STATE PROPERTIES COMMITTEE MEETING

TUESDAY, MAY 13, 2008

The meeting of the State Properties Committee was called to order at 10:05 a.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; John A. Pagliarini, Jr., Public Member 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; Amy Mendillo from the Rhode Island Senate Fiscal Office; Robert Jackson, Maureen McMahon, Marc Malkasian and Janice M. Ward from the Rhode Island Department of Transportation; Peter Frazier from the Rhode Island Airport Corporation; Lisa Primiano and Brian Tefft from the Rhode Island Department of Environmental Management; Marco Schiappa, Michael D. Mitchell and Mary Ellen Davey from the Rhode Island Department of Administration; Mercedes Monteiro from the Rhode Island Historical & Preservation Commission; Romeo Mendes from the Rhode Island Water Resources Board; Paul Grenon from the Rhode Island Department of Mental Health, Retardation and Hospitals; Steve Fienberg from the Rhode Island Film and Television Office; Colin Walsh from Hachiko Productions, LLC; Robert Stolzman and Liza Saunders from the law firm of Adler, Pollock & Sheehan, P.C. and

David V. Igliozzi of the law firm of Seth A. Pearlmutter.

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, April 29, 2008, as amended, by Mr. Griffith and seconded by Mr. Pagliarini.

Passed Unanimously

ITEM A – Department of Administration – A request was made for approval of and signatures on a License Agreement by and between the Department of Administration and the Rhode Island Historical Preservation & Heritage Commission for use of the State House Grounds on Saturday, September 20, 2008, to hold the 31st Annual Heritage Festival. Mr. Schiappa respectfully requested that this item be deferred to the May 27, 2008, meeting of the State Properties Committee in order to clarify recent developments and provide the State Properties Committee with a detailed presentation outlining the event. A motion was made to approve by Mr. Griffith and seconded by Mr. Pagliarini.

Passed Unanimously

ITEM B –Water Resources Board – A request was made for approval of and signatures on a Film Location Agreement by and between the State of Rhode Island, through the Water Resources Board and Stage 11 Film Productions to allow use of vacant land located along

Division Road and Hopkins Hill Road in the Big River Management Area for filming. This item was removed from the State Properties Committee's agenda.

ITEM C – Department of Transportation – A request was made for approval of and signatures on the Quit Claim Deed by and between the State of Rhode Island, through the Department of Transportation and Boston Investment Property #1 for the conveyance of 11,709 square feet of property located at One State Street in the City of Providence. This item was deferred until later in the meeting.

ITEM D – Department of Transportation – A request was made for approval of and signatures on a Perpetual Sewer Line Easement from the Department of Transportation to WREC Precision Park Land, LLC. Mr. Mitchell explained that this request arose from a legal settlement stemming from the condemnation of WREC's property associated with the Route 403 Reconstruction Project. Utilizing a large aerial photograph, Mr. Mitchell explained that the easement is necessary for the future development of the property and access will be gained through an existing residential property. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM E – Department of Transportation – A request was made for approval of and signatures on a Temporary Construction Easement by and between the Department of Transportation and Michael D'Ambra relative to Condemnation Plat No. 2616, Parcel 1A. Mr. Mitchell explained that on or about September 18, 2008, the State Properties Committee approved the terms and conditions of a

Consent Order entered into by and between the Department of Transportation and Michael D'Ambra relative to settlement of Michael D'Ambra v. RIDOT, C.A. No. PC06-5214. Mr. Mitchell explained that the Consent Order required the parties to draft reciprocal easements and other document relating to the Warwick Intermodel Train Station project. Said easements also required approval by the State Properties Committee. The State Properties Committee has previously approved various documents relating to this transaction and the Department of Transportation is seeking approval of the Temporary Construction Easement before the State Properties Committee today. As the State Properties Committee is very familiar with this matter, a motion was made to approve by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM F – Department of Transportation – A request was made for approval of and signatures on a Temporary Use Agreement by and between the Department of Transportation and Alfred C. and Patricia E. Miranda relative to the Relocated Route 403-Bridge No. 1009. Ms. McMahon explained that the Temporary Use Agreement is necessary to correct a drainage issue caused by the elevated grade in the driveway, which produces drainage backup onto the property. This driveway is located over a drainage pipe that was installed as part of the project. Ms. McMahon indicated that by reconstructing the driveway at a lower grade, it should allow the water to flow away from the dwelling. Ms. McMahon indicated that one (1) parcel of land will be affected for time period of eight (8) months from May 1, 2008,

through December 31, 2008. As the reconstruction of the driveway will improve the property and benefit the owners, no compensation will be paid to Alfred and Patricia Miranda. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM G – Department of Transportation – A request was made for approval of and signatures on a Temporary and Perpetual Easement between the Department of Transportation and Cox Communications, Inc. relative to the right-of-way on Corporate Park Drive in the Town of Cumberland. Mr. Jackson explained that Cox Communications, Inc. will be digging through the grass area to avoid digging up the roadway; however, there will be one instance where due to the heavy ledge, Cox will need to dig across a roadway. A motion was made to approve by Mr. Woolley and seconded by Mr. Pagliarini.

Passed Unanimously

ITEM H – Department of Transportation – A request was made for approval of and signatures on the Eleventh Amendment of Lease by and between the Department of Transportation and T-Mobile USA, Inc. d/b/a Omnipoint Communications, Inc.

(T-Mobile), Site 4PR-0370-F, North Kingstown US Rte. 1 Tower Hill Road @ Rte 138, North Kingstown and approval of and signatures on an Access Easement to allow access to the monopole from Pendar Road located in the Town of North Kingstown. Mr. Jackson first explained the ten (10) year history of the agreement between T-Mobile and the State of Rhode Island. Mr. Jackson explained that in accordance with the original Lease Agreement, T-Mobile agreed to

pay for twelve (12) sites whether or not the sites were utilized. Mr. Jackson indicated that a tower has never been erected on this particular site; however, the Lease Agreement provides for two (2) pole locators. Chairman Flynn noted that this matter was previously before the Committee but was deferred until the Town of North Kingstown submitted its comments. The Solicitor of the Town of North Kingstown has submitted a letter, which indicates that the Town of North Kingstown does not have zoning jurisdiction over the land because it is on State-owned property. Using an aerial photograph, Mr. Jackson illustrated for the Committee exactly where the tower will be located and the changes that will be made to the highway in the future. Mr. Pagliarini expressed his concern that the Town of North Kingstown does not have any say relative to the tower; therefore, Mr. Pagliarini indicated he would make motion to approve subject to the terms and conditions of the North Kingstown Telecommunications Ordinance Act. Mr. Jackson assured Mr. Pagliarini that whoever did build the tower, whether it is the Department of Transportation or a private contractor, they would adhere to the Town of North Kingstown's Telecommunications Act. Chairman Flynn stated that if the tower could not be built within the Town of North Kingstown Telecommunicates Act guidelines then the matter was to return to the State Properties Committee for further discussion. A motion was made to approve by Mr. Pagliarini subject to conformance with the North Kingstown Telecommunications Act and seconded by Mr. Woolley.

Passed Unanimously

ITEM I – Department of Transportation – A request was made for approval of and signatures on a Letter of Authorization by and between the Department of Transportation and Hachiko Productions, LLC to allow filming of the feature film "Hachiko" at the Woonsocket Depot located at One Depot Square in the City of Woonsocket from May 19, 2008, through and including June 30, 2008. Mr. Malkasian explained that this is the third Letter of Authorization regarding the Woonsocket Depot and basically mirrors the previously approved agreements. Hachiko Productions will actually be filming on June 2, 2008, and June 3, 2008. Preparation work will be begin on May 19, 2008, through June 1, 1008; and from June 4, 2008, through June 30, 2008, Hachiko Productions will dismantle the set and complete any necessary restoration. Mr. Malkasian indicated that only one change has been made to the agreement previously used, which requires a Resident Engineer and a Cultural Preservation staff member be present to monitor Hachiko Production's preparation work and dismantling of the set. Said staff members will be compensated by a cost account method based on their hours worked. Mr. Pagliarini questioned what will be "dismantled." Mr. Malkasian explained that a ticket booth that was built for the movie and will be dismantled once filming is completed. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM J – Department of Human Services –A request was made for guidance from the State Properties Committee concerning the sale of property located at 470 Metacom Avenue in the Town of Warren. This

matter has been deferred to a future meeting of the State Properties Committee at the request of the Department of Labor and Training.

ITEM K – Department of Environmental Management – A request was made for approval of and signatures on an Easement Agreement by and between 166 Valley Street, LLC and the Department of Environmental Management for access to maintain and operate a newly constructed fishway on Rising Sun Mills Dam in the City of Providence. Ms. Primiano showed the State Properties Committee a photograph of the restoration work done by the National Resources Conservation Service (the "NRCS"), which was completed using federal money only. Ms. Primiano explained that since the Department of Environmental Management is responsible for maintaining all the fish ladders throughout the State of Rhode Island, the requested thirty (30) year Easement Agreement would ensure access to the property, to which the owners have no objection. Mr. Pagliarini asked if the maintenance of the fish ladder had financial costs attached to it. Ms. Primiano informed the Committee that occasionally there could be some costs incurred; however, as this is a brand new facility any associated costs would be minimal. Mr. Woolley asked if the fish would need to be assisted with nets and Ms. Primiano informed the State Properties Committee that the fish have been observed utilizing the ladder on their own. Mr. Pagliarini asked if Rising Sun would receive any tax benefits or donation credits. Ms. Primiano explained that because the funding source is a grant and Rising Sun did not expend any funds, she does not believe any benefits or credits will be given. A motion was made to approve by

Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM L – Department of Environmental Management – A request was made for approval of and signatures on an Indenture of Lease by and between the State of Rhode Island, acting through the Department of Environmental Management and Arthur Mello for the agricultural use of thirty two (32) acres of land located on Sapowet Avenue in the Town of Tiverton. Mr. Tefft first explained that approximately one (1) year ago, the Department of Environmental Management was before the Committee requesting permission to seek bids to which three interested parties had responded. Mr. Mello was the highest bidder and is a qualified farmer; therefore, he has been awarded the bid. Mr. Mello has provided a copy of his insurance certificate listing the State of Rhode Island as an additional insured. Mr. Tefft provided the Committee with a photograph of the thirty two (32) acre parcel of land and explained that the total annual rent will be $3,200. Chairman Flynn asked if this was a current lease. Mr. Tefft explained that this is a new renter who will be growing vegetables to be sold locally. Mr. Pagliarini asked if the property is three (3) separate parcels of land. Mr. Tefft informed the Committee that it is considered one (1) parcel with three (3) individual tracks and therefore will have no access issues. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Griffith.

Passed Unanimously

ITEM M – Department of Transportation – A request was made for approval of and signatures on the Sixth Amendment to Lease and

Operating Agreement by and between the State of Rhode Island, acting through the Department of Transportation and the Rhode Island Airport Corporation. Ms. Ward explained that the Amendment would extend the term of the Lease for an additional twenty years through 2038. Mr. Frazier explained that there is a bond issuance for capital programs which have Kushner approvals. Said Kushner approval approved the thirty (30) year maturity and this new Amendment would bring the Lease to the full thirty (30) years. Mr. Frazier went on to explain that some of the capital improvements would include the construction of a new terminal building on Block Island, a hanger acquisition in North Central, construction of a new hanger in Quonset and various other projects to the entire airport system within the State of Rhode Island. Chairman Flynn asked if there were any undetermined projects. Mr. Frazier indicated that he is not aware of any. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM O – Department of Mental Health, Retardation and Hospitals – A request was made for approval of and signatures on a Quit Claim Deed by and between the Department of Mental Health, Retardation and Hospitals and Atlantic Management Corporation transferring the property located at 90 Plain Street in the City of Providence. Chairman Flynn explained that the sale of the property went gone through the public auction process and the highest bidder came in at $3.63 million. The Department of Mental Health, Retardation and Hospitals has returned to the State Properties Committee to request

execution of the final documents. Mr. Mitchell indicated that the State Properties Committee approved the Purchase and Sale Contract on March 4, 2008. The Buyer has now completed its due diligence on the property and a Quit Claim Deed is being presented to the Committee for execution. Mr. Mitchell noted that there was an error on Exhibit B in paragraph 4, which has now been corrected. The Quit Claim Deed is in the name of Atlantic Plain Realty, LLC, which is wholly owned by Atlantic Management Corporation. Mr. Mitchell pointed out that the Purchase and Sale Contract allows for an assignment to a subsidiary and a certificate of disclosure has been submitted to the State Properties Committee. Mr. Woolley stated that he had previously voted against the sale of this property due to the significant disparity between the two appraisals; however, in terms of it being appropriate as to form, he is comfortable signing off on the Quit Claim Deed at this time. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Griffith. The motion passed three (3) votes "Aye" to one (1) vote "Nay".

Three (3) Votes "Aye"

Mr. Griffith Mr. Pagliarini

Chairman Flynn

One (1) Vote "Nay"

Mr. Woolley

At 10:37 a.m. the State Properties Committee went into Recess.

ITEM C – Department of Transportation – A request was made for approval of and signatures on the Quit Claim Deed by and between

the State of Rhode Island, through the Department of Transportation and Boston Investment Property #1 for the conveyance of 11,709 square feet of property located at One State Street in the City of Providence. Mr. Ryan explained that this parcel of land is located directly adjacent to One State Street and has been subject to a ten (10) year License Agreement involving the Department of Administration and the Department of Transportation. The Department of Administration moved to declare the property surplus and sell it to Boston Investment Property#1 because it is surplus to the State of Rhode Island's needs and is not within the Capitol Center. Chairman Flynn asked for a description of the actions previously taken by the State Properties Committee before his tenure. Mr. Stolzman explained that several years ago the then Chairman, Jerome Williams, reviewed this property and was unsure as to the title of the property, but was aware of the License Agreement with Boston Investment Property#1. The License Agreement was for a term of ten (10) years with an option to renew for ten (10) years. The License Agreement originally included two (2) parcels of land. Using an aerial photograph Mr. Stolzman illustrated the location of the subject property as well as the surrounding area. Chairman Flynn asked if the subject property was originally partially an Amtrak parcel. Mr. Ryan informed the Committee that it was originally owned by Penn Central who leased it to another party who in turn leased it to the owners of Boston Investment Property#1. The subject property was condemned when One Capitol Hill was constructed. At that time, State Street was made a one way road. The construction shifted the

property, which necessitated the construction of retaining walls thereby making the subject parcel into a different configuration. The new configuration became subject to a License Agreement with the State of Rhode Island for the tenants of the State Street property to park in the thirteen (13) spaces on the subject parcel as well as in seventeen (17) spaces in the Department of Administration's parking lot. The License Agreement was not due to expire until 2012. Mr. Stolzman explained that it was negotiated that the owners of State Street would revert the seventeen (17) spaces back to Department of Administration's full time use in exchange for an agreement to sell the property and increase rent on this parcel until the property was sold. Therefore, not only did the State recover the seventeen (17) parking spaces within the Department of Administration's parking lot, it has also been receiving an increased rental payment for the other thirteen (13) parking spaces since May of 2006. Chairman Flynn summarized that before the construction of Capitol Hill, the owners of the State Street property had thirty (30) parking spaces and upon the completion of the construction, they lost a number of spaces. In order to facilitate the acquisition of the State Street property, seventeen (17) parking spaces have been returned to the State and the owners the State Street property will be allowed to purchase the remaining thirteen (13) spaces. Mr. Ryan went on to explain that one of the benefits of the sale is that Department of Transportation will be able to use the proceeds of the sale as a twenty (20%) percent match to secure eighty (80%) percent federal funding for future highway and bridge projects. Mr. Stolzman spoke on behalf of the owner of the

State Street property and explained that this situation originated in 1993, at the time of the condemnation took place and the License Agreement was entered into to between the owners of the State Street property and the State of Rhode Island. Through the exchange of license agreements and the cooperation of the parties involved, in 2006, the State Properties Committee approved the Purchase and Sale Agreement by and between the State of Rhode Island and Boston Investment Partners, which released the License Agreement. In July of 2007, the State Properties Committee denied a request for conceptual approval to sell the subject property. The matter was again heard in August of 2007, for reconsideration and conceptual approval to sell the subject property was approved. On May 9, 2006, a Purchase and Sale Agreement was executed by the State Properties Committee which started the final survey to clear up of the condemnation plats with Penn Central and Amtrak. Three conditions were set forth in the Purchase and Sale Agreement in order to close; 1) the survey of the subject property must be completed in order clean up any discrepancies; 2) the Department of Transportation must have the subject property appraised; the appraisal has been completed, submitted and accepted at its face value by the owner; and 3) fulfillment of State Law. Mr. Stolzman reminded the Committee that Mr. Woolley recommended that notice of the intended sale of the property be resent to the various State agencies with more detailed site maps. Mr. Stolzman indicated that this process has been completed and the City of Providence was included in said mailing. Mr. Mitchell explained that the statutory notice requirements have

been sent to the Owners, Amtrak and the City of Providence, no response was received; therefore, their right to acquire these properties has been waived. The appraisal of the subject property was completed by Ann Hollands of the Department of Transportation and meets all of the requirements and standards set forth in the Purchase and Sale Agreement. Ms. Hollands' appraisal valued the property at $780,000 for 11,000 square feet of land. Mr. Stolzman indicated that should the State want the subject property for its own parking needs it would have to install some type of apparatus or hire staff to control access and keep any visitors of One State Street from utilizing it for parking. Mr. Ryan indicated t that State employees have never utilized the subject property for parking. Mr. Mitchell explained that Director Williams in his current position at Department of Administration and in his previous position with Department of Transportation has recommended that property be sold to Boston Investment Property #1 for the appraised value of $780,000. Mr. Woolley asked if litigation is a factor. Mr. Stolzman made it clear that the Boston Investment Property #1 has a binding contract with the State of Rhode Island to buy this property based on the history previously explained. The owner feels very strongly that they would be extremely prejudiced and face severe hardship should the State not fulfill its obligation to execute the Quite Claim Deed conveying the property. Questions arose regarding previous litigation related to the original condemnation of the property to which Mr. Stolzman informed the State Properties Committee that the License Agreement was the result of past litigation. Mr. Pagliarini asked if the parties

originally agreed to a temporary solution for a twenty (20) year term, why is the Department of Administration attempting make a permanent arrangement now. Mr. Ryan indicated that the loss of seventeen parking spaces in the Department of Administration parking lot caused a great deal of problems. Mr. Ryan explained that vehicles were being blocked in by other vehicles which were parked illegally on a daily basis. Mr. Ryan also indicated that not only will the State of Rhode Island receive the purchase price of $780,000, but the State will also receive over

$3 million dollars in matching federal funds. Mr. Pagliarini explained that he believes the State of Rhode Island intended to make the owners of State Street whole via the twenty (20) year License Agreement. Mr. Pagliarini does not believe the State of Rhode Island intended to convey the subject property to the owners of State Street and divest the State of an asset. Mr. Stolzman indicated that Boston Investment Property #1 is simply asking that the State of Rhode Island fulfill its obligations under a contract which was entered into in 2006. Mr. Pagliarini asked if the original contract has as the linchpin 'final approval by the State Properties Committee.' Mr. Stolzman stated that the contract does not contain any condition requiring that the policy issue be revisited. The contract set forth three (3) conditions. Mr. Pagliarini asked Mr. Stolzman to read condition number three (3). "The obligation of the State to sell the north lot to Boston shall be subject to the requirements of Rhode Island Law including but not limited to the rights of other State agencies to accept transfer of the care, custody and control". Mr. Pagliarini

asked if final approval by the State Properties Committee part of said condition. Mr. Mitchell stated that the State Properties has to execute the Quit Claim Deed in order to comply with condition number three (3). Mr. Pagliarini asked what becomes of the contract if the State Properties Committee refuses to execute the Quit Claim Deed. Mr. Mitchell indicated that he believes the contract would become null and void. However, Mr. Mitchell indicated that the State Properties Committee approved and executed the Purchase and Sale Agreement for the sale of the subject property. Therefore, if the State Properties Committee refuses to execute the Quit Claim Deed, Boston Investment's position will be that the contract has been breached; not become null and void. Boston Investment would then file a Writ of Mandamus to force the State of Rhode Island to execute the Quit Claim Deed and seek damages for the cost to so. Mr. Woolley indicated that the reason the Department of Administration returned to the State Properties Committee is because the State Properties Committee was concerned that another State agency may want the property and it wanted to be sure that possibility was fully vetted before signing off on the Quit Claim Deed. Mr. Pagliarini explained that he understood the legal argument; however, he completely disagrees with the policy and will be voting as such. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

The motion passed three (3) votes "Aye" to one (1) vote "Nay".

Three (3) Votes "Aye"

Mr. Griffith

Mr. Woolley

Chairman Flynn

One (1) Vote "Nay"

Mr. Pagliarini

ITEM N – Department of Mental Health, Retardation and Hospitals – A request was made for a approval of and signatures on a Temporary Construction Easement by and between the State of Rhode Island, acting through the Department of Mental Health, Retardation and Hospitals and Lowe's Home Centers, Inc., for property located at 1460 designated as Assessors Plat 22A, Lot 901 in the Town of North Providence. Chairman Flynn indicated that the Committee has been provided with a copy of a revised Temporary Construction Agreement. Chairman Flynn indicated that the matter before the State Properties Committee involves property located adjacent to the potential site for the construction of a Lowe's Home Center, which had been the site of Rizzo Ford and other properties. Chairman Flynn stated that the purpose of the easement is to facilitate construction of retaining walls. Mr. Ryan explained that Lowe's Home Center, Inc. approached the Department of Mental Health, Retardation and Hospitals to secure a construction along three (3) property lines to allow them to plant a landscape screen and any necessary retaining walls. All of the improvements will be placed on the Lowe's property; however, they need the easements to backfill the retaining wall and to complete the planting in accordance with the planting plan, which was approved by the North Providence Zoning Board as part of a special use permit. Mr. Pagliarini asked that someone speak to the topography. Mr. Mitchell indicated that he has

reviewed the original proposed Temporary Construction Easement and does not believe that it has the requisite protections for the State's interest, which are generally used for temporary construction easements which he has witnessed over the years. Mr. Mitchell presented an aerial photograph and explained the locations of the proposed improvements. Mr. Mitchell explained that the Department of Mental Health, Retardation and Hospitals' property would essentially become an island upon the completion of the site work. Mr. Pagliarini asked what the reclamation plan is for the Department of Mental Health, Retardation and Hospitals' property. Mr. Mitchell indicated that he is unable to address that issue as he does not have sufficient information available to him. Mr. Igliozzi indicated that based upon preliminary information from the landscape architect, there is a series of shrubs and approximately six trees which will be removed from the property line to install the retaining wall on Lowe's property; however, the shrubs and trees will be replaced. Mr. Ryan indicated that Lowe's will also install a six to eight foot vinyl stockade fence on top of the retaining wall. Mr. Pagliarini asked if any study has been conducted to determine whether the Department of Mental Health, Retardation and Hospitals would be an appropriate surplus property and offered as a sole source. Mr. Woolley asked what the property is used for at this time. Mr. Grenon indicated that the subject property is the site of a group home which is occupied by four (4) individuals. Chairman Flynn indicated that the developer approached the Department of Mental Health, Retardation and Hospitals approximately one year ago and the Department was not

able to identify this property as surplus. Mr. Woolley indicated that if the Department of Mental Health, Retardation and Hospitals attempted to close the group home, it would be in court in a split second. Mr. Pagliarini explained that he is not suggesting the group home be closed, but as it is a single family home, he feels it would be rather easy to identify another property for this purpose. Mr. Woolley explained that the individuals that reside in these group homes are disabled and find it very difficult to be relocated. Mr. Pagliarini asked if any thought has been given to a possible land swap so that the Department of Mental Health, Retardation and Hospitals' property does not become an island. Mr. Ryan indicated that even a land swap will not resolve the problem, as the group home would still be surrounded on at least two sides by the retaining walls. Mr. Mitchell indicated that he is also concerned with disabled individuals being that near an access point. Mr. Pagliarini asked Mr. Grenon what type of clientele resides at this particular group home. Mr. Grenon indicated that four (4) women ranging in age from forty-one (41) through fifty-seven (57) years of age with developmental disabilities reside in the home. Mr. Grenon indicated that the residents are ambulatory. Mr. Pagliarini asked if it would be problematic for anyone if the State Properties Committee tabled this matter until June 10, 2008, in order to give the parties an opportunity to work out a plan, which is less egregious to the group home. Mr. Igliozzi indicated that it is his understanding that there is a certain amount of urgency associated with the approval of this Temporary Construction Easement as another easement has already been granted and

construction is set to commence. Mr. Mitchell explained that it is his understanding that due to the developer's construction schedule, approval schedule and finance schedule, it will be problematic if this matter is delayed. Mr. Pagliarini indicated that the State Properties Committee is in a rather undesirable position as some very valid concerns have been raised. Chairman Flynn indicated that he has had several discussions with the Town of North Providence and the Town considers this project to be an urgent matter. From the Town of North Providence's prospective, the construction of the Lowe's Home Center is very important to the future of the Town in terms of the tax base. Chairman Flynn indicated that many of the same concerns raised today were raised by staff. Chairman Flynn stated that the State of Rhode Island has advised Lowe's Home Center, Inc., that it may be interested in selling the subject property. Chairman Flynn suggested that if the State Properties Committee were to vote to approve the Temporary Construction Easement, said approval would not preclude the State from investigating other options in the future thereby protecting the State's interest. Mr. Pagliarini indicated that he does not agree with much of the methodology that the State uses in negotiations, therefore, it is his opinion that the State would be in a better position if the matter was tabled and the parties were forced to return with another plan. Chairman Flynn reminded Mr. Pagliarini that before he made such a motion, he should know that it is the Town's position that a delay of the matter will be injurious to the Town's interest. Mr. Igliozzi stated that Mayor Lombardi supports not only this project as a whole, but supports the approval of these

particular easements as well. In fact, the Town took it upon itself to open up discussions to obtain these easements. Lowe's Home Center went to the Town of North Providence for assistance and the Town suggested that these easements be effectuated. Mr. Igliozzi stated that it is Lowe's position that there is no other plan. This is the construction plan that has been approved; however, if the State of Rhode Island denies the Temporary Construction Easement, the retaining walls will be tremendously difficult to install. Mr. Pagliarini asked Mr. Grenon if the Department of Mental Health, Retardation and Hospitals believes that this plan will detrimentally affect the quality of living of the residents or the value of the property. Mr. Grenon stated that the Department of Mental Health, Retardation and Hospitals does not wish to derail the construction of the Lowe's Home Center. However, the Department of Mental Health, Retardation and Hospitals, after speaking with the agency that operates this particular facility, believes that vacating the property would be the ideal solution. Mr. Grenon stated that the Department of Mental Health, Retardation and Hospitals has no objection to granting the Temporary Easement, however the Department would appreciate the opportunity to have dialogue concerning the sale of the property. A motion was made for approval by Mr. Woolley and seconded by Mr. Griffith. The motion passed three (3) votes "Aye" to one (1) vote "Nay".

Three (3) Votes "Aye"

Mr. Griffith

Mr. Woolley

Chairman Flynn

One (1) Vote “Nay”

Mr. Pagliarini

There being no further business to come before the State Properties Committee, the meeting was adjourned at 11:32 a.m. A motion was made to adjourn by Mr. Griffith and seconded by Mr. Pagliarini.

Passed Unanimously

_____

Holly Rhodes, Executive Secretary