

## **STATE PROPERTIES COMMITTEE MEETING**

**TUESDAY, MAY 1, 2007**

**The meeting of the State Properties Committee was called to order at 9:59 a.m. by Robert Griffith. Other members present were John Ryan representing the Rhode Island Department of Administration; Richard B. Woolley representing the Rhode Island Department of Attorney General; Robert W. Kay, Public Member; and John A. Pagliarini, Public Member. Others in attendance were Anthony Paolantonio from the Rhode Island House of Representatives; Lisa Primiano from the Rhode Island Department of Environmental Management; Daniel Clarke, Robert B. Jackson, Maureen McMahon and Getachew G. Mariam from the Rhode Island Department of Transportation; Marlene McCarthy Tuohy and Attorney Michael D. Mitchell from the Rhode Island Department of Administration; Attorney Deborah Barclay from the Rhode Island Department of Human Services; Steven Feinberg from the Rhode Island Film and Television Office; Meredith Holderbaum from the Rhode Island Senate Fiscal Office; Jessica Paden from the Rhode Island Office of the General Treasurer; Nicholas Delmenico and Anthony Ambrosino from the Rhode Island Film Collaborative.**

**A motion was made to approve the regular minutes of the State Properties Committee meeting held on Tuesday, April 17, 2007, by Mr. Griffith and seconded by Mr. Ryan.**

## **Passed Unanimously**

**A motion was made to approve the Executive Session minutes of the State Properties Committee meeting held on Tuesday, April 17, 2007, by Mr. Griffith and seconded by Mr. Ryan.**

### **Passed Unanimously**

**Mr. Griffith noted for the record that the Executive Session minutes of the State Properties Committee meeting held on Tuesday, April 17, 2007, will remain sealed until such time as the matter is resolved.**

### **Passed Unanimously**

**ITEM A – Department Human Services – A request was made for permission to enter into negotiations with the City of Pawtucket for the renewal of the Sublease Agreement between the Department of Human Services and the City of Pawtucket. Ms. McCarthy-Tuohy stated that the Sublease Agreement falls under the provisions of Article 38. Ms. Barclay explained that the subject property is privately owned. The City of Pawtucket presently has a lease with Kellaway Realty Corporation. The Department of Human Services subleases a portion of this property for its Pawtucket Regional Family Center. Ms. Barclay indicated that fifty (50%) of the clients served by this facility are residents of the City of Pawtucket. Therefore, the Department of Human Services anticipates that the City of Pawtucket will continue to pay fifty (50%) percent of the rental costs, as was the case under**

the provisions of the previous sublease agreement. After reviewing the PM 1 form, Mr. Ryan asked if the Department of Human Services will pay fifty (50%) percent of \$271,040. Ms. Barclay indicated that the Department of Human Services will pay fifty (50%) percent of the total rental fee in the amount of \$271,040. Mr. Pagliarini asked if a State Fire Marshal inspection will be conducted to ensure that the subject property is in compliance with the current fire code. Ms. McCarthy-Tuohy indicated that in accordance with the Sublease Agreement, a State Fire Marshal inspection and a handicap accessibility inspection will both be conducted. A motion to approve made by Mr. Ryan and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM B - Department of Administration – A request was made for approval of and signatures on an agreement with Amtrak for land at Station Park. Ms. McCarthy-Tuohy reminded the members of the Committee that the center portion of Station Park is owned by Amtrak. Ms. McCarthy-Tuohy explained that last year the Department of Administration entered into a license agreement with Amtrak, which expired on December 31, 2006. At this time, the Department of Administration is requesting permission to enter into a license agreement with Amtrak for a term of ten (10) years. The annual license fee is \$500.00 per year for a total fee of \$5,000.00. The term of the license agreement will commence in February of 2007, and expire on December 31, 2016. Mr. Mitchell illustrated the exact location of the subject property using a site map. Mr. Griffith asked if the**

restrictions contained in the previous license agreement will continue to apply to the subject property. Ms. McCarthy-Tuohy indicated that the terms and conditions of the license agreement will remain the same with the exception of the length of the term and the amount of the license fee. Mr. Mitchell indicated that as the original license agreement expired on December 31, 2006, there is presently no agreement allowing the Department of Administration to utilize this portion of Station Park. A motion was made to approve by Mr. Woolley and seconded by Mr. Ryan.

**Passed Unanimously**

**ITEM C – Department of Administration/Film & Television Office – The submission of information concerning Sleather Studios’ request to utilize the Pawtucket Division Motor Vehicles facility to film scenes of its independent feature film, “Sleather”, on Sunday, May 20, 2007. Mr. Feinberg introduced Nicholas Delmenico and Anthony Ambrosino of the Rhode Island Film Collaborative. Mr. Feinberg indicated that the Rhode Island Film Collaborative is a network of young independent filmmakers who have gathered together to begin a future in film and television. Mr. Feinberg explained that his appearance before the State Properties Committee today is to introduce this item and not a formal request. The Rhode Island Film Collaborative approached the Rhode Island Film and Television Office requesting permission to use the Division of Motor Vehicles facility on Sunday, May 20, 2007. Mr. Feinberg indicated that this request concerns the filming of a dialogue scene. Mr. Feinberg explained that the scene contains no**

nudity, violence, coarse language or graphic material of any kind. Mr. Feinberg indicated that the Rhode Island Film and Television Office is in the process of contacting the appropriate authorities concerning this request. Rhode Island Film Collaborative has initiated some preliminary discussion with Apex Corporation, the building's leaseholder. Mr. Griffith noted that both the agenda and the Rhode Island Film and Television Office's memorandum to the State Properties Committee request permission to use the Division of Motor Vehicles facility on Sunday, May 13, 2007. Mr. Feinberg explained that due to certain scheduling conflicts, the Rhode Island Film Collaborative has agreed to film on Sunday, May 20, 2007. As the next meeting of the State Properties Committee is scheduled for May 19, 2007, Mr. Feinberg, Mr. Delmenico and Mr. Ambrosino will return for final approval. Mr. Griffith asked if either Mr. Delmenico or Mr. Ambrosino wished to add anything. Mr. Delmenico indicated that "Sleather" is a full feature comedy co-written by Mr. Ambrosino and himself. Filming began in October of 2005. Mr. Delmenico indicated that a crew of approximately forty individuals volunteer their time and talent to assist in the making of this film. Mr. Delmenico indicated that he is hoping to complete filming in June of 2007. Mr. Delmenico reiterated that Sleather is a family comedy and he anticipates that a PG Rating will be obtained. Mr. Delmenico indicated that the scene will take approximately four (4) hours to film. Mr. Delmenico stated that the Rhode Island Film Collaborative has been in operation for approximately one year and presently represents one thousand (1,000) filmmakers and actors. Mr. Ryan indicated that his only

concern is that proper written approval is obtained from the Apex Corporation prior to filming as it ensures the building. Mr. Feinberg indicated that the Rhode Island Film and Television Office is currently seeking proper written approval from the Apex Corporation. Mr. Feinberg asked for the name of the contact person in charge of the Division of Motor Vehicle's Wakefield facility in the event he is unable to secure the Pawtucket facility. Mr. Ryan indicated that as the Wakefield facility is owned by the State of Rhode Island, the Rhode Island Film and Television Office will need to contact Marco Schiappa of the Division of Facilities Management with any request concerning that facility. Mr. Feinberg explained that if the Apex Corporation demands a very large amount of liability insurance coverage, the Film and Television Office may seek an alternative location for filming, preferably a State-owned building. Mr. Kay asked if the City of Pawtucket has been notified of this request. Mr. Feinberg indicated that the City of Pawtucket has been notified and has been very supportive. Mr. Griffith thanked the gentlemen and indicated that the State Properties Committee looks forward to their return for final approval.

**ITEM D – Department of Environmental Management – A request was made for approval of and signatures on a Conservation Easement between the State of Rhode Island and the Town of Bristol. Ms. Primiano explained that the Town of Bristol has purchased the subject property and the Department of Environmental Management is seeking permission to purchase an easement over this small but valuable parcel of land in exchange for fifty (50%) percent of its value**

which is \$125,000. The Greenways Committee previously approved this transaction in 2002. A motion was made to approve by Mr. Woolley and seconded by Mr. Pagliarini. Mr. Pagliarini noted that page one (1) of the Conservation Easement references Wood Road; however, the correct name is Wood Street. Mr. Griffith asked if this transaction will have any impact on the recently approved request concerning the entrance to Roger Williams University. Mr. Jackson of the Department of Transportation indicated that this transaction does not impact the Roger Williams University project.

**Passed Unanimously**

**ITEM E – Department of Environmental Management – A request was made for approval of a one-year renewal of the Hmong United Association of Rhode Island’s Indenture of Lease for property located at John L. Curran State Park in the City of Cranston. Ms. Primiano explained that the Hmong United Association has been leasing the subject property for approximately twenty (20) years. Ms. Primiano indicated that this is the third renewal of this lease agreement, which allows the Hmong United Association to utilize the property until 2008. Mr. Griffith noted that there is one remaining option to renew the Indenture of Lease. A motion was made to approve by Mr. Woolley and seconded by Mr. Ryan.**

**Passed Unanimously**

**ITEM F – Department of Environmental Management – A request was made for approval of two (2) Indenture of Lease Agreements between the**

Department of Environmental Management and the Pawtucket Country Club for land parcels located off of Armistice Boulevard, along the Ten Mile River in Pawtucket. Ms. Primiano explained that these Agreements concern two (2) parcels of land which have been leased to the Pawtucket Country Club since 1960. Ms. Primiano indicated that no issues concerning public use of the property have been raised. Ms. Primiano indicated that although the subject property was previously leased for a nominal fee of one (1) dollar per year, a small fee is now being charged and the agreements contain annual escalation clauses. Mr. Pagliarini noted that the meets and bounds description attached to one of the Agreements does not correspond with the subject property. Ms. Primiano indicated that she would see to it that the land description is reviewed in detail and revised to reflect the actual acreage. A motion was made to table this item until such time as the land descriptions are reviewed and revised if necessary by Mr. Pagliarini and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM G – Department of Environmental Management – A request was made for approval of and signatures on an Easement Agreement between the Wood Pawcatuck Watershed Association and the Department for a public fishing and boating access site on the Pawcatuck River. Ms. Primiano illustrated the location of the subject property using a site map and indicated that the Department of Environmental Management is seeking approval to develop a public fishing and boating access site. Mr. Griffith asked whether the Department of Environmental Management plans to install a boat**

ramp. Ms. Primiano indicated that said access is intended for use by car-top boats and canoes. The Department of Environmental Management does not plan to make any structural improvements to the subject property. A motion to approve was made by Mr. Ryan and seconded by Mr. Pagliarini.

**Passed Unanimously**

**ITEM H – Department of Environmental Management – A request was made for approval of and signatures on a Purchase and Sales Contract for the acquisition of development rights over approximately 23.56 acres of land located in Gloucester from Bernard Smith and Mary Ellen Smith. Ms. Primiano explained that the subject property is currently operating as a “pick your own” farm offering blueberries, peaches and apples. The purchase price of the property is \$357,575.00. Funding for this project will come from the Agricultural Land Preservation Commission’s State Farmland Bond funds. Ms. Primiano indicated that the owners of the subject property intend to continue its operation as a “pick your own” farm in the future. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Kay.**

**Passed Unanimously**

**ITEM I – Department of Environmental Management – A request was made for approval of and signatures on a Purchase and Sales Contract for the acquisition of a Conservation Easement on approximately sixty-three (63) acres of land located in the Town of West Greenwich. Ms. Primiano illustrated the exact location of the**

subject property using a site map. Ms. Primiano indicated that Mr. Bugnet, the owner of the subject property, has been a tree farmer for most of his life. This project has been reviewed and approved by the Forest Legacy Subcommittee. The funding for this acquisition will come primarily from the United States Forest Service's Forest Legacy Program. The remaining \$9,000.00 will come from the Department of Environmental Management's Open Space Bond Program. The appraised value of the Conservation Easement is in excess of \$800,000; however, Mr. Bugnet has agreed to accept \$600,000. Mr. Pagliarini asked whether the Purchase and Sales Contract was reviewed by the West Greenwich Conservation Commission. Ms. Primiano is uncertain whether the Purchase and Sales Contract was reviewed by the West Greenwich Conservation Commission; however, the Town of West Greenwich the Town of West Greenwich Land Trust fully support the acquisition. The farm will be transferred to either the West Greenwich Land Trust or a non-profit forestry group upon Mr. Bugnet's death. Mr. Ryan asked if Mr. Bugnet resides on the subject property. Ms. Primiano indicated that Mr. Bugnet does not reside on the subject property; however, a tenant does maintain a small farm on a two (2) acre portion of the property. Those two (2) acres of land will not be part of the Conservation Easement. Mr. Pagliarini noted that page one (1) of the Purchase and Sales Agreement should be revised to reflect that the Town of West Greenwich is located in Kent County rather than Washington County. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Kay subject to the Purchase and Sales Contract being revised as

identified by Mr. Pagliarini.

**Passed Unanimously**

**ITEM J – Department of Transportation – A request was made for conceptual approval to dispose of 2,100 square feet of State-owned land located on Old Bald Hill Road in the City of Cranston. Mr. Jackson presented a map of the subject property for review by the State Properties Committee. Mr. Ryan asked if the applicants own the parcel of land, which directly abuts the subject property. Mr. Jackson indicated the applicants do own the abutting property. Mr. Woolley questioned whether the applicants are presently encroaching on State-owned land. Mr. Jackson stated that the applicant is not encroaching on State-owned land. Mr. Pagliarini expressed concern regarding State-owned property being sold in a piecemeal fashion along the roadway area. Mr. Ryan suggested that at this time, the Department of Transportation attempt to approach any and all potential applicants along the roadway area. Mr. Griffith asked if any encroachments exist on State-owned land in this area. Mr. Jackson indicated that the Department of Transportation is investigating possible encroachments along the roadway area. A motion was made to grant conceptual approval by Mr. Ryan and seconded by Mr. Woolley.**

**Mr. Griffith noted that the State Properties Committee received an advisory report from the Statewide Planning Program, which states “an administrative subdivision should be undertaken simultaneously with the transaction if the subject property does not have an assigned**

plat and lot number.” Mr. Jackson explained that the subject property does in fact have an assigned plat and lot number and that the City of Cranston requires an administrative subdivision. Mr. Pagliarini explained that an administrative subdivision is necessary because if a new parcel of land is created then the other parcel of land will become landlocked. Mr. Woolley asked if the former owner(s) has been notified regarding the intended sale of the property. Mr. Jackson explained that when land is acquired by condemnation, it is standard procedure for the Department of Transportation to notify the former owner(s) and the municipality of sale.

**Passed Unanimously**

**ITEM K – Department of Transportation - A request was made for conceptual approval to dispose of 30,737 square feet of State-owned land located off Post Road in the City of Warwick, adjacent to Greenwood Bridge to Robert and Barbara Johnson. Mr. Clarke illustrated the location of the subject property using site maps and aerial photographs. Mr. Clarke explained that the subject parcel is triangular in shape and bounded by a freeway line, which limits access. Mr. Pagliarini asked what the current use of the Johnson’s property is. Mr. Clarke indicated that property consists of a three-story structure which houses a number of small business offices. Mr. Pagliarini commented that the property’s elevation drop was rather significant. Mr. Clarke concurred that the elevation drop is significant. Mr. Clarke stated that the Department of Transportation is maintaining a twenty-five (25’) foot access easement to ensure the**

Department can access bridge, if necessary. Mr. Pagliarini asked if a fence will be erected between the State-owned property and the property being conveyed to the applicants. Mr. Clarke indicated that there is an existing fence along the freeway line, which separates the properties. Mr. Pagliarini recommended that the Department of Transportation require the applicants to retain and maintain said fence as a condition of this conveyance. Mr. Pagliarini explained under the Planned Residential Development (the "PRD) Ordinance of the City of Warwick, the applicants could potentially construct a condominium project on this site if they were able to acquire 40,000 square feet of land. Mr. Clarke indicated that the Department of Transportation will require the applicants to retain and maintain the existing fence as a condition of the conveyance of the property. A motion as made to grant conceptual approval to dispose of the subject property by Mr. Kay and seconded by Mr. Ryan.

#### **Passed Unanimously**

**ITEM L – Department of Transportation – A request was made for approval and signatures on Quit Claim Deed relating to the transfer of 22,737 square feet of State- owned land located off Sherman Road in the Town of Burrillville to the Town of Burrillville. Mr. Clarke indicated that the Town of Burrillville intends to invest \$22,000.00 to maintain the subject property as an open recreational facility for all residence of the State of Rhode Island. The State Properties Committee granted conceptual approval for the conveyance of the subject property on March 28, 2006. Mr. Pagliarini asked whether the property will be utilized for active or passive recreation. Mr. Clarke**

indicated that the Town of Burrillville intends to utilize the property for passive recreation. Mr. Pagliarini asked if the Town of Burrillville owns any property which abuts the subject property. Mr. Clarke indicated that he does not believe the Town of Burrillville owns any abutting property. Mr. Ryan asked if the Federal Highway Administration required the Quit Claim Deed to include a reverter clause. Mr. Clarke stated that the property must be used as a public recreational area or its ownership will revert back to the State of Rhode Island. Mr. Ryan asked whether the Federal Highway Administration approved the gratis transfer of this property. Mr. Clarke indicated the Federal Highway Administration approved the gratis transfer of the subject property. Mr. Griffith noted that Exhibit B references hazardous material. Mr. Griffith asked if any environmental testing of the property has been conducted. Mr. Clark indicated that this is standard language used by the Department of Transportation in deeds transferring property. Mr. Griffith asked whether there is any reason to believe that there are any environmental issues associated with the subject property. Mr. Clarke stated that there has been no environmental testing of the property, and that there is no reason to believe any environmental issues exist relative to the property. A motion was made to approve by Mr. Kay and seconded by Mr. Pagliarini.

**Passed Unanimously**

The Committee moves to go into Executive Session, pursuant to Rhode Island General Law 42-46-5(a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real

**property for public purpose, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.**

**A motion was made to enter into Executive Session by Mr. Woolley and seconded by Mr. Kay. A roll call vote was taken and the votes were as follows: Mr. Kay voted “Aye”, Mr. Ryan voted “Aye”, Mr. Woolley voted “Aye”; Mr. Pagliarini voted “Aye” and Mr. Griffith voted “Aye”.**

**The State Properties Committee came out of Executive Session at 11:04 a.m.**

**ITEM E1 – Department of Transportation –A request was made to acquire land for roadway improvements on Putnam Pike (U.S. Route 44) from Chopmist Road to Tourtellot Hill Road in the Town of Gloucester. After discussion in Executive Session, a motion to approve was made by Mr. Woolley and seconded by Mr. Kay.**

**Passed Unanimously**

**A motion was made to seal the minutes of the Executive Session until such time as the matter is resolved by Mr. Woolley and seconded by Mr. Ryan.**

**Passed Unanimously**

**There being no further business to come before the State Properties Committee, the meeting was adjourned at 11:06 a.m. A motion was**

**made to adjourn by Mr. Woolley and seconded by Mr. Ryan.**

**Passed Unanimously**

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**Holly H. Rhodes, Executive Secretary**