

STATE PROPERTIES COMMITTEE MEETING

TUESDAY, SEPTEMBER 29, 2009

The meeting of the State Properties Committee was called to order at 10:02 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; and John A. Pagliarini, Jr., and Robert W. Kay, Public Members; Others in attendance were Anthony Paolantonio from the Rhode Island House of Representatives; Meredith Pickering from the Rhode Island Senate Fiscal Office; Jeffrey Greer from the Rhode Island Office of the Governor; J. David Smith from the Rhode Island Emergency Management Agency; Peter Dennehy, John Ryan, Kevin Carvalho and Karen Scott from the Rhode Island Department of Administration; Christopher Cotta from the Rhode Island Department of Attorney General; Benjamin Cople from the Rhode Island Department of Labor and Training; Lisa Primiano, Mary Kay and John Faltus from the Rhode Island Department of Environmental Management; William Riverso and Kenneth Burke from the Rhode Island Water Resources Board; Colleen Kerr, David Coppotelli, Gil Bricault and Susan Howe from the Rhode Island Department of Transportation; Kristen Sherman and John Russell from the law firm of Adler, Pollock and Sheehan

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

ITEM A – Rhode Island Emergency Management Agency – A request

was made for approval of and signatures on a Memorandum of Understanding by and between the Rhode Island Emergency Management Agency (the “EMA”) and the Rhode Island Resource Recovery Corporation (the “RRC”) to allow the EMA to utilize land owned by RRC for rescue technique training. Mr. Smith explained that the EMA oversees various responsibilities and programs on behalf of the State of Rhode Island including the Rhode Island Search and Rescue Team. The Search and Rescue Team consists of approximately 120 members from fire service, the police community, emergency management agencies as well as professional engineers and architects. Mr. Smith indicated that part of the team’s mission is to enter dangerous locations in order to search masses of rubble created by earthquakes and/or other manmade and natural disasters. Until now, the Search and Rescue Team has had to train at facilities in other states, because the State of Rhode Island has never had a certified rubble site. Mr. Smith explained that the construction of these rubble sites is very scientific in nature. What may appear to be a random jumble of debris is actually a rubble mass, which has been carefully constructed using very specific materials of various heights and weights in order to effectively replicate the wreckage caused by the collapse of a large building. Mr. Smith stated that rubble training allows the team to practice maneuvering the specialized equipment utilized in search and rescue missions and to maintain and sharpen rescue techniques and skills. Mr. Smith indicated that the design of the subject rubble pile is based upon the State of Florida’s training site. Mr. Smith stated that several acres of RRC land located in

Johnston have been identified for the construction of the rubble pile. The site can be accessed from a paved road and is somewhat isolated. RCC has agreed to donate said land to the EMA for a rubble training site. Mr. Smith indicated that the materials used in the construction of the rubble site will come from recent stimulus construction sites and from the I-195 Bridge removal project. As the site could potentially attract the attention of local children for unintended recreational purposes, access to the site will be carefully controlled and monitored. Mr. Smith stated that in an effort to standardize search and rescue training across the country, the National Incident Management System has established training criterion known as ICS Training or Incident Command System Training. Mr. Smith noted that during the 1980s and 90s studies were conducted to determine which portions of the United States were susceptible to earthquakes. Said studies identified New England as a region at risk for earthquakes. Therefore, Mr. Smith stated that it is essential that the Search and Rescue Team comprise the best trained and most skilled professionals possible and indicated that the construction of the rubble pile will greatly assist the RIEMA in achieving this goal. Chairman Flynn asked if the rubble pile site will be a temporary operation. Mr. Smith indicated that in view of the time, effort and money, which has been invested in this project, the RIEMA is hopeful that it will be a sustainable training site for the Search and Rescue Team. Mr. Pagliarini asked what will happen to the rubble pile in the event the training site is not a permanent operation. Mr. Smith indicated that the RIEMA has agreed that no

hazardous material will be used in the construction of the rubble pile and that RIEMA is responsible for the removal of the rubble and fencing and will restore the property to its original condition. Mr. Pagliarini asked if the RIEMA has set aside funds to finance the cleanup of the property. Mr. Smith indicated that the RIEMA is confident that grant money will be available to fund the cleanup of the subject property. Mr. Griffith asked if the RIEMA has coordinated with the RRC regarding the specific location of the training site to ensure that it will not affect future landfill space. Mr. Smith stated that RIEMA has coordinated with RRC and indicated that engineers have created a blueprint that indicates precisely where the rubble pile will be situated on the property. Mr. Griffith reiterated that the site certainly has the potential to attract local children for recreational purposes and wondered if additional measures to secure the site are in order; perhaps some sort of electronic monitoring device installed on the fence. Mr. Smith noted that the barbwire fence will be of a considerable height and will certainly discourage children from attempting to gain access to the site. Mr. Smith indicated that there will also be a substantial amount of “No Trespassing” signage and related warnings posted around the perimeter of the site. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM B – Department of Attorney General – A request was made for approval of and signatures on a Grant of Easement by and between the Department of Attorney General and National Grid for an easement over property located at 150 South Main Street in the City

of Providence. Mr. Cotta explained that this project was incorporated into the Department of Attorney General's capital plan and was expected to commence within the next few years. However, in August of 2008, the Department of Attorney General was struck by lightning prompting the expedited commencement of said project. Mr. Cotta indicated that if lightning should happen to strike the transformer again, the Department would be without power altogether. Therefore, in order to avoid the monumental risk of losing the building's entire power supply, the Department of Attorney General respectfully requests that the State Properties Committee approve the Grant of Easement by and between the Department of Attorney General and National Grid for the installation, operation and maintenance of electrical equipment. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM C – Rhode Island State Police – A request for approval of and signatures on an Option Agreement by and between the State of Rhode Island and Rhode Island Housing regarding the disposition of property located at 1116 Putnam Pike in the Town of Glocester. Item C is deferred to a future meeting of the State Properties Committee at the request of the Rhode Island State Police.

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 and Autumnfest for use of World War II State Park in Woonsocket to hold the annual Autumnfest Celebration over Columbus Day weekend from

October 10, 2009, through October 12, 2009. Mr. Faltus indicated that this is the

31st year that the Autumnfest Celebration as been held at World War II State Park. Mr. Faltus stated that steps have been taken to prepare the property for the upcoming celebration. Mr. Faltus noted that the Department has insurance certificates on file for both Autumnfest and the Rotary Club of Woonsocket. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

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

Training and the Rotary Club of Woonsocket to allow the Rotary Club to utilize a

State-owned parking lot located on Pond Street in the City of Woonsocket, during

the 2009 Autumnfest Celebration for vehicle parking from October 10, 2009, through October 12, 2009. Mr. Copple explained the subject parking lot is utilized by volunteers working with Autumnfest during the event. Mr. Copple noted that the certificate of insurance has been submitted and a copy is attached to the License Agreement.

Chairman Flynn clarified that the parking is used solely for the purpose of vehicle parking. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM F – Department of Environmental Management – A request for

approval of and signatures on a Conservation Easement Agreement by and between Carolyn Hoxsie and Georgiana Brennan and the Department of Environmental Management over 117 acres of land located along Nooseneck Hill Road in the Town of Hopkinton. Item F is deferred to a future meeting of the State Properties Committee at the request of the Department of Environmental Management.

ITEM G – Department of Environmental Management – A request was made for approval of and signatures on a Warranty Deed by and between Robert H. and Beverly E. Goff for the purchase of approximately 40 acres of land located along Skunk Hill Road in the Town of Hopkinton; known as the Goff Property. Ms. Primiano indicated that the purchase and sale contract was approved and executed by the State Properties Committee in September 2008. Since that time, the Department has conducted a survey, which required subdivision, title policy and a title report. Ms. Primiano stated that the Department is before the Committee today seeking approval and execution of the Warranty Deed so that the Department can proceed with a closing on the subject property within the current fiscal year. A motion was made to approve by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

At the request of Mary E. Kay of the Department of Environmental Management, a motion was made to hear Item J out of sequence by Mr. Griffith and seconded by Mr. Kay.

Passed Unanimously

ITEM J – Water Resources Board – A request was made for approval

of and signatures on a Purchase and Sale Contract by and between Mae L. Kaven; Miriam L. Eldridge and the Water Resources Board for the acquisition of 21.2 acres of land located along Heaton Orchard Road in the Town of Richmond. Mr. Riverso stated that the purchase of the subject property would garner a future water supply source for the State of Rhode Island. The subject property consists of 21.2 acres of land located in the Town of Richmond. Mr. Riverso noted that due diligence tasks were performed and a hydrologist study determined that the water supply would yield 200 gallons of water per minute. Mr. Riverso stated that well drilling tests were conducted and determined that a gravel-packed well would yield 250 gallons of water per minute. Water testing was conducted and showed results of good quality water. Mr. Riverso stated that this acquisition is consistent with the goals of the new program and the use of bond funds for groundwater protection. Mr. Riverso indicated that the Water Resources Board worked in conjunction with the Department of Environmental Management and that Ms. Kay as well as attorneys representing the property-owners are present to answer any legal questions regarding this acquisition. Mr. Pagliarini asked what the date of the most recent appraisal of the property is. Ms. Kay indicated that there were several appraisal conducted on the subject property. Ms. Kay stated that an updated appraisal was submitted by William Coyle in June of 2009. Ms. Kay indicated that this acquisition went through an extremely complicated process with the Town of Richmond and noted that the configuration of the property changed several times necessitating several appraisals. However,` each

appraisal established the property's value within the same range. Chairman Flynn asked when the Board and the property-owners initially entered into an agreement regarding the purchase of the subject property. Ms. Kay stated that a letter dated October 10, 2007, authored by Juan Mariscal, the former General Manager of the Board, was sent to Mae L. Kaven and Miriam L. Eldridge informing them that on October 9, 2007, the Water Resources Board voted to approve the purchase price of the property. Chairman Flynn asked if any previous action regarding this acquisition was taken by the State Properties Committee. Mr. Riverso stated that the Committee granted conceptual approve to purchase the property in June of 2004. Chairman Flynn stated because the Committee has obviously not received copies of all documentation concerning the purchase of the subject property, a motion to table this matter to a future meeting of the State Properties Committee is in order. A motion to table Item J to a future meeting of the State Properties Committee was made by Mr. Kay and seconded by Mr. Griffith.

Passed Unanimously

ITEM H– Water Resources Board – A request for approval of and signatures on five (5) Residential Lease Agreements by and between the Water Resources Board and the following individuals for the following premises: Item H is deferred to the October 13, 2009, meeting of the State Properties Committee.

**1. Steven and Diane Lonergan – 74 Division Road, West Greenwich
Plot #349**

2. Rhiannon and Frank Strembicki – 319 Hopkins Hill Road, West Greenwich

Plot #13

3. William and Tanya Albro – 235 Nooseneck Hill Road, West Greenwich

Plot# 218

4. Rey Lovelace – 10 Town Hall Road, West Greenwich, Plot #45

5. Roy and Jennie Austin – 18 Town Hall Road, West Greenwich, Plot #B-6

Chairman Flynn stated that Item H has been deferred to the next meeting of the State Properties Committee due to a miscommunication between the Board and the Committee. Chairman Flynn explained that although the Water Resource Board intended to request the Committee's approval of all the Lease Agreements for residential properties currently being leased in the BRMA, its submission memorandum referenced only five (5) of the thirty (30) residential properties. It was later brought to the Chair's attention that the Board intended these five (5) Lease Agreements to be representative of all thirty (30) Lease Agreements; unfortunately, the submission memorandum failed to clearly convey the Board's intent. Therefore, the matter has been deferred. However, due to issues raised by the Committee regarding certain statutory obligations,

Chairman Flynn suggested that the matter be discussed, but that no action be taken relative to this item. Chairman Flynn stated that one of the primary concerns of the Committee is the Board's obligation to pay the education costs of the children currently residing with the Big River Management Area. Chairman Flynn noted that the submission memorandum indicates that in 2009, the cost of educating each child was \$10,278. It is expected that nine (9) children will attend school in 2011. Chairman Flynn asked Mr. Burke to address this issue for the benefit of the Committee. Mr. Burke explained that this issue is obviously of great concern to the Water Resources Board. Mr. Burke stated that the Board realizes approximately \$236,000 per year in rental fees; however the Board expends approximately \$103,000 to maintain the properties, slightly over \$60,000.00 to educate school aged children plus payments of compensation to the staff that administers the program. Mr. Burke stated that after expenses, the Water Resources Board barely breaks even and said program substantially reduces the ability of the staff to actually manage water resources. Nonetheless, the Board is obligated to fulfill its responsibilities in accordance with Rhode Island General Laws. Mr. Burke stated that the Board would like to look at the Big River Management Area in concert with the budget office as to the global wisdom of continuing said program in perpetuity. Mr. Burke indicated that the Board currently has a performance standard of demolishing two (2) houses per year; however, with the renewal of the residential Lease Agreements for an additional three (3) years suggests that the program is at least fixed for certain time period.

Mr. Burke stated that he is certainly open to discussing any questions or concerns the Committee may have relative to the Residential Lease Agreements and welcomes any suggestions as well. Chairman Flynn indicated that the Board is also responsible for capital improvements to these houses. Chairman Flynn noted that at least from an economical perspective, the program seems to be a detriment to the State of Rhode Island. Mr. Pagliarini stated his concern that it appears that the Board is operating its own low-income housing program. Mr. Pagliarini stated that as twenty two (22) out of the thirty one (31) dwellings are no longer occupied by the original owners, he will have difficulty supporting the renewal of the residential Lease Agreements. Mr. Pagliarini noted that the \$60,000 dollars per year the Board is currently spending on education expenses should be utilized to demolish these dwellings. Mr. Pagliarini stated the structures should have been demolished at the time the original owners vacated the property. Mr. Pagliarini indicated that he does not believe the General Assembly's intent in 1971, was to obligate the Board to pay education costs beyond a twelve (12) year period of time. He certainly does not believe the General Assembly envisioned the Board would still be paying education costs thirty one (31) years later. As no action was to be taken relative to Item H, Chairman Flynn thanked Mr. Burke for addressing the concerns of the Committee relative to the residential Lease Agreements.

ITEM I – Water Resources Board – A request for was made for conceptual approval to initiate negotiations for the acquisition of development rights or a conservation easement over approximately

29 acres of land located off 120 KG Ranch Road near the Upper Wood River within the Arcadia Management Area in the Town of Richmond. Mr. Burke explained that the Town of Richmond has petitioned the Water Resources Board to consider the purchase of the subject property or the purchase of a conservation easement over the subject property. Mr. Burke indicated that based upon the history of the subject property, the Board directed him to pursue the Committee's approval to purchase conservation easement over the subject property based upon the property's present value. Mr. Pagliarini asked how the Town of Richmond acquired the property. Mr. Burke believes that the Town of Richmond purchased the property with the intent of securing it for water production. Mr. Burke noted that the property is located very close to existing wells and there was an assumption on behalf of the Town, that the Water Resources Board would actively play a prominent role in the acquisition of the property. However, the Board's formal participation in said purchase never came to fruition. Mr. Burke indicated that the Town once again has established contact with the Board regarding the purchase of this property and he is before the Committee seeking permission to enter into negotiations with the Town Richmond for the acquisition of a conservation easement over the subject property. Mr. Pagliarini stated that it seems counter intuitive for the State to purchase a conservation easement over property that is already owned by a municipality that is not going to be developed. Mr. Burke indicated that given the history of the property, he offered to at least explore the value of a conservation easement so that the State Properties

Committee and the Board can determine whether this is a worthwhile endeavor. Mr. Burke noted that the acquisition does have merit as far as the actual property and its proximity to the Town's well system. This acquisition meets the goals and objectives of the Water Resources Board. As the value of the property is unknown at this time, Mr. Burke respectfully requested the Committee's permission to conduct due diligence. Mr. Griffith asked why the Town does not seek its own conservation easement, unless at some point in the future the Town intends to have the Water Resources Board develop the property for their use. Mr. Burke indicated that he is not able to answer that question, although, he does believe there is an existing conservation easement over the property, which further complicates this transaction. Mr. Griffith noted that the Board already has a relationship with the Town of Richmond and it is his understanding that the Board developed a water supply source and system for the Town within the last five (5) to ten (10) years and subsequently turned it over to the Town of Richmond. Mr. Griffith also noted that the Town has expressed an interest in expanding its water system to accommodate new residents. Mr. Griffith indicated that given the current economy, he does not believe the Board should incur the expense for the benefit of the Town. Chairman Flynn asked in what year the Town of Richmond acquired the subject property. Mr. Burke stated that the Town acquired the property on October 29, 2006. Mr. Pagliarini asked what the purchase price of the property was. Mr. Burke indicated that the Town paid approximately \$247,000.00. Chairman Flynn noted that the value of the easement would

presumably be less. Chairman Flynn asked what the conservation benefit is of having an easement over property owned by the Town and what the risks are without the easement. Mr. Burke clarified that the Town of Richmond actually paid \$583,000 for the property and has forwarded information to the Board suggesting that the current value is \$247,000. Mr. Pagliarini asked if the Town is seeking a particular amount for the conservation easement. Mr. Burke stated that the Town has not suggested a particular amount. Chairman Flynn clarified that that Mr. Burke is seeking permission to obtain an appraisal of the value for a conservation easement over the property, and then return to both the Board and Committee to present information concerning the appraised value of the property. Mr. Burke stated that is correct. A motion to deny was made by Mr. Pagliarini and seconded by Mr. Griffith.

Passed Unanimously

ITEM K – Department of Transportation – A request was made for approval of and signatures on a License Agreement by and between the Department of Transportation and Builders Realty, LLC for use of 555 square feet of State-owned property located at 2750 South County Trail in the Town of East Greenwich. Mr. Coppotelli explained that on May 12, 2009, the Department was before the State Properties Committee seeking approval of a License Agreement between the Department and Builder Realty, LLC to allow the applicant to utilize 550 square feet of State-owned property for the purpose of vehicle parking. It was determined that the land was being encroached upon and that the land had in fact been paved without the State's

knowledge or consent. The Committee recommended that the request be tabled until the Department could determine who was responsible for the encroachment and to establish an amount, which accurately reflects retroactive rental payments for the unauthorized use of the property. Mr. Coppotelli explained that according to the Town of East Greenwich, the applicant took ownership of the adjacent property on October 2, 2008. The Department assessed retroactive rental payments due and owing to the State in the amount of \$495.00. Mr. Coppotelli stated that Builders Realty, LLC has submitted the retroactive rental payment. Mr. Coppotelli indicated that the license fee is \$50.00 per month for a period of five (5) years; although, at the end of the third year the fee will be re-evaluated. A motion was made to approve by Mr. Woolley and seconded by Mr. Pagliarini.

Passed Unanimously

ITEM L – Department of Transportation – A request was made for approval of and signatures on a License Agreement by and between the Department of Transportation and the Town of Middletown for the use of 200 square feet of State-owned property to erect two (2) directional signs at Aquidneck Corporate Park located at the intersection of Valley Road and Aquidneck Avenue in the Town of Middletown. Mr. Coppotelli explained that the License Agreement would allow the Town of Middletown to erect to directional signs, which would announce both entranceways to Aquidneck Corporate Park. Mr. Coppotelli indicated that this is a gratis License Agreement, which was approved by the Department’s Land Sales Committee on

June 22, 2009. A motion to approve was made by Mr. Woolley and seconded by Mr. Pagliarini.

Passed Unanimously

ITEM M – Department of Transportation – A request for approval of and signatures on a Lease Agreement by and between the Department of Transportation and Capitol City Events, LLC for the use of thirty (30) parking spaces beneath the new Route 195 in the City of Providence. Item M is deferred to a future meeting of the State Properties Committee at the request of the Department of Transportation.

ITEM N – Department of Transportation – A request was made for approval of and signatures on a Permanent Loop Detector Easement Agreement by and between the Department of Transportation and the Rhode Island Public Transit Authority over property located on Elmwood Avenue in the City of Providence. Ms. Kerr explained that this Easement is being granted to allow for the installation and repair of inductance loops in the pavement for the new Rhode Island Transit Authority building being constructed on Elmwood Avenue in Providence. Ms. Kerr noted that no compensation is associated with said Easement. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

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

the open session of the meeting at 10:55 a.m.

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

Passed Unanimously

ITEM E1 – Department of Transportation – A request was made for authorization to acquire right-of-way for the replacement of the Chestnut Hill Road Bridge #951 located in the Town of Glocester. After discussion in Executive Session, a motion was made to approve by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

ITEM E2 – Department of Transportation – A request was made for authorization to purchase land and easements for the construction of Waterfront Drive in the City of East Providence. After discussion in Executive Session, a motion was made to approve by Mr. Woolley

and seconded by Mr. Griffith.

Passed Unanimously

There being no further business to come before the State Properties Committee, the meeting was adjourned at 10:56 a.m. A motion was made to adjourn by Mr. Griffith and seconded by Mr. Woolley. Passed Unanimously

Holly H. Rhodes, Executive Secretary