

# **STATE PROPERTIES COMMITTEE MEETING**

**TUESDAY, SEPTEMBER 4, 2007**

**The meeting of the State Properties Committee was called to order at 10:04 a.m. by Chairman Kevin M. Flynn. Other members present were Robert Griffith representing the Rhode Island Department of Administration; Richard B. Woolley representing the Rhode Island Department of Attorney General; John A. Pagliarini, Jr., Public Member and Xaykham Khamsyvovong representing the Rhode Island Office of the General Treasurer, Ex-officio Member. Others in attendance were Kelly Carpenter from the Rhode Island Senate Fiscal Office; Marlene McCarthy Tuohy from the Rhode Island Department of Administration; David Coppetelli, Anthony DeQuattro, Paul Carcieri, Robert B. Jackson, Marc Malkasian John Glynn and Maureen McMahon from the Rhode Island Department of Transportation; Lisa Primiano, Mary E. Kay and John Faltus from the Rhode Island Department of Environmental Management and Robert Kando and Robert Rapoza from the Rhode Island Board of Elections.**

**A motion was made to approve the regular minutes of the State Properties**

**Committee meeting held on Tuesday, August 21, 2007, by Mr. Griffith and seconded by**

**Mr. Pagliarini.**

### **Passed Unanimously**

**A motion was made to approve the Executive Session minutes of the State Properties Committee meeting held on Tuesday, August 21, 2007, by Mr. Griffith and seconded by Mr. Pagliarini.**

### **Passed Unanimously**

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

**The next scheduled meeting of the State Properties Committee will be held on**

**Tuesday, September 18, 2007, at 10:00 a.m.**

**ITEM A – Board of Elections – A request was made for approval to re-advertise for additional storage/assembly space for the storage and assembly of additional voting machines commencing on January 1, 2008. Mr. Kando stated that Rule 409 of the State Properties Committee allows an agency, in this case the Board of Elections, through the Department of Administration, to notify owners and agents of rental property in the vicinity that it is seeking rental space. Mr. Kando indicated that the Board of Elections intends to notify potential landlords that the Board of Elections is seeking storage space to accommodate the Board of Election's needs. Only properties which are located in the near vicinity and are suitable to the needs of the Board of Elections will be considered. In accordance with Rule 409, the Board of Elections will retain a list of all owners and agents which are contacted. Ms. McCarthy Tuohy**

explained that the Request for Proposals will be amended to include properties within a ten (10) mile radius. Mr. Pagliarini suggested that a ten (10) mile radius will be too broad an area. Ms. McCarthy Tuohy indicated that the radius will be amended to reflect a five (5) mile radius. Mr. Khamsyvoravong indicated that he was not present at the April 3, 2007 meeting and asked what the initial issues were regarding the Armory property in terms of available storage space. Ms. McCarthy Tuohy explained that the Board of Elections had looked at both the Cranston Street Armory and the Pastore Center as potential sites and there was not space available at either location. Mr. Khamsyvoravong indicated that he had toured the Cranston Street Armory building several times and found that there was space available. Ms. McCarthy Tuohy indicated that the Board of Elections requested 6,000 square feet of street level storage space which is self-contained and was informed no such space was available. Chairman Flynn stated that there is space available at the Armory building; however, it is not suitable for the needs of the Board of Elections. Ms. McCarthy Tuohy explained that the Board of Elections requires street level storage space to enable it to load the equipment onto trucks easily and distribute it throughout the State at election time. Mr. Kando indicated that the Board of Elections also contacted the North Main Street Armory building and was told that heightened security measures eliminated it as a potential storage site. A motion was made to approve subject to the Request for Proposals being amended to reflect an area of five (5) miles for the potential storage site by Mr. Griffith and seconded by Mr. Woolley. Passed

**Unanimously**

**ITEM B – University of Rhode Island – A request was made for final approval of and signatures on the License Agreement between the University of Rhode Island and Lambda Chi Alpha Properties, Inc. to improve and/or maintain a Fraternity House located at 29 Old North Road in the Town of Kingston. Chairman Flynn noted that there is no one present from the University of Rhode Island and further indicated that he is in receipt of an e-mail correspondence from Edward F. Sanderson, Executive Director of the Historical Preservation & Heritage Commission, which indicated that the fraternity house, located at 29 Old North Road in the Town of Kingston, appears to be listed on the National Register of Historic Places and the State Register. However, no map was attached as indicated in the correspondence. Chairman Flynn indicated that he received this correspondence late on Friday and has since attempted to contact Mr. Sanderson, but has not received a response as of yet. In accordance with the Rhode Island Historic Preservation Act, RIGL 42-45, plans for proposed construction and improvements at 29 Old North Road should be submitted to the Rhode Island Heritage & Preservation Commission for review and approval. Chairman Flynn asked if Mr. Woolley has had an opportunity to review the Uniform Real Estate License Agreement. Mr. Woolley indicated that he has received and reviewed the Uniform Real Estate License Agreement and is satisfied with said document. Chairman Flynn asked what the pleasure of the Committee is. Mr. Woolley suggested that the Committee table the item until it is known whether any new**

construction is contemplated. Mr. Woolley stated that the Uniform Real Estate License Agreement is a general form license agreement which contemplates many circumstances. Chairman Flynn asked Mr. Woolley if the issue raised by Historical Preservation & Heritage Commission is addressed in the License Agreement. Mr. Woolley indicated that Section 06.2 states that “All work shall be done in a workmanlike manner and in compliance with applicable codes, laws, ordinances and regulations...” Mr. Woolley indicated that by virtue of the Rhode Island Historic Preservation & Heritage Commissions’ letter and Section 06.2 of the Uniform Real Estate License Agreement, the University of Rhode Island must comply with the Rhode Island Historic Preservation Act, RIGL 42-45. Mr. Griffith indicated that as the State Property Committee has the original Uniform Real Estate License Agreement, it could approve the University of Rhode Island’s request subject to the its obligation relative to the Rhode Island Historic Preservation Act, RIGL 42-45. A motion was made to approve the Uniform Real Estate License Agreement subject to review, if applicable, by the Rhode Island Historic Preservation & Heritage Commission by Mr. Pagliarini and seconded by Mr. Griffith.

**Passed Unanimously**

**ITEM C– Department of Environmental Management – A request was made for approval of and signatures on a License Agreement between the Department of Environmental Management and Michelle Brooks from Turtle Island Design to hold a Native American Pow-Wow at Lincoln Woods State Park. Mr. Faltus explained that this**

is the third year that the Department of Environmental Management has received a request from Michelle Brooks to hold a Native American Pow-Wow. There have been no problems associated with this event in the past. Ms. Brooks is required to engage Department of Environmental Management Police Officers to patrol this event. Mr. Faltus indicated that this event is similar in nature to the event previously approved by the State Properties Committee and held at Colt State Parks the weekend of August 25, 2007. Mr. Faltus provided the Committee with a copy of the previous year's Certificate of Insurance and requested that this License Agreement be approved subject to Ms. Brooks providing the necessary updated certificate of insurance. A motion was made to approve subject to the submission of an updated certificate of insurance by Mr. Woolley and seconded by Mr. Pagliarini.

**Passed Unanimously**

**ITEM D – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement between the Department of Environmental Management and Autumnfest to hold the 29th Anniversary of Autumnfest during the weekend of October 5, 2007 through October 8, 2007, at WWII Memorial State Park in the City of Woonsocket. Mr. Faltus indicated that this is a very successful and popular event in the City of Woonsocket. Mr. Faltus stated that Autumnfest has provided a Certificate on Insurance for this event. Chairman Flynn asked whether any special accommodations have been arranged in light of the sale of alcoholic beverages at this event. Mr. Faltus indicated that**

the in accordance with the License Agreement and the regulations of the Department of Environmental, the sale of beer at this event is permitted. Beer is sold from a tent sponsored by the Rotary Club. Mr. Faltus indicated that the Rotary Club's insurance coverage does include host liquor liability insurance coverage. Mr. Faltus stated that five (5) Woonsocket Police Officers are required to police and monitor this event. Mr. Pagliarini noted that the Fire Marshal Review Section of the Action Request Form has not been checked off. Mr. Pagliarini indicated that it is his understanding that the Fire Marshal is now requiring an inspection of tents. Mr. Faltus indicated that Article 17 of the License Agreement, Compliance With Laws, states "Licensee further agrees to utilize the State Property in compliance with National, State and local fire codes and ordinances applicable to the license event. Mr. Faltus explained that the companies that provide the tents ensure that they are being erected properly and meet the current fire codes. A motion was made to approve subject to inspection by the Fire Marshal by Mr. Pagliarini and seconded by Mr. Griffith.

**Passed Unanimously**

**ITEM E – Department of Environmental Management – A request was**

made for

approval of and signatures on a Conservation Easement and Public Access Easement over forty-one (41) acres of land located in the City of Warwick; a portion of the property formerly referred to as Rocky Point Park. Mr. Pagliarini completed and submitted a recusal form to the Executive Secretary of the State Properties Committee recusing himself from voting relative to Item E, as he is legal representative to the sole bidder. Ms. Primiano indicated that this is her third appearance before the State Properties Committee relative to this Conservation Easement and Public Access Easement. Ms. Primiano indicated that the parties have received approval from the City of Warwick. Ms. Primiano stated that negotiations are in currently in progress with the private developer; however said negotiations have not yet resulted in the execution of an agreement. Chairman Flynn asked what type of input the developer will have in terms of controlling any access onto this property. The developer who is currently in negotiations with the Small Business Association would like to have some input relative to how the access is developed and also the separation of the access from the private development. The Mayor of the City of Warwick is working with the developer to ensure that the development of the access is acceptable to both parties. A motion was made to approve

by Mr. Griffith and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM F – Department of Environmental Management – A request was made for approval of and signatures on a Purchase and Sale Contract**

for the acquisition of a Conservation Easement over approximately forty-three (43) acres of land located in the Town of Charlestown. Ms. Primiano indicated that this item was previously before the State Properties Committee for conceptual approval. Ms. Primiano presented an aerial photograph of the subject property for the Committee's review. Ms. Primiano stated that the subject property is known as the Webster Property. The project was initially approved by the Forest Legacy Program, which is funded through the United States Forest Service with the intent of protecting forest resources in the State of Rhode Island. The Webster Property was ranked and approved by the Committee and since then the Department of Environmental Management has suffered a number of setbacks; initially there were issues involving the appraisal of the property and then the death of one of the real estate holders of the property caused further delays. The Department of Environmental Management has also had an issue regarding funding. Ms. Primiano indicated that approximately two weeks ago, the Department of Environmental Management was notified that it received additional funds from the United States Forest Service, which will allow the Department to move forward and close on the subject property. The acquisition is on the fast track as it is federally funded. The purchase price for the subject property is \$425,000. Andolfo Appraisal Associates determined the value of the subject property to be \$482,500. Ms. Primiano indicated that the Webster Family is willing to accept the purchase price of \$425,000. Ms. Primiano indicated that the United States Forest Service will pay \$363,900 toward the purchase price.

**The remainder will be paid by the State of Rhode Island Open Space Bond Program. The property will be available for purposes of research and educational use. The property will not be part of the publicly accessible park or trail system. The property will act as a protection for natural resources and habitat, but it will not be open to the public. A**

**motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM G – Department of Environmental Management – A request was made for approval of and signatures on an Indenture of Lease between the State of Rhode Island, acting through the Department of Environmental Management, and PITA, LLC, for property located at 316 Great Island Road in the Port of Galilee. Ms. Kay explained that she is before the Committee seeking approval of a land lease in the Port of Galilee for a very small triangular piece of land, which has been utilized for a small restaurant for a number of years. The business was previously known as the Sunflower Café. The restaurant was owned and operated by the Champlin family for a number of years. Last year, the Champlin Family sold it to another entity that operated the business as Angie’s Restaurant. The family that operated Angie’s Restaurant recently began another venture and the Champlin family once again took over the property and now needs the Indenture of Lease approved by the State Properties Committee in order to operate a new seafood restaurant. The**

**Champlin family has painted the property and invested in the renovation of the property. Ms. Kay indicated that Mr. Woolley of the Department of Attorney General suggested some refinement of the language contained on the Indenture of Lease relative to the adjustment of rental payments. Said revisions have been made and Ms. Kay provided substitute pages to be inserted into the Indenture of Lease. Ms. Kay also provided a copy of the revised Certificate of Insurance, which clearly names the State of Rhode Island as additionally insured. If the Indenture of Lease is approved by the State Properties Committee, the applicant will go before the Town of Narragansett to obtain a transfer of the liquor license. The Galilee Lease Advisory Committee recommended that the Department of Environmental Management proceed with the Indenture of Lease Agreement. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM H – Department of Transportation – A request was made for approval of and signatures on a Letter of Authorization with the Rhode Island Resource Recovery Corporation for temporary use of the premises located at the rear of the Maintenance Facility at Cross Mill Corner and Route 1 Northbound in Charlestown. Mr. Carcieri explained that before the Committee is a Letter of Authorization from the Department of Transportation to the Rhode Island Resource Recovery Corporation. This is the third year that the Rhode Island Resource Recovery Corporation has requested permission to hold this event at the Department of Transportation Maintenance Facility in**

**the Town of Charlestown. The Rhode Island Resource Recovery Corporation wants to invite the public to dispose of hazardous waste.**

**Mr. Carcieri explained that the Rhode Island Resource Recovery Corporation receives pesticides, household poisons and occasionally computer equipment. The Rhode Island Resource Recovery Corporation collects the waste in a dumpster and then ships it to an acceptable disposal site. The event will be publicized in the newspapers provided the Letter of Authorization is approved by the State Properties Committee. Mr. Carcieri indicated that the Rhode Island Resource Recovery Corporation has provided the Department of Transportation with the appropriate Certificate of Insurance. Mr. Carcieri indicated that the event has been very successful in the past. A motion to approve was made by Mr. Griffith and seconded by**

**Mr. Woolley.**

**Passed Unanimously**

**ITEM I – Department of Transportation – A request was made for review and execution of an Easement Agreement between the Department of Transportation and The Narragansett Electric Company (National Grid) to provide electrical service to property located at Delivery Drive in the City of Warwick. Mr. Jackson explained that this request is for an easement to provide electrical service to the Glycoll Storage-Dispensing Facility located on Delivery Drive, which is part of T.F. Green Airport. Chairman Flynn asked if there is any financial transaction associated with this easement. Mr. Jackson indicated that the granting of this easement is gratis as it**

**provides a necessary service to Airport operation. A motion was made to approve by Mr. Griffith and Mr. Woolley.**

**Passed Unanimously**

**ITEM J – Department of Transportation – A request was made for review and execution of Assignment of License Agreement and Lease Agreement from Deeble Holdings, LLC to Wampanoag Boyd, LLC regarding property located along Route 114 in the City of East Providence. Mr. Woolley of the Department of Attorney General recommended that this item be tabled to a future meeting of the State Properties Committee, as he was not provided with copies of the documents for his review. A motion was made to table Item I to a future meeting of the State Properties Committee by Mr. Pagliarini and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM K –Department of Transportation – A request was made for conceptual approval to dispose of 1,152 square feet of property located adjacent to 938 Oaklawn Avenue in the City of Cranston. Mr. Carcieri presented an aerial photograph of the subject property for review by the State Properties Committee. Mr. Carcieri explained that the applicant, Brooklyn Heights Associates, LLC approached the Department of Transportation to purchase the subject property for vehicle parking. Mr. Pagliarini asked who owns the curb cut. Mr. Carceiri indicated that it is a State authorized curb cut. Mr. Carcieri explained that the proposed sale of the subject property has been reviewed by the Department of Transportation Land Sales Committee inclusive of the Design Section. The Land Sales Committee has**

**assured the Real Estate Section that there is no foreseeable need for the subject property for highway expansion. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM L –Department of Transportation – A request was made for conceptual approval to dispose of 20,000 square feet of property located within the Park-N-Ride Lot on Hopkins Hill Road in West Greenwich. Mr. Carcieri presented an aerial photograph of the subject property for review by the Committee. Mr. Carcieri explained that the applicant, Centrex Distributors, Incorporated owns the property, which abuts the park-n-ride lot. Centrex Distributors, Incorporated would like to expand its property in a southerly direction toward the park-n-ride lot. The subject property is a long, rectangular parcel of land consisting of approximately 20,000 square feet. The Department of Transportation has carefully reviewed the proposal regarding the sale of the subject property. The Department of Transportation Design Section has indicated that this is an under utilized park and ride facility and the divesting of this strip of land will not cause the Department of Transportation any harm or cause any inconvenience to the public. Centrex Distributors, Incorporated plans to use the subject property for additional vehicle parking. Mr. Carcieri indicated that the deed will contain a restriction compelling Centrex Distributors, Incorporated to shift an existing berm. Mr. Carcieri indicated the subject property is not a buildable lot and Centrex Distributors, Incorporated is the sole abutter other than the State of Rhode Island. Mr. Carcieri reiterated that the land is of no**

use to the Department of Transportation and the park-n-ride lot will easily thrive without it. Chairman Flynn asked if the number of public parking spaces available in the park-n-ride lot will be impacted as a result of this sale. Mr. Carcieri indicated that twenty-eight (28) parking spaces out of approximately one hundred fifteen (115) existing parking spaces will be eliminated. However, as the lot is under utilized, there will be no impact to the public. Chairman Flynn clarified that the purpose of the berm is to prevent access between Centrex Distributors, Incorporated and the Hopkins Hill Park-N-Ride Lot. Mr. Carcieri indicated that is the purpose of the berm. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Woolley.

#### **Passed Unanimously**

**ITEM M – Department of Transportation – This item has been deferred to a future meeting of the State Properties Committee at the request of the Department of Transportation.**

**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. Griffith and seconded by Mr. Pagliarini. A roll call vote was taken and the**

**votes were as follows: Mr. Griffith voted “Aye”, Mr. Woolley voted “Aye”; Mr. Pagliarini voted “Aye” and Chairman Flynn voted “Aye”.**

**The State Properties Committee closed Executive Session and returned to open**

**session at 10:50 a.m.**

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

**Passed Unanimously**

**ITEM E1 – Department of Transportation –A request was made for approval of and signatures on a First Amendment to Temporary Easement Agreement between the Department of Transportation and A.K.G., Inc. After discussion in Executive Session, a motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

**There being no further business to come before the State Properties Committee, the meeting was adjourned at 10:52 a.m. A motion was made to adjourn by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

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**Holly H. Rhodes, Executive Secretary**