

## **STATE PROPERTIES COMMITTEE MEETING**

**TUESDAY, FEBRUARY 5, 2008**

The meeting of the State Properties Committee was called to order at 10:07.m. by Chairman Kevin M. Flynn. Other members present were Robert Griffith representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; Robert W. Kay and John A. Pagliarini, Jr., Public Members and Xaykham Khamsyvoravong representing the Rhode Island Office of the General Treasurer, Ex-officio Member. Others in attendance were Anthony Paolantonio from the Rhode Island House of Representatives; Robert C. Bromley from the Rhode Island Senate Fiscal Office; Marc Malkasian, Richard Kalunian, Robert Rocchio, Jerome F. Williams from the Rhode Island Department of Transportation; Marco Schiappa, Michael D. Mitchell and Annette Jacques from the Rhode Island Department of Administration; Deborah Barclay from the Rhode Island Department of Human Services; Steven Feinberg from the Rhode Island Office of Film & Television; Colin Walsh from Hachiko Productions, LLC; Joshua Celeste from Ferrucci Russo, PC; James Moretti from the law firm of Resnick & Caffrey together with his client, Mary Emerson; and Gus Andolfo from Andolfo Appraisal Associates, Inc.; Michael Butler from the Federal Highway Administration; Richard A. Licht of Tillinghast Licht, LLP; Katherine Gregg from the Providence Journal

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, February 19, 2008, at 10:00 a.m.**

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

**Committee meeting held on Tuesday, January 22, 2008, by Mr. Pagliarini and seconded by Mr. Kay.**

**Passed Unanimously**

**A motion was made to approve the Executive Session minutes of the State**

**Properties Committee meeting held on Tuesday, January 22, 2008, by Mr. Pagliarini and**

**seconded by Mr. Kay.**

**Passed Unanimously**

**ITEM A – Film and Television Office – A request for permission to allow Scott Free to utilize the Cranston Street Armory Building to film the motion picture “Tell Tale.” This item was deferred to a future State Properties Committee meeting at the request of the Department of Administration and the Film and Television Office.**

**ITEM B – Department of Human Services – A request was made for approval of and signatures on a Letter of Agreement by and between the Department of Human Services and Kellaway Realty Corporation and final approval of and signatures on the Sublease Agreement by and between the Department of Human Services and the City of Pawtucket for the premises located at 24 Commerce Street in the City of Pawtucket. Ms. Barclay, by way of background, explained that this is one of the first leases required to go before the General Assembly for Joint Resolution Approval. Ms. Barclay indicated that in June of 2007, the State Properties Committee approved the extension of the Lease and the Lease and a Resolution were forwarded to the General Assembly by Chairman Flynn. The Lease and Resolution were approved by the General Assembly and the Department of Human Services is now seeking the signatures of the State Properties Committee. Ms. Barclay explained that an issue arose after the Joint Resolution was returned to the Department of Human Services from the General Assembly. Ms. Barclay indicated that the service ratio portion of the original lease was not up for renegotiation. Ms. Barclay explained that if the service ratio fluctuated, the payment made by the City of Pawtucket and the Department of Human Services would reflect that fluctuation. However, when the General Assembly approved the Joint Resolution, it was passed as a straight 50/50 percent ratio between the City of Pawtucket and the Department of Human Services. Ms. Barclay explained that with the assistance of Deputy Chief Louis DeQuattro a Letter of Agreement between the City of Pawtucket and the Department of Human Services was prepared in**

the event that the service ratio should fluctuate. However, Ms. Barclay informed that Committee that the service ratio has not fluctuated in six (6) years. Chairman Flynn asked Ms. Barclay what circumstances would cause said service ratio to fluctuate. Ms. Barclay explained that the City of Pawtucket pays a percentage of the lease payment based upon the number of Pawtucket residents served by the Pawtucket Regional Family Center. The Center provides services to residents from the City of Pawtucket, the City of Central Falls and the Town of East Providence. While the City of Pawtucket is willing to contribute funds towards the services for Pawtucket residents, the City is, understandably, not willing to fund services for the residents of other cities and towns. Ms. Barclay reiterated that the percentage of Pawtucket residents receiving services from the Pawtucket Regional Center has not fluctuated in six (6) years. Mr. Woolley indicated that it is the position of the Department of Attorney General that it is neither necessary nor appropriate for the State Properties Committee to approve or execute the Letter of Agreement. Mr. Woolley noted that should the service ratio fluctuate in the future, the Department of Human Services would then return to the State Properties Committee to seek approval for whatever adjustment are deemed necessary. Mr. Woolley advised that the State Properties Committee's responsibility is to either approve or not approve that, which is approved and returned from the General Assembly. If in the future, there is any dispute regarding the service ratio between the Department of Human Services and the City of Pawtucket, then the Department shall return to the State Properties Committee seeking

approval to return to the General Assembly to formulate whatever adjustments are deemed necessary. A motion was made to approve the Renewal of the Sublease as approved by the General Assembly by Mr. Pagliarini and seconded by Mr. Woolley. A second motion was made to table the request for the approval and execution of the Letter of Agreement by Mr. Pagliarini and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM C – Department of Transportation – A request was made for approval of and signatures on a Letter of Authorization with Hachiko Productions, LLC for the use of Route 114 (Hope Street) in the Town of Bristol for the filming of the feature film, “Hachiko”. Mr. Malkasian explained that the Letter of Authorization before the State Properties Committee will allow Hachiko Productions, LLC, to film on Hope Street in the Town of Bristol on February 25, 2008, between the hours of 6:00 p.m. and 9:00 p.m.**

**Mr. Malkasian indicated that said filming will require closing traffic along the main business district in the Town of Bristol. Mr. Malkasian noted that both he and Mr. Walsh have coordinated with the Town of Bristol’s Manager, the Town of Bristol’s Police Chief, the State Traffic Commission, RIPTA, Robert Rocchio of the RIDOT Traffic Engineering Division and the Downtown Bristol Merchants Association and all parties have signed off on the Letter of Authorization. Mr. Pagliarini indicated that the Downtown Bristol Merchants Association has been consulted and has signed off on the Letter of Authorization; however, he questioned whether the half dozen or so other individual businesses, which he assumes will be**

affected, have been notified and are amenable to the closing of Hope Street. Mr. Walsh indicated that representatives of Hachiko Productions, LLC have visited each of those businesses, to notify them of the intended closing of Hope Street for the period of time previously mentioned, and received no objections. Mr. Walsh indicated that as Monday, February 25, 2008, is a holiday, many of the businesses will be closed in observance of said holiday, which is why Hachiko Productions, LLC chose that specific day to film. Mr. Woolley noted that Kevin Carvalho of Department of Administration Risk Management has requested that the State Properties Committee require not only a certificate of insurance, but more importantly, an endorsement from the insurance companies with respect to the extent of insurance coverage being provided. Mr. Woolley added that this is a fairly new policy; therefore he does not believe the Committee should withhold approval of this request based upon said requirement. However, going forward agencies should be aware that this will be a provision relative to any request presented to the State Properties Committee. Mr. Malkasian noted that the Department of Transportation is currently in the process of obtaining the endorsement of Hachiko Productions, LLC. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM D – Department of Transportation – A request was made for final approval of and signatures on two (2) Temporary Easement Agreements by and between the Department of Transportation and Coronado Realty, Inc.; and William G. Caito, J. Schultz & Edward J.**

**Schultz, Jr. Mr. Kalunian indicated that on November 13, 2007, the State Properties Committee granted conceptual approval for the Department of Transportation to proceed with negotiation to obtain two (2) temporary easements agreements, which are now fully executed by the property owners. Mr. Kalunian noted that the documents have not been modified in anyway and the amounts of compensation remain the same. Mr. Kalunian reminded the State Properties Committee that the subject request is in conjunction with the relocation of utility service in the vicinity of the Warwick Intermodel Train Station. Mr. Kalunian indicated that as this involves the full underground relocation of utility services for the two (2) properties, the property owners have agreed to not only accept the compensation amounts and sign off on the temporary easements to allow the work to be completed, but they have also entered into permanent easement agreements with the respective utility companies. A motion was made to approve by Mr. Kay and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM E – Department of Transportation – A request was made for approval of and signatures on various documents regarding the Warwick Intermodel Train Station. Mr. Mitchell explained that the request before the State Properties Committee today is the continuation of a matter that was before the Committee on September 18, 2007. Mr. Mitchell indicated that at that time the Department of Transportation sought conceptual approval of a negotiated settlement in the Superior Court litigated condemnation suit. Mr.**

**Mitchell noted that at that time, the State Properties Committee granted approval of a draft mediation settlement agreement. Said agreement was presented to and approved by Justice Weisberger of the Supreme Court. Mr. Mitchell indicated that a formal Consent Order was entered with the Superior Court. Mr. Mitchell noted that the Consent Order is appended to the Option Agreement as a full exhibit. Mr. Mitchell stated that on September 18, 2008, the State Properties Committee instructed the Department of Transportation to return to the Committee for final approval of easement agreements, a temporary construction easement together with a temporary use agreement of property. Mr. Mitchell noted that the various documents are listed in Director Williams' presentation memorandum, which has been presented to the State Properties Committee.**

**Mr. Mitchell indicated that after reviewing the subject documents, Mr. Woolley of the Department of Attorney General requested the revision of certain clauses contained in the documents. Mr. Mitchell indicated that the documents have been revised to address Mr. Woolley's concerns and the revised pages will be inserted into the original documents, which were submitted to Ms. Rhodes subject to the State Properties Committee's approval. Mr. Mitchell indicated that if the documents before the State Properties Committee are approved today, they will be held in escrow until such time as the issues pending between the Rhode Island Airport Corporation and Mr. D'Ambra are resolved. Thereafter, the documents will be recorded in the land evidence records in due course. Mr. Woolley asked for clarification relative to Mr. Mitchell's statements as he is neither**

aware that issues existed between the Airport Corporation and Micheal D'Ambra, which needed to be resolved, nor is he aware that the subject documents presently before the Committee will be held in escrow. Mr. Richard Licht of Tillinghast and Licht, LLP indicated that he represents the Rhode Island Airport Corporation. Mr. Licht stated that pursuant to the approval of the State Properties Committee, the Rhode Island Airport Corporation leases properties on which the Intermodel Train Station will be built and to which the easements connect. Mr. Licht explained the public will have access to T.F. Green Airport by way of a moving sidewalk that extends approximately 14,000' from the Intermodel Train Station to the terminal. The Rhode Island Airport Corporation controls access to its terminal and receives fees from many businesses for both access and because the Rhode Island Airport Corporation generates consumers for those various businesses. Mr. Licht indicated that for example, the rental car companies will not only pay fees to help build the Intermodel Train Station facility, but they will also consistently pay a percentage of their revenue to the Rhode Island Airport Corporation. Said revenue is necessary to operate an airport, and without the airport there would be no people wanting to rent automobiles; at least at that location. Mr. Licht indicated that the Airport Corporation was not a party to the negotiations between Michael D'Ambra and the Department of Transportation and stated that the Airport Corporation has no problem with any of the documents that are before the State Properties Committee today or any problem with the financial arrangements, which have been negotiated between Michael D'Ambra

and the Department of Transportation. However, it is the opinion of the Rhode Island Airport Corporation that there are issues which have been overlooked. One of the issues involves annual fees; however, the parties are very close to a resolution regarding the fee amount. Mr. Licht indicated that additionally there are certain covenants, which the Rhode Island Airport Corporation has historically made with rental car companies, which must be imposed upon whatever entity occupies the site. Mr. Licht indicated that the Rhode Island Airport Corporation has a covenant with the rental car companies, which prohibits another party from operating an off site rental car facility and use of the Intermodal Train Station facility. Mr. Licht indicated that as D'Ambra Construction intends to construct a hotel on its property, a covenant is necessary to prevent someone from operating a rental car facility on said property without being obligated to contribute a percentage of its revenue toward the expense of the facility, yet reap the same benefits as the rental car companies whose customers are paying a per diem fee to assist in the construction of the Intermodal Train Station facility. Mr. Licht stated that the Rhode Island Airport Corporation's second largest source of revenue is received from vehicle parking. Therefore, utilization of the D'Ambra site for public airport parking must be prohibited. Mr. Licht indicated that there are non-airport owned and operated parking facilities, but the Rhode Island Airport Cooperation has agreements in place with said entities. Mr. Licht believes that the aforementioned issues can be resolved within one (1) week. Mr. Licht indicated that said issues have already been discussed and the

parties are very close to a resolution. Chairman Flynn asked if the revised substitute pages have been inserted into the documents. Mr. Mitchell stated that the documents require the ministerial substitution of six (6) pages. Chairman Flynn asked if in view of these necessary revisions, there is a compelling reason for State Properties Committee to sign the documents today prior to the substitute pages being inserted. Mr. Licht indicated that he believes there is a compelling reason to have the documents signed by the State Properties Committee today. Mr. Licht explained that there is a building owned by D'Ambra Construction, which needs to be demolished and in fairness to Mr. D'Ambra he does not believe the building should be demolished until the documents are executed by the State Properties Committee. However, this condition is holding up construction of the Intermodel Train Station. Mr. Licht indicated that the contractors are working around the building at this time. Mr. Licht explained that Mr. Fraiser, the Acting President of the Rhode Island Airport Corporation received a telephone call from Director Williams during which the Director asked if the parties could appear before the State Properties Committee today in an attempt to resolve this matter as quickly as possible. Mr. Licht indicated that he believes this is the basis for the notion of an escrow. Mr. Mitchell indicated that he and Director Williams discussed whether this matter should be deferred for two (2) weeks; however, because of the construction schedule, Director Williams indicated that he would like the documents ready to be recorded as soon the Rhode Island Airport Cooperation and D'Ambra Construction are able to resolve the

outstanding issues. Therefore, if the State Properties Committee will agree to execute the documents they can be immediately recorded in the land evidence records and the project can proceed once the outstanding issues between Mr. D'Ambra and the Rhode Island Airport Corporation are resolved. Mr. Joshua Celeste from Ferrucci Russo, PC clarified that pursuant to this escrow scenario, Mr. D'Ambra will ultimately decide when and in what fashion the documents are released once executed; therefore, the complete agreement with the Rhode Island Airport Cooperation will be required prior to release of the documents by Mr. D'Ambra. Mr. Licht indicated that he did not foresee any problems, as negotiations have been taking place on a daily basis; however, Mr. Celeste and the Rhode Island Airport Cooperation have the right to review the revised language as these agreements will be in perpetuity. Mr. Pagliarini indicated that in light of Mr. Licht's comments, he is not entirely comfortable executing said documents until such time as they are in their final form. Mr. Pagliarini asked Mr. Celeste if he is comfortable with the documents being executed prior to their being revised and presented in final form. Mr. Celeste indicated that in an effort to be good neighbors, as long as the Escrow Agreement is in order, with respect to the release of the documents, he has no problem moving forward. Mr. Pagliarini asked if the Escrow Agreement is in place at this time. Mr. Celeste indicated that the Escrow Agreement in concept is complete; however, it has not been put in writing. For the edification of the State Properties Committee, Mr. Woolley asked Mr. Celeste to explain the intended purpose of the documents before the

Committee today. Mr. Celeste explained in short that the documents grant an enhanced access from Mr. D'Ambra's parcel of land to the Intermodel facility. The access is basically a linkage between the proposed hotel into the Intermodel Train Station. The documents were drafted in option agreement format because Mr. D'Ambra has not quite completed the specifications of the hotel and an option agreement provides him with some flexibility pursuant to the construction, as to whether he would like to have a ground link and/or a skybridge connection. Mr. Licht indicated that as far as the technical aspects of the documents before the Committee today, there are not any issues, with the exception of a few ministerial typographical errors. Mr. Licht reiterated that he does not foresee any problems; however, it is important that these issues are resolved between D'Ambra Construction and the Rhode Island Airport Cooperation. Mr. Kay asked if Mr. D'Ambra is in favor of the demolition of the building. Mr. Licht clarified that the building straddles a property line on which half of the property was condemned by the State of Rhode Island and on which the other half is still owned by Mr. D'Ambra. Therefore, from a technical perspective, Mr. D'Ambra is perfectly happy to have to building taken down. Mr. Mitchell indicated for further clarification that the portion of the building on Mr. D'Ambra's property consists of approximately ten (10) feet. Mr. Mitchell illustrated the location of the temporary construction area and the easements for the Committee using a site map. Mr. Woolley asked how large the building is that is being demolished. Mr. Mitchell indicated the building is a small brick office

building, which is currently vacant. The demolition of the building is the result of a change in design plans. Mr. Woolley indicated that it is his understanding that the documents before the Committee will be held in escrow until such time as Mr. D'Ambra makes a determination, under the Option Agreement, which of the permanent easements he is going to opt for either the skybridge and/or the ground link. Chairman Flynn indicated that determination will be based upon the design of the hotel, which is not yet complete. Mr. Mitchell indicated that Chairman Flynn's statement is correct. Mr. Mitchell explained that the original value is based upon an appraisal that was subsequently negotiated before Justice Weisberger. In the event the hotel is larger than the original projection, there would be an increase in the compensation to the State of Rhode Island. In the event the hotel is smaller than the original projection, there would be a reduction in the compensation amount based upon the number of hotel rooms. Chairman Flynn clarified that the mediated settlement amount was recommended and agreed to by both parties. Mr. Mitchell stated that was correct and the Mediator's Report and Consent Order is incorporated in the Option Agree as an exhibit and includes language regarding the adjustment of the amount of compensation paid based upon the size of the hotel. Mr. Pagliarini indicated that it is his understanding that the documents that the Committee is being asked to approve and execute have nothing to do with the issues between Mr. D'Ambra and the Rhode Island Airport Cooperation and that said issues will be negotiated separately thereafter. Mr. Licht explained that the documents definitely have

something to do with the Rhode Island Airport Cooperation; however, he is completely comfortable with the execution of said documents. Mr. Pagliarini asked both Mr. Mitchell and Mr. Celeste whether they are comfortable with the position they are put in as a result of the Rhode Island Airport Cooperation's requests. Mr. Pagliarini indicated that both parties are in favor of the building being demolished and that time is an issue. However, in view of Mr. Celeste's statement that the Escrow Agreement has not been reduced to writing and therefore, has not been agreed to by the parties, Mr. Pagliarini indicated that he did not want to place either the State of Rhode Island or Mr. D'Ambra in the situation of negotiating from a weaker position because of approval and execution of the documents by the State Properties Committee. Mr. Pagliarini noted that the Committee could accommodate a special meeting within a week or so, or the parties could return to the Committee in two weeks with the documents in their final form. Mr. Pagliarini asked in view of these options what the pleasure of the State of Rhode Island and Mr. D'Ambra is. Mr. Mitchell indicated that the Department of Transportation is comfortable and desirous of having the documents approved and executed by the State Properties Committee today. Mr. Mitchell also indicated that he is very confident that the negotiations regarding the outstanding issues between Mr. D'Ambra and the Rhode Island Airport Corporation are moving forward in a positive manner and equally confident in the representations made to him by both Mr. Licht and Mr. Celeste regarding said negotiation. Mr. Mitchell stated that if an escrow agreement becomes necessary, he is also confident

that the parties will negotiate the terms of said agreement in good faith and live up to what has already been represented to him. Mr. Celeste reiterated that the escrow agreement will in fact declare Mr. D'Ambra as the sole trigger relative to the release of the documents and based upon that condition, Mr. Celeste indicated that he is comfortable with the State Properties Committee approving and executing the documents at this time. Mr. Pagliarini inquired whether Mr. Woolley is comfortable with the Committee's approval and execution of these documents today. Mr. Woolley indicated that he has had an opportunity to review the documents, is satisfied with the form pursuant to his requested revisions and is prepared to recommend that the Committee execute said documents. Mr. Woolley further clarified that one of the contingencies contained in the Option Agreement is that in the event Mr. D'Ambra changes his mind and decides not to build the hotel, or if there is a significant change in the development proposal, that the parties will return to this Committee if they wish to modify the easements with respect to the skybridge or ground link. A motion was made to approve the execution of the documents, as amended, by Mr. Pagliarini and seconded by Mr. Kay.

**Passed Unanimously**

**ITEM F – Department of Administration – A discussion regarding the State Properties Committee's draft Rules and Regulations for property sales. Chairman Flynn indicated for the benefit of the State Properties Committee, which has been inquiring as to the status of the draft Rules and Regulation of the State Properties Committee that**

he has been conferring with Mr. Mitchell, as well as with other staff of the Department of Administration's Legal Division on a regular basis, he has requested that Mr. Mitchell make a brief presentation as to the status of the Rules and Regulations. Chairman Flynn stated that a preliminary draft of the Rules and Regulations was previously provided to the State Properties Committee for discussion purposes only. Mr. Mitchell noted that Chairman Flynn has bestowed upon him the difficult task of revising and updated the Rules and Regulations of the State Properties Committee. The current Rules and Regulations only address one facet of the multi-dimensional decision, which are made by the Committee. Mr. Mitchell indicated that the current Rules and Regulations only speak to the State of Rhode Island leasing property from another party. The current Rules and Regulations do not address the purchase and sale of property by State agencies. They fail to address the leasing of property owned by the State of Rhode Island to another party. The current Rules and Regulations do not address the licensing of State owned property inclusive of requests received from the film industry to use of State owned property. Mr. Mitchell indicated that even without the benefit of formal Rules and Regulations, the State Properties Committee has over the years been compelled to consider and make decisions concerning requests and issues, which are not addressed in the current Rules and Regulations with great success. That being said, Mr. Mitchell indicated that he was asked to review the current Rules and Regulations and attempt to revise and update the same. Mr. Mitchell indicated that he has corrected some of the problems with

the original language in terms of both typographical errors and content. Mr. Mitchell explained that he incorporated the existing rules and regulations regarding leases and used that language as a model for both leases of property owned by the State of Rhode Island and leases of property by the State of Rhode Island to third parties. Mr. Mitchell explained that he has attempted to incorporate regulations in draft form, which address the purchase of property by the State of Rhode Island. Mr. Mitchell indicated that the amount of time necessary to complete this project is obviously limited. However, both Mr. Mitchell and Chairman Flynn agreed that it would be beneficial for the Committee to receive a preliminary draft form of what has been accomplished thus far. Mr. Mitchell indicated that this project is a work in progress that will require guidance and suggestions from all of the members of the State Properties Committee to compile formal and complete rules and regulations upon which the Committee can rely to continue to make reasoned and consistent decisions relative to the requests presented to it. Chairman Flynn agreed that the current Rules and Regulations fail to provide guidance concerning many of the transactions the State Properties Committee is obliged to consider and decide upon; however, he believes the most critical unaddressed issue is the lack of guidance concerning the disposition of State owned property. Chairman Flynn noted that guidance is needed concerning sole source sales of State owned property as well as method of sale. Chairman Flynn stated that rules and regulations must be established relative to blanket criteria for license agreements for the use of State

owned property that provide guidance as to whether certain de minimus uses of State-owned property can be dealt with on a departmental basis. Mr. Mitchell indicated that he is uncertain under the statute whether the Committee can delegate that authority to any agency as a matter of a blanket delegation. Mr. Pagliarini asked Mr. Mitchell to explain the process involved in adopting new Rules and Regulations. Mr. Mitchell agreed that adopting new Rules and Regulations is a process. Mr. Mitchell indicated that Peter Dennehy has prepared a schedule, which provides a timeline of the preparation of regulations. Mr. Mitchell indicated that once prepared the new Rules and Regulations will need to be considered by the State Properties Committee and then will have to go through the public hearing and covenant process. Mr. Pagliarini asked Mr. Mitchell to estimate the amount of time necessary to complete the adoption of new Rules and Regulations. Mr. Mitchell estimated that process will take a minimum of six (6) months. Mr. Pagliarini indicated that the adoption of the Rules and Regulations of the State Properties Committee is now on everyone's radar and should be made a priority.

The concerns of the Committee were discussed in great detail concerning the need to adopt clear and concise Rules and Regulations. No action was required by the State Properties Committee relative to this item at this time.

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. Kay. A roll call vote was taken and the votes were as follows: Mr. Griffith voted “Aye”, Mr. Pagliarini voted “Aye”, Mr. Woolley voted “Aye”; Mr. Kay voted “Aye” and Chairman Flynn voted “Aye”.**

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

**open session at 11:58 a.m.**

**ITEM E1 – Department of Transportation – A request was made for a pretrial conference with the State Properties Committee pursuant to Rhode Island General Laws §37-6-20 relative to the Petition for Assessment of Damages filed by Mary Emerson, LLC vs. the Rhode Island Department of Transportation with regard to the Quonset State Airport Army Aviation Expansion - Condemnation Plat 2687/Plat 4 located at 129 Airport Road, North Kingstown, Rhode Island. After discussion in Executive Session,**

**the State Properties Committee declared that it had accomplished its role in conducting a Pretrial Conference pursuant to Rhode Island General Laws §37-6-20 relative to the Petition for Assessment of Damages filed by Mary Emerson, LLC vs. the Rhode Island**

**Department of Transportation with regard to the Quonset State Airport Army Aviation Expansion - Condemnation Plat 2687/Plat 4 located at 129 Airport Road, North Kingstown, Rhode Island. The State Properties Committee directed the parties to continue negotiating in an attempt to reach a settlement of this matter via a motion made by Mr. Griffith and seconded by Mr. Woolley. The motion passed three votes “Aye” to two votes “Nay”**

**Three votes “Aye”**

**Mr. Woolley**

**Mr. Griffith**

**Chairman Flynn**

**Two votes “Nay”**

**Mr. Pagliarini**

**Mr. Kay**

**ITEM E2 – Department of Transportation – A discussion regarding the sale of**

**property to Johnson & Wales University, Extell, LLC and Rhode Island Hospital.**

**A motion was made to table this matter to a future meeting of the State Properties**

**Committee 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 11:59 a.m. A motion was made to adjourn by Mr. Woolley and seconded by Mr. Kay.**

**Passed Unanimously**

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**Holly H. Rhodes, Executive Secretary**