

# **STATE PROPERTIES COMMITTEE MEETING**

**TUESDAY, JANUARY 8, 2008**

**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 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; Tim Harris and Anthony DeQuattro from the Rhode Island Department of Transportation; Lisa Primiano and Mary E. Kay and from the Rhode Island Department of Environmental Management; John Ryan, from the Rhode Island Department of Administration; Romeo Mendes from the Rhode Island Water Resources Board; Richard Delfino and Donna Broccoli from the Rhode Island Department of Corrections.**

**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, January 22, 2008, at 10:00 a.m.**

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

**Committee meeting held on Tuesday, December 21, 2007, by Mr. Kay and seconded by**

**Mr. Woolley.**

**Passed Unanimously**

**ITEM A – Department of Corrections – A request was made for final approval of a Lease Agreement by and between the Department of Corrections and the Urban League of Rhode Island for office space located at 234 Prairie Avenue in the City of Providence for the Adult Probation and Parole Unit. Mr. Ryan explained that as said Lease Agreement is for a term of five (5) years, it will require the approval of the General Assembly. Chairman Flynn noted that a letter was received from Ms. Brenda J. Almeida, MSW, Senior Casework Supervisor of the Department of Children, Youth and Families, Division of Licensing and asked Mr. Ryan to summarize the correspondence for the Committee. Mr. Ryan explained that the Department of Corrections requested input from the Department of Children, Youth and Families, Division of Licensing, as it is responsible for the licensing of child care facilities. Mr. Ryan indicated that the Urban League of Rhode Island operates a child care facility within the site. Mr. Ryan indicated that in said letter, Ms. Almeida of the Division Licensing indicated that Mr. Bill Bentley of the**

Urban League of Rhode Island submitted plans, which pertained to an Adult Probation and Parole Unit occupying the opposite end of the building, which also houses their child care center. Mr. Bentley assured the Department of Children, Youth and Families, Division of Licensing, that the building possessed adequate security and that the entrance for the Adult Probation and Parole Unit is away from the main building activity. After reviewing the plans and materials provided to the Department of Children, Youth and Families, Division of Licensing, Brenda J. Almeida approved said plan to house the Adult Probation and Parole Office within the premises located at 234 Prairie Avenue in the City of Providence, from which the Urban League of Rhode Island also operates its child care center. Ms. Almeida stated: "The distance and security precautions the Urban League of Rhode Island has in place appears to be adequate to ensure the safety of the children attending the child care center." Mr. Kay commented that the use of the word "appears" in the above statement concerns him greatly. Mr. Kay indicated that it is essential that the State Properties Committee receives clarification that the distance and security precautions the Urban League of Rhode Island have in place are adequate; not that they "appear" to be adequate to ensure the safety of the children attending child care center. Mr. Kay asked if Ms. Almeida visited the site. Mr. Ryan indicated that he assumes she visited the premises to view the same. Mr. Pagliarini agreed with Mr. Kay's comments regarding Ms. Almeida's letter and the safety of the children at the child care center. Mr. Pagliarini commented that many of the children are most likely dropped off by

their mothers, which could also place these women in harms way. Mr. Pagliarini stated that he would like an evaluation conducted by a qualified professional to ensure that the subject premises is an appropriate site for the Adult Probation and Parole Unit to be housed, as he is not comfortable with a child care center sharing the same building. Mr. Ryan asked who Mr. Pagliarini considers a qualified professional to conduct said evaluation. Mr. Pagliarini stated that he will begin with requesting a more specific letter from Ms. Almeida or her supervisor. Mr. Pagliarini believes it is imperative that someone make a site visit to determine the safety issues concerning the children attending the child care center. Mr. Pagliarini asked Mr. Delfino to explain the types of offenders, which will report to this location of the Adult Probation and Parole Unit. Mr. Delfino stated that in the general area of the site, one (1) out of every seven (7) males is currently under the supervision of either the Adult Probation or Parole Unit. Therefore, the Adult Probation or Parole Unit needs to be located in this community as this is where the offenders reside. Mr. Delfino indicated that the Urban League of Rhode Island manages a homeless shelter on the same site, which is adjacent to the child care center. Said homeless shelter is one of the few shelters in the State of Rhode Island that accepts homeless sex offenders. Mr. Delfino stated that is unsure how a child care facility came to be licensed at this site; however, said approval is clearly under the authority of the Department of Children, Youth and Families, Division of Licensing. Mr. Delfino reiterated that the benefit of having the Adult Probation or Parole Unit at this site is that it supervises

individuals who reside in that community. The offenders are in the community already; the Adult Probation & Parole Unit is not introducing these individuals to the community. Mr. Delfino indicated that he is at a loss as to what more could be offered by the Department of Children, Youth and Families, Division of Licensing to ensure the subject premises is a safe and appropriate site for the Adult Probation or Parole Unit. Mr. Griffith stated that the fact that a homeless shelter, which accepts sex offenders is co-located in the same facility as a child care center is a very serious red flag. Mr. Griffith indicated that he will not vote to approve this Lease Agreement. Mr. Griffith asked what security measures currently exist at the site. Mr. Griffith asked if there is closed circuit television camera's around the child care facility's entrance. Mr. Griffith questioned whether the children are observed from the moment they leave their parents supervision or are dropped off by public transportation. Mr. Griffith indicated he would be much more confident about the safety of the children and the decision to locate the Adult Probation or Parole Unit at this site if he had information concerning the current security measures in place. Mr. Kay questioned Mr. Ryan regarding additional insurance coverage. Mr. Ryan indicated that the subject Lease Agreement is the standard form of lease, which is used by the Department of Administration and review by the Department of Attorney General. Chairman Flynn suggested that the matter be tabled to a future meeting of the State Properties Committee, as it seems there is some level of discomfort based upon the letter from Department of Children, Youth and

Families, Division of Licensing. Chairman Flynn suggested that when the Department of Corrections returns to the Committee that Ms. Almeida be present to answer questions relative to her investigation of the site. Chairman Flynn indicated that when this item was previously before the State Properties Committee, the Committee recommended that the Department of Corrections consult with the entity, which licenses daycare facilities and in all fairness to the Department of Corrections, a letter has been provided to the State Properties Committee. Chairman Flynn suggested perhaps said letter should be strengthened in order to furnish more details regarding the thoroughness of the Department of Children, Youths and Families' investigation of the potential site and the security measures in place at this time. Mr. Pagliarini asked when the Adult Probation or Parole Unit intends to take occupancy of the building. Mr. Ryan indicated that the Department of Corrections is hoping to take occupancy by March 2008. Mr. Pagliarini reminded those in attendance at the meeting that when the State Properties Committee grants "conceptual approval", an agency should in no way interpret that to mean final approval is forthcoming. Mr. Pagliarini indicated that not every request, which is granted conceptual approval, will receive final approval. To answer Mr. Pagliarini's question regarding types of offenders, which will be supervised by this unit, Mr. Delfino clarified that all types of offenders from the community will be supervised and reporting to this unit regardless of category of offense. Mr. Pagliarini asked Mr. Ryan to explain the circumstances of the other bid received and why it was rejected. Mr. Ryan explained that the other bid was

**woefully more expensive than the present site and said bid not comply with the terms of the Request for Proposals. Mr. Ryan explained that in reality, after going out to bid for suitable space on two separate occasions, the Department of Corrections received only one bid that was workable. Mr. Griffith asked if he is correct in assuming that the State of Rhode Island has a sex offender notification law. Mr. Woolley indicated that the State of Rhode Island does have a sex offender notification law. Mr. Griffith suggested that in the event this site is even considered that perhaps the lease agreement should include language that requires the child care center to notify the parents of the children that attend the child care facility that there are sex offender parolees within the population of the individuals reporting to this site. A motion to table the request for final approval of the Lease Agreement was made by Mr. Griffith and seconded by Mr. Kay. Mr. Kay requested that a roll call vote be taken relative to this motion to table this item and the votes were as follows: Mr. Kay voted "Aye", Mr. Griffith "Aye", Mr. Woolley voted "Aye"; Mr. Pagliarini voted "Aye" and Chairman Flynn voted "Aye".**

**Passed Unanimously**

**ITEM B – Department of Environmental Management – A request was made for approval of and signatures on a Deed in connection with the acquisition of a Conservation and Public Access Easement to shoreline property in the City of Warwick; a portion of the former Rocky Point Park. Mr. Pagliarini asked that the record reflect that he has completed and executed a recusal form regarding his inability to take part in any vote to approve the subject request as the leading**

bidder on the remaining eighty-three (83) acres of land is a client of his. Ms. Kay explained that on December 31, 2007, the Deed and Conservation Easement to the Department of Environmental Management were recorded in the land evidence records in the City of Warwick, pursuant to a Court Order. Therefore, the City of Warwick now holds fee title to the forty-one (41) acres of land located along the perimeter of the former Rocky Point Park site, which includes one (1) mile of shoreline. The State of Rhode Island now has a Conservation and Public Access Easement recorded in the City of Warwick, as well. However, Ms. Kay explained that on December 13, 2007, the United States Small Business Administration, in its capacity as receiver, obtain a Court Order allowing the sale of the property to the City of Warwick. The Court Order required a re-conveyance of the property to the United States Small Business Administration and the return of the State funds in the event that the sale of the remaining eighty-three (83) acres parcel of land cannot be consummated on or before March 28, 2008. As part of said re-conveyance, the deed conveying the Conservation Easement would also need to be held by the United States Small Business Association. The closing of the property with the City of Warwick occurred on December 31, 2007. The City's Re-Conveyance Deed was delivered to the United States Small Business Administration, as part of the closing, with the agreement of the parties that the State of Rhode Island's deed would be delivered post closing. Ms. Kay indicated that although the circumstances seem very complex, the Re-Conveyance Deed before the State Properties Committee will essentially re-convey the State of

Rhode Island's interest under the Conservation Easement and return the State of Rhode Island's funds by the end of March 2008, in the event that the property is not sold and has to be returned to the receiver as an asset. Chairman Flynn asked if either one of the proposals, which are currently on the table were to be consummated, would either proposal be of such a magnitude that the re-conveyance will not be necessary. Ms. Kay indicated that is exactly correct. Ms. Kay indicated that Mr. Woolley of the Department of Attorney General has been kept apprised of this matter as it became more and more complicated. Ms. Kay also indicated that Ms. Primiano also met with Larry Franklin and others at the Department of Administration as the Department of Environmental Management wanted all Departments to be clear regarding the Department of Environmental Management's intentions and that in the future the State of Rhode Island's funds maybe returned, however, with the safe guards in place, the funds are being held pursuant to the Court Order. Mr. Woolley asked if said funds will accumulate interest while being held pursuant to the Court Order. Ms. Kay indicated that the funds will accumulate interest. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith. The motion passed with four (4) votes "Aye" and one (1) recusal.

**Four (4) Votes "Aye"**

**Mr. Woolley**

**Mr. Griffith**

**Mr. Kay**

**Chairman Flynn**

**One (1) Recusal**

**Mr. Pagliarini**

**Chairman Flynn thanked both Ms. Kay and Ms. Primiano along with the others**

**involved in this transaction for all of their hard work, as the subject parcel of land is**

**a very important property to the State of Rhode Island.**

**ITEM C – Department of Environmental Management – A request was made for approval of and signatures on an Agreement and Assignment for Mitchell Farm located on Corn Neck Road, Block Island, totaling 2.8 acres of land. Chairman Flynn noted that the State Properties Committee received a letter from Ms. Allaire-Johnson of the Department of Attorney General, which indicated that she has reviewed the Agreement and Assignment for Mitchell Farm located on Block Island, and that she wished the State Properties Committee to accept said letter as her recommendation of approval as to the form of Agreement and Assignment. Ms. Allaire-Johnson also indicated that she has made arrangements with Ms. Rhodes, Executive Secretary of the State Properties Committee, for her execution of the**

**Agreement and Assignment by the close of business on January 8, 2008. Chairman Flynn explained that Ms. Allaire-Johnson's involvement became necessary as a result of Mr. Woolley's completion and execution of a recusal form relative to his inability to vote relative to the approval of this request due to his personal friendship and because of legal advice he provided to Adrian Mitchell regarding this property. Ms. Primiano explained that the proposal before the State Properties Committee is for approval of and signatures on an Agreement and Assignment regarding the subject property. Ms. Primiano provided the State Properties Committee with a site map illustrating the exact location of the subject property together with an article, which appeared in the Providence Journal regarding said property. Ms. Primiano indicated that although this is a small parcel of land, it is an extremely important property. The property consists of slightly less than three (3) acres of land within the Mitchell Farm. Ms. Primiano explained that in addition to the subject property, there are also two (2) waterfront lots, which are presently under an option with the Block Island Nature Conservancy. Ms. Primiano indicated that there has been a major fund raising effort undertaken by with the Block Island Nature Conservancy, which was formed in the early 1970(s), and now approximately forty-three (43%) of the entire Island is protected as a result of its efforts. Ms. Primiano indicated that there are four (4) rare species of habitat of the property including one (1) federally endangered species the American Beetle. The subject property has also been recognized by Block Island's Comprehensive Plan as a major scenic landscape. Ms. Primiano**

indicated that the Department of Environmental Management has maintained a great partnership with Block Island together with the Block Island Nature Conservancy in achieving tremendous land conservation. The Department of Environmental Management has in the past few years limited its contributions to Block Island for a number of reasons; the foremost being cost and the other being the amount of land already protected. However, the Department of Environmental Management's Land Acquisitions Committee was unanimous in its belief that this property is extremely important for land preservation. Therefore, the Department of Environmental Management agreed to contribute \$100,000 toward the acquisition of the subject property in order to assist the Block Island Nature Conservancy. The remaining \$650,000 will be generated from private donations. Chairman Flynn asked where it relation to the somewhat controversial condominium complex off Corn Neck Road from several years ago. Mr. Woolley indicated the condominium complex is directly next to the subject property. Ms. Primiano indicated that the actual easement in place is extremely prohibitive. Ms. Primiano indicated that lawn furniture and automobiles are prohibited. The subject property will remain simply a grassland habitat. There will be no use of the subject property pursuant to this very restrictive Land Use Agreement, which was put together by the Block Island Nature Conservancy. A motion was made to approve by Mr. Griffith and seconded by Mr. Pagliarini. The motion passed with four (4) votes "Aye" and one (1) recusal.

**Four (4) Votes "Aye"**

**Mr. Pagliarini**

**Mr. Griffith**

**Mr. Kay**

**Chairman Flynn**

**One (1) Recusal**

**Mr. Woolley**

**ITEM D – Department of Transportation – A request was made for approval of and signatures on a License Agreement by and between the Department of Transportation and Richmond Center Limited Partnership for use of approximately 8,371 square feet of State-owned property located on the easterly side of Lambert Lind Highway in the City of Warwick for vehicle parking and beautification purposes only. Mr. Pagliarini asked that the record reflect that he has completed and executed a recusal form relative to his inability to take part in any vote to approve the subject request as the applicant is a client of his. Mr. Harris explained that this is a renewal of an existing license agreement by and between the Department of Transportation and Richmond Center Limited Partnership for use of approximately 8,371 square feet of State-owned property located on the easterly side of Lambert Lind Highway in the City of Warwick for vehicle parking and beautification purposes only. The rental payment is \$1,116 per month. Mr. Harris indicated that the Department of Transportation**

has submitted the applicable Certificates of Disclosure, Authorization and Insurance. Chairman Flynn asked that Mr. Harris explain the location of the subject property as he found the map contained in the information package to be of no help in discerning the same. Mr. Harris indicated that the licensed property is known as the Clock Tower and is located next to the Ross Simmons. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith. The motion passed with four (4) votes “Aye” and one (1) recusal.

**Four (4) Votes “Aye”**

**Mr. Woolley**

**Mr. Griffith**

**Mr. Kay**

**Chairman Flynn**

**One (1) Recusal**

**Mr. Pagliarini**

Under discussion, Mr. Harris indicated that the Department of Transportation is currently under a preliminary review of the subject property and it is very likely that the Department of Transportation will be returning to the State Properties Committee relative to a possible sale of the subject property.

**ITEM E – Department of Transportation – A request was made for approval of and signatures on a License Agreement by and between**

the Department of Transportation and 399 Bald Hill Road Partners for the continued use of approximately 12,866 square feet of State-owned property located between Bald Hill Road and Interstate 295 in the City of Warwick. Mr. Pagliarini asked that the record reflect that he has completed and executed a recusal form relative to his inability to take part in any vote to approve the subject request as the applicant is a client of his. Mr. Harris explained that this is a renewal of an existing License Agreement. The License Agreement is for a term of five (5) years and consists of a rental payment of \$1,715 per month. Mr. Harris indicated that the Department of Transportation has submitted the applicable Certificates of Disclosure, Authorization and Insurance to the State Properties Committee. A motion to approve was made by Mr. Griffith and seconded by Mr. Woolley. The motion passed with four (4) votes “Aye” and one (1) recusal.

**Four (4) Votes “Aye”**

**Mr. Woolley**

**Mr. Griffith**

**Mr. Kay**

**Chairman Flynn**

**One (1) Recusal**

**Mr. Pagliarini**

**ITEM F – Department of Transportation – A request was made for**

conceptual approval to sell approximately 3,600 square feet of State-owned property located along the westerly side of Atwood Avenue in the City of Cranston to Albert Ranaldi, Jr. Mr. DeQuattro explained that the subject property is located across the street from the applicant's business and is presently being licensed to him. Mr. DeQuattro indicated that Mr. Ranaldi approached the Department of Transportation to purchase the property and at this time the Department is seeking conceptual approval to sell the same. Mr. Woolley asked what the current use of the property is. Mr. DeQuattro indicated that the Mr. Ranaldi currently utilizes the property for vehicle parking. Mr. Ranaldi intends to utilize the property for the same purpose if in fact he is allowed to purchase it. Mr. DeQuattro explained that the applicant is unable to build on the property as a drainage swale exists on the property. Chairman Flynn noted that Ms. Brosco of the Providence Water Supply forwarded her comments regarding the sale of the subject property wherein she indicated that she did not have an objection to the sale of the property as long as there is a restriction that no structure can be built on the property as the Providence Water Supply Board has a sixty (60") inch water main present on the property as well. A motion to approve was made by Mr. Pagliarini subject to the Department of Transportation granting the Providence Water Supply Board an easement and subject to the appraisal of the property reflecting that the lot is a non-buildible lot. Said motion was seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM G – Water Resources Board – A request was made for approval**

of and signatures on the final Agreement by and between the Water Resources Board and the Exeter-West Greenwich Track Building Committee relative to the construction of a running track and playing field at the Exeter-West Greenwich Regional Junior/Senior High School. Mr. Mendes explained that the final Agreement has been reviewed and executed by both Daniel W. Varin, Chairman of the Water Resources Board and Robert L. Corriea, Chairman of the Exeter-West Greenwich Track Building Committee. Mr. Mendes indicated that Mr. Woolley of the Department of Attorney General has also had the opportunity to review the Agreement, and the he requested revisions regarding indemnifying the State of Rhode Island and the Water Resources Board. Mr. Mendes indicated that said revisions have been incorporated into the final Agreement. Mr. Mendes indicated that notified Mr. Varin of the Exeter-West Greenwich Track Building Committee has been notified of said revisions and agreed to the same. Therefore, the Water Resources Board is now seeking approval of and signatures from the State Properties Committee to finalize the Agreement. A motion to approve was made by Mr. Griffith and seconded by Mr. Kay.

**Passed Unanimously**

**ITEM H – Water Resources Board – A request for was made for approval of and signatures on twenty (20) Lease Agreements by and between the Water Resources Board and the following Tenants for the following residences located within the Big River Management Area:**

**1. Rose Kelly-Hawkins – 700 Nooseneck Hill Road, West Greenwich,**

**RI; and**

**2. Ray Negley – 301 Fish Hill Road, Coventry, RI; and**

**3. Robert M. Marques – 631B Yard Pond Road, West Greenwich, RI;  
and**

**4. Henry Lemoi – 75-A Division Road, West Greenwich, RI; and**

**5. Faye Edwards – 26 Hoxie Road, West Greenwich, RI; and**

**6. Arthur & Gustaf Anderson – 1065 Harkney Hill Road, Coventry, RI;  
and**

**7. Burton Andrews, III – 148 Congdon Mill Road, West Greenwich, RI;  
and**

**8. Roy & Jennie Austin – 18 Town Hall Road, West Greenwich, RI;  
and**

**9. James & Phoebe Cross – 241 Nooseneck Hill Road, West  
Greenwich, RI; and**

**10. Shirley Hart – 443 New London Turnpike, West Greenwich, RI;  
and**

**11. Carol & Norbert Jarbeau – 10-A Kitts Corner Road, West Greenwich, RI; and**

**12. Joanne Lemaire – 32 Congdon Mill Road, West Greenwich, RI; and**

**13. Florence Lundh – 104 Arrowhead Road, Coventry, RI; and**

**14. Raymond Moffit – 296 Hopkins Hill Road, West Greenwich, RI; and**

**15. Robert & Linda Read – 80 Division Road, West Greenwich, RI; and**

**16. Louis & Ann Richards – 280 Fish Hill Road, Coventry, RI; and**

**17. Pearl Rice – 497 Harkney Hill Road, Coventry, RI; and**

**18. Bobbie & Jeffrey Walsh – 97 Arrowhead Road, Coventry, RI; and**

**19. Calvin & Donna Waterman – 34 Hoxie Road, West Greenwich, RI;  
and**

**20. Robert & Colleen Zuleger – 379 Hopkins Hill Road, West Greenwich, RI.**

**Mr. Mendez explained that there are actually ten (10) remaining lease**

agreements,

which require the approval of the State Properties Committee, however, the Water Resources Board has not yet received the proper documentation regarding insurance coverage for said leases. Mr. Mendez indicated that the twenty (20) Lease Agreements before the State Properties Committee today are essentially the same except for the rental amounts and the name(s) of the tenants. Mr. Mendez indicated that approximately eight (8) of the residence are leased by the original owners and in those cases the Lease Agreement include an Addendum, which specifies that the amount of rent paid by those original owners will not be increased as long as those tenants remain as residents of the subject properties. The Lease Agreements have been executed by the tenants and Juan Mariscal, General Manager of the Water Resources Board. Chairman Flynn noted that the Lease Agreements expire in September of 2008. Chairman Flynn asked if the Water Resources Board will have to return to the State Properties Committee for approval and signatures of the Lease Agreements on a yearly basis. Mr. Mendes indicated that it has been his experience that the Water Resources Board would appear before the State Properties Committee every five (5) years, at the time the updated fair market appraisals were conducted. Mr. Mendes indicated that with regard to the subject Lease Agreements, the Water Resources Board felt it was prudent to seek the approval of the State Properties Committee as the Department of Administration recommended that the Board of Water Resources begin using the State of Rhode Island's standard form of lease agreement. Mr. Mendes asked for

**clarification from the State Properties Committee relative to the issue of yearly approval. Mr. Woolley indicated that Water Resources Board could include multiple year terms as part of the language of the lease agreements. However, Mr. Woolley indicated that the Water Resources Board will have to return next year for approval of the new lease agreements, which should include the multiple year terms and an automatic renewal. Once that language is incorporated into the documents, the Board would not have to return for approval until the term of the lease agreements expires. A motion to approve the above-referenced Lease Agreements as presented was made by Mr. Pagliarini and seconded by Mr. Woolley.**

**Passed Unanimously**

**There being no further business to come before the State Properties Committee,**

**the meeting was adjourned at 10:46 a.m. A motion was made to adjourn by Mr. Griffith**

**and seconded by Mr. Kay.**

**Passed Unanimously**

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**Holly H. Rhodes, Executive Secretary**