpha Properties, Inc. The fraternities are now transferring ownership of their buildings to this national and more cost effective administration. Also by way of background, most fraternities, which exist at the University of Rhode Island, originally owned their own land and buildings. In the mid 20th Century, the fraternities began transferring both their land and building to the then Board of Trustees of State Colleges while retaining their rights to the buildings. Today, Lambda Chi Properties, Inc. owns the building. The building has been on the site for many years and the Lambda Chi Properties, Inc is attempting to obtain new financing; thus, the University is using this opportunity to generate this particular document, which is much more sophisticated than the documents held in the past and still hold with many of the fraternities and sororities. This new License Agreement contains indemnification and insurance clauses, hazardous waste protections for not only the protection of the University, but also the Board of Governors and the

State of Rhode Island. Mr. Saccoccio indicated that there are a couple of items missing in the License Agreement package, which he has discussed with Mr. Woolley of the Department of Attorney General. The signature of the President of the corporation is not witnessed. The certificates of both liability and property insurance have not been executed. However, Mr. Saccoccio will be receiving the original executed documents by mail in the very near future. Therefore, the University of Rhode Island is seeking approval of the License Agreement between the University of Rhode Island and Lambda Chi Alpha Properties, Inc. subject to the aforementioned executed documents. Said documents will be provided to the State Properties Committee prior to the next meeting. Chairman Flynn asked when the State Properties Committee can expect the remaining license agreements to be presented for review. Mr. Saccoccio indicated that the University of Rhode Island will acquire the new agreements gradually over the course of the year. Mr. Saccoccio indicated that the license agreements reflect that the University of Rhode Island retains control over the conduct of the fraternities. Chairman Flynn asked if Mr. Woolley is comfortable with approval of the License Agreement being granted at this time and subject to receipt of the signed documents. Mr. Woolley indicated that he has discussed this request with Deputy Attorney General Aucoin and the Department of Attorney General is comfortable with this request. A motion was made to approve subject to the Committee's receipt of the aforementioned executed documents on or before April 17, 2007, by Mr. Kay and seconded by Mr. Woolley.

Passed Unanimously

ITEM P – Water Resources Board – A request was made for permission to terminate the Lease Agreement between the State of Rhode Island and M.S.I. Holding, LLC regarding space located at 100-110 North Main Street in the City of Providence. Mr. Mariscal indicated that 100 North Main Street in the City of Providence is the current location of the Water Resources Board’s offices. The Water Resources Board current Lease Agreement will expire on December 31, 2007. Mr. Mariscal indicated that for a variety of reasons, including issues of safety, the Water Resources Board wishes to terminate its Lease Agreement prior to the expiration of the Lease Agreement term. The landlord has agreed to the early termination of the Lease Agreement. The Water Resources Board together with the Department of Administration are working out arrangements for the Board to relocate its operations to One Capitol Hill in the City of Providence. Thus, the Water Resources Board is seeking to terminate its current Lease Agreement. The exact termination date has not yet been defined; however, it will be on or before June 30, 2007, due to a lack of funding. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

Under discussion, Attorney Mitchell asked whether the Lease Agreement can be terminated via a letter agreement with the landlord’s attorney or if the preparation of a formal addendum to the

Lease Agreement must be prepared for the approval of the State Properties Committee. The State Properties Committee determined that a letter agreement should be sufficient as the Lease Agreement is not being amended it is being terminated.

ITEM R – Department of Administration – A request was made for conceptual approval to transfer the Hanley Career Education Building located 91 Fricker Street in the City of Providence to the City of Providence. Mr. Lisnoff indicated the Board of Regents for Elementary and Secondary Education have entered into a draft agreement with the City of Providence. The Board of Regents for Elementary and Secondary Education asked that the Department of Administration, Division of Capitol Projects for assistance. The Department of Administration, Division of Capitol Projects conducted a title search and determined that the Hanley School was under the purview of the Department of Administration not the Board of Board Regents for Elementary and Secondary Education. Therefore, the Department of Administration is working on the draft agreement to transfer the Hanley Career Education Building to the City of Providence. The purpose of the transfer is to allow the City of Providence to obtain the building and accomplish a total rehabilitation of the building. The Department of Administration/Division of Capital Projects was about to enter into five million (\$5,000,000.) dollars of code contract work on the building without said funds being left in its bond issue. Thus, this is a win/win situation wherein the State of Rhode Island can transfer ownership of the building to the City of Providence. The State of Rhode Island will

authorize some code work to be performed while its still owns the building. However, the building will then be transferred to the City of Providence and the remaining work can be accomplished under the same architect and construction company, but the City of Providence will be entitled to garner school housing aid, which is a very generous formula that will award the City .84 cents toward every \$1.00 spent to rehabilitate said building. The Department of Administration is therefore, seeking conceptual approval to transfer the building to the City of Providence within two (2) to four (4) weeks time. The Department will then return to the State Properties Committee for review and approval of the final documents. A motion was made to approve by Mr. Griffith and seconded by Woolley.

Chairman Flynn asked if the Division of Capital Projects is aware of any circumstances, which could possible impede this transfer. Mr. Lisnoff indicated the circumstances of the building's ownership, transfer and mechanism by which the building will be transferred is in keeping with any applicable rules. Mr. Woolley asked what the building is presently being used for. Mr. Lisnoff indicated that the building is currently a vocational technical school. The subject agreement requires the Providence School Department to continue to offer the same amount of vocational education activity at this building or at alternative buildings in order to satisfy the language of the bond.

Passed Unanimously

ITEM S – Department of Administration – The Demolition Package, Phase One relative to the Rhode Island State Police Headquarters and

E-911 Facility was presented to the State Properties Committee by Mr. Lisnoff. Mr. Lisnoff indicated that the State Properties Committee granted conceptual approval to allow these buildings to be demolished on January 23, 2007. At that time, the Committee asked for a review of the contract specifications prior to the award of the contract. Mr. Lisnoff indicated that the Department of Administration/Division of Capital Projects has provided a copy of the Demolition Package to the State Properties Committee for its review. There are currently three vendors being considered, however, the final candidate will be chosen within the week. At the specific request of the State Properties Committee, Mr. Lisnoff is here to answer any questions the Committee may have with respect to said Demolition Package. Having no questions, the State Properties Committee thanked Mr. Lisnoff for providing the Demolition Package.

Passed Unanimously

There being no further business to come before the State Properties Committee, the meeting was adjourned at 11:57 a.m. Mr. Griffith made a motion to adjourn, which was seconded by Mr. Woolley.

Passed Unanimously

Holly H. Rhodes, Executive Secretary