

STATE PROPERTIES COMMITTEE MEETING

TUESDAY, AUGUST 18, 2009

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. Others in attendance were Anthony Paolantonio from the Rhode Island House of Representatives; Arn Lisnoff, Michael Mitchell and John Ryan from the Rhode Island Department of Administration; John Faltus from the Rhode Island Department of Environmental Management; Annette Jacques, Robert B. Jackson and Christine Brien from the Rhode Island Department of Transportation; Steven Raffa from the Rhode Island Department of Revenue/Division of Motor Vehicles; William Riverso from the Rhode Island Water Resources Board; Wayne Hannon from the Rhode Island Office of Economic Recovery & Reinvestment; Lori Dunsmore from the Rhode Island School for the Deaf; and Thomas Moses from the law firm of Moses & Afonso, Ltd.

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

ITEM A – Department of Administration – A request was made for approval of and signatures on a First Amendment to Lease Agreement by and between the Warwick School Committee and the State of Rhode Island acting by and through the Rhode Island School

for the Deaf for the premises located within the Rhodes Elementary School, 110 Sherwood Avenue in the City of Warwick. Mr. Lisnoff stated that the Rhode Island School for the Deaf is seeking the Committee's approval to lease three (3) additional classrooms, a hallway and adjacent lavatories within the Rhodes Elementary School, which is presently the temporary quarters for the Rhode Island School for the Deaf. Mr. Lisnoff explained that the amount of space presently being leased is inadequate to accommodate the needs of the students and staff. Mr. Lisnoff noted that the terms and conditions contained in the existing Lease Agreement will apply to the three (3) additional classrooms, hallway and adjacent lavatories. The lease fee for said space is \$6.00 per square feet. It is Chairman Flynn's understanding that the existing Lease Agreement is for a term of fourteen (14) months with a total lease fee of approximately \$300,000.00 and that this First Amendment to Lease will increase the current fee by \$30,000.00. Chairman Flynn asked Ms. Dunsmore to explain why the Rhode Island School for the Deaf needs the additional square footage. Ms. Dunsmore noted that a total of eighty-seven (87) students attend the school. In addition to serving students who are deaf, the school also serves children with special needs and some of those students require personal care attendants who also utilize space within the classrooms. Ms. Dunsmore also noted that the number of students attending kindergarten this year has increased. Every student that attends the school has an Individual Education Programs ("IEP"), which requires the teachers, parents, school administrators, related service personnel, and

students (when appropriate) to meet, discuss and design and or modify an individualized plan that best suits the needs of the student.

This process demands absolute confidentiality and the current leased space does not adequately accommodate the school's needs for confidential conference rooms or classrooms. Ms. Dunsmore stated that the school must also comply with the mandated high school reforms, which require the school to provide computer lab classrooms and science lab classrooms. The school must also accommodate the IEP mandated services, which require the school to provide suitable space for occupational therapy and physical therapy for those students who rely on these services. Ms. Dunsmore indicated that for the above-reasons the Rhode Island School for the Deaf is seeking the Committee's approval of the First Amendment to Lease. Mr. Hannon explained that the Board of Trustees has recently completed a strategic plan for the school, which includes some visionary factors that also render the current space inadequate. Mr. Hannon noted that when the Rhode Island School for the Deaf began moving into the Rhodes Elementary School and setting up the classrooms, it realized that the current space was somewhat inadequate; however, as the Warwick School Department intended to utilize a portion of the Rhodes Elementary School for its own purpose, there was no additional space available to lease. Mr. Hannon explained that subsequently the Warwick School Department's plan to utilize said portion of the school was derailed which provided an opportunity for the Rhode Island School for the Deaf to consider leasing the additional space it needed. Chairman

Flynn asked if the school serves all grades. Mr. Hannon noted the school serves students from kindergarten through grade twelve (12). Mr. Lisnoff stated that the new school for the deaf is approximately forty (40%) percent complete. In addition to the safety and noise concerns, which were addressed by moving the students to a temporary location while the new facility is constructed, the State is saving approximately \$.5 million dollars in construction cost, which would have been unavoidable had the students remained at the site. Mr. Lisnoff also stated that in response to the request for proposals, the Warwick School Committee assessed a lease fee of \$12.00 per square foot; however, the State was able to negotiate and obtain said space for half that amount at \$6.00 per square foot. Mr. Kay asked if the Rhode Island School for the Deaf anticipates any additional expenses other than the \$30,000 increase in the lease fee. Mr. Hannon indicated that no other expenses are anticipated at this time. Mr. Griffith asked if the existing Lease Agreement includes utility costs. Mr. Lisnoff indicated that the Rhode Island for the Deaf is responsible for the utilities; however, said expense is being paid from the school's operating budget and not its capital. Mr. Hannon noted that the Rhode Island School for the Deaf conducted a cost analysis based upon numbers provided by the Warwick School Department; said numbers represented what the Warwick School Department previously paid in utility costs for the Rhodes Elementary School. Said analysis determined that the utility expenses were considerably lower than what the State of Rhode Island paid for utilities at the old Rhode Island School for the Deaf building. A motion to approve was

made by Mr. Woolley and seconded by Mr. Griffith.

Passed

Unanimously

ITEM B – Department of Revenue/Division of Motor Vehicles – A request was made for approval of the First Amendment to Lease by and between the Department of Revenue/Division of Motor Vehicles (the “DMV”) and Apex Development Company, LLC (“Apex”). Mr. Ryan provided an aerial photograph of the lot the DMV wishes to access, at no additional cost, subject to the Committee’s approval of the First Amendment to Lease with Apex. Mr. Ryan explained that the subject lot will be utilized primarily as the starting point of the driver road test. The Dennis Lynch Arena and parking lot were previously utilized for this purpose; however, the DMV has since lost access to the interior of said building and feels that the new site will be more suitable, especially during the inclement weather when family members will want to wait indoors while a family member or friend takes the road test. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Kay.

Passed Unanimously

ITEM C – Board of Elections – A request was made for permission to initiate lease renewal negotiations with RAB Properties, LLC for the premises located at 716 North Main Street in the City of Providence. This item was removed from the agenda at the request of the Board of Elections. Under discussion, Mr. Ryan explained that although it was the Board of Election’s intention to seek the Committee’s approval to enter into renewal negotiations with RAB Properties, LLC for the premises located at 716 North Main Street, suitable space has been

identified in the Cranston Street Armory to accommodate the Board's needs. Mr. Ryan explained that in the future the State wants the Board of Elections to operate from a single location, namely, the Pastore Center; however, accomplishing that will take both time and money. Mr. Ryan noted that moving this portion of the Board to the Cranston Street Armory will save the State of Rhode Island approximately \$50,000 annually. Mr. Khamsyvovravong asked what portion of the Cranston Street Armory will be utilized by the Board. Mr. Ryan stated that the basement of the Armory will be utilized to store the voting equipment currently stored at the 716 North Main Street facility. Mr. Pagliarini asked if the Armory's security system is suitable to thoroughly protect the voting equipment being stored. Mr. Ryan stated that the level of security at the Armory will adequately protect the equipment being stored. The State Properties Committee is not required to take any action relative to this item.

ITEM D – Department of Environmental Management – A request was made

for approval of and signatures on a License Agreement by and between the Department of Environmental Management (the "Department") and the Rhode Island Abanaki Council (the "Council") to allow the Council to hold its annual Native American Pow Wow on the grounds of Colt State Park in the Town of Bristol on Saturday, August 22, 2009, and Sunday, August 23, 2009. Mr. Faltus explained that this is an annual request supported by the Rhode Island

Preservation and Heritage Commission (the “Commission”). The Commission provides the insurance coverage for this event and this year’s updated certificate of insurance has been provided to the Department. Mr. Pagliarini indicated that he cannot recall hearing of any problems associated with this event. Mr. Faltus agreed that there have been no problems associated with this event and stated that there are environmental police officers on duty on both Saturday the 22nd and Sunday the 23rd. Mr. Pagliarini confirmed that there are no alcoholic beverages sold or permitted during this event. Mr. Faltus stated that no alcoholic beverages whatsoever are allowed. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM E – Department of Environmental Management – A request was made for permission to solicit bids for a new five (5) year concession contract for Salty Brine State Beach. Mr. Faltus noted that Salty Brine State Beach is currently undergoing renovations to construct a new bathhouse. Said building will also provide space for a concessionaire to operate at Salty Brine State Beach for the first time.

The Department is seeking permission to solicit bids for a five (5) year concession contract via a request for proposals. The Department anticipates that the building which will house the concession operation will be completed in time for the 2010 season. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Griffith.

Passed Unanimously

Under discussion, Mr. Faltus indicated that as requested, the results

of the awards for the various contracts that went out to bid for the 2009 season have been submitted to the State Properties Committee for its review. Said information illustrates the minimum bid amount, the names of the successful candidates and the amounts of the successful bids. Mr. Faltus indicated that all successful bids, with the exception of the kayak and paddleboat concession, were in excess of the minimum bid amount.

ITEM F – Department of Transportation – A request was made for approval of and signatures on a revised Quit Claim Deed by and between the Department of Transportation and Gateway Midland, Inc. conveying 7,765 square feet of land located on the westerly side of Pawtucket Avenue in the City of East Providence. Mr. Jackson explained that the Quit Claim Deed has been revised to reflect the accurate square footage of the parcel, which is 7,765 square feet rather than 9,238 square feet previously indicated on the Quit Claim Deed. Mr. Jackson indicated that the error concerning the parcel’s size was discovered prior to the closing on the property. Mr. Jackson illustrated the location and accurate size of the subject property utilizing an aerial photograph. Mr. Jackson explained that Gateway Midland, Inc. incorrectly assumed that an abutting parcel of land was part of the subject property. Gateway Midland, Inc. still wishes to purchase the subject property. Therefore, the Department is seeking approval of and signatures on the revised Quit Claim Deed. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Kay.

Passed Unanimously

ITEM G – Department of Transportation – A request was made for

approval of and signatures on a Quit Claim Deed by and between the Department of Transportation and Gateway Midland, Inc. conveying 26,279 square feet of land located on the westerly side of Pawtucket Avenue in the City of East Providence. Ms. Jacques explained that there is a permanent drainage easement over the subject parcel of land; therefore, by selling the parcel, the Department needs to retain the drainage easement for future access. Mr. Jacques noted that the conveyance of said drainage easement will be accomplished via a separate document, which will be recorded at the time the Quit Claim Deed is recorded. Ms. Jacques indicated that she has forwarded the easement document to Mr. Woolley for his review. Ms. Jacques explained that because the easement document is attached to and referenced in the Quit Claim Deed, it does not require execution by the State Properties Committee. However, the document will be recorded as a separate document rather than as exhibit of the Quit Claim Deed. Mr. Kay asked if the Department has offered the subject property to the City of East Providence as required. Mr. Jackson stated that the Department has given the City an opportunity to exercise its right of first refusal. A motion was made to approve 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 10:29 a.m. A motion was made to adjourn by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

Holly H. Rhodes, Executive Secretary