

# **STATE PROPERTIES COMMITTEE MEETING**

**TUESDAY, MAY 25, 2010**

**The meeting of the State Properties Committee was called to order at 10:09 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, Public Member. Others in attendance were Anthony Paolantonio from the Rhode Island House of Representatives; Meredith Pickering from the Rhode Island Senate Fiscal Office; Paul Forte from Rhode Island College; William Ferland from Community College of Rhode Island; Louis Saccoccio from the University of Rhode Island; Hope Schachter from the Rhode Island Board of Governors for Higher Education; Eileen Botelho and Joseph da Silva from the Rhode Island Department of Education; Brian Peterson from the Rhode Island Department of Children, Youth and Families; Lisa Primiano from the Rhode Island Department of Environmental Management; Frank DiBiase from the Rhode Island Department of Human Services; Colleen Kerr and Christine Brien from the Rhode Island Department of Transportation; Jacqueline Kelly from the Rhode Island Department of Administration; Robin Schutt from the City of Cranston; Chairman Flynn noted for the record that the State Properties Committee did have a quorum present.**

**A motion was made to approve the minutes from the meetings of March 30, 2010, by Mr. Woolley and seconded by Mr. Kay.**

## **Passed Unanimously**

**ITEM A – Department of Transportation – A request was made for conceptual approval to depose of approximately 6,950 square feet of land comprised of three (3) parcels located adjacent to 1988 Louisquisset Pike in the Town of Lincoln. Ms. Brien explained that Century Associates, Inc. approached the Department requesting to purchase a total of approximately 6,950 square feet of State-owned property comprised of three (3) parcels located adjacent to 1988 Louisquisset Pike in the Town of Lincoln for purposes of constructing a small retaining wall, expanding its existing parking lot and to possibly, in the future, utilize the largest of the parcels to expand or rebuild the existing building. Ms. Brien indicated that on October 16, 2010, the Department’s Land Sale Committee approved Century Associates’ request to purchase the subject property. The Department is before the State Properties Committee seeking conceptual approval to proceed with the sale of the property. Ms. Brien stated that an in-house appraisal of the property has been completed and the applicant has agreed to the purchase price. Ms. Brien indicated that the Department’s Real Estate Division previously received approval to sell the property from the Department’s Division of Engineering, but required that the Deed include a restriction to protect the existing catch basin and drainage facility and a provision stipulating that the Department shall retain the right to maintain the same in perpetuity. Mr. Kay asked if the Town of Lincoln has been apprised of the Department’s intent to sell the subject property.**

**Chairman Flynn clarified that Louisquisset Pike is a State highway. Mr. Kay requested that the Town of Lincoln be advised of the subject transaction. Ms. Brien assured Mr. Kay that she would see to it that the Town of Lincoln is notified of the Department's intention to sell the property. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.**

**Three (3) Votes "Aye"**

**Mr. Griffith**

**Mr. Woolley**

**Chairman Flynn**

**One (1) Vote "Nay"**

**Mr. Kay**

**ITEM B – Department of Transportation – A request for approval of and signatures on an Amended Purchase & Sale Agreement by and between the Department of Transportation and Warwick Hotel Associates, IV, LLC (a Carpionato corporation) for the sale of 5.58 acres of land and a 33,000 square foot uneconomic contiguous parcel of land located at the intersection of Routes 5 and 113 in the City of Warwick. Item B is deferred to a future meeting of the State Properties Committee at the request of the Department of Transportation.**

**ITEM C – Department of Transportation – A request for approval of**

and signatures on two (2) Temporary Use Agreements by and between the Department of Transportation and (1) Ronald W. Stevens and (2) Saint Bernard Roman Catholic Church for use of property located at 455 Tower Hill Road and 415 Tower Hill Road in the Town of North Kingstown; respectively. Ms. Kerr stated that the Temporary Use Agreements with Saint Bernard Roman Catholic Church is for the removal and disposal of an existing current drainage inlet. Ms. Kerr explained that the once the Department removes the drainage inlet, the disturbed area will then be re-graded and spread with loam and grass. Ms. Kerr stated that the Pastor of the Saint Bernard Roman Church has agreed to the terms and conditions of the Temporary Use Agreement. The other Temporary Use Agreement is with two (2) private property owners under the same Statewide Salt Storage Facility Contract. Ms. Kerr explained that during a previous wetland's restoration project in the area, some items were dumped on private property and the Temporary Use Agreement will allow the Department to access said private property to clean up anything previously left behind. Ms. Kerr stated that property owners has granted the Department permission to access the property and executed the Temporary Use Agreement. Ms. Kerr noted that no monetary compensation is associated with either of the Temporary Use Agreements. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

**Passed Unanimously**

**ITEM D – Department of Education – A request for approval of and signatures on a Purchase and Sale Agreement by and between the**

**Newport Housing Authority and the Department of Education for the acquisition of 1.45 acres of land located at One York Street in the City Newport for the expansion of the Paul W. Crowley Metropolitan Regional Career and Technical Center (MET). Mr. da Silva indicated that the subject property consists of approximately an acre and a half of land, which is being purchased in order to expand the existing East Bay Met School facility. The State Properties Committee granted conceptual approval to purchase the subject property on March 17, 2009. Mr. da Silva indicated that the East Bay Met School has been in operation for approximately ten (10) years and the student population has steadily increased each year. Mr. da Silva explained that that the students come from what is perhaps considered the poorest community in the State of Rhode Island. These students have previously scored extremely low in terms Statewide Testing in traditional public school settings; however; the East Bay Met School has a ninety five (95%) percent college placement rate. Mr. da Silva indicated that the East Bay Met School is doing tremendous work with its students. The Met School, its students and faculty have generated a sense of excitement, which has created a great deal of community involvement. Mr. da Silva stated that the Department has conducted a feasibility study to explore the possibility of re-locate the facility to an alternative site; however, the study concluded that this location is not only the most cost effective, but the most effective in terms providing educational services to a community most in need of the same. Mr. Kay as if the student population is derived from local students or students who reside in other municipalities. Mr. da Silva**

stated that the majority of the students reside in the Newport Housing Authority housing located directly behind the school; however, there are students who commute from Tiverton, Portsmouth and Middletown as the facility is a regional center. Mr. Griffith asked how the students that attend the MET are selected. Mr. da Silva indicated that the students are selected via an application process. Mr. da Silva noted that as the ninety (90) available seats are already filled, the school is very much looking forward to this expansion and the creation of an additional thirty (30) available seats. Mr. da Silva noted that the application process includes an interview of the applicants, which allows both the school and potential students to better determine whether the MET School is the most appropriate environment for that student. Chairman Flynn asked Mr. da Silva to explain the relationship between the bond funds and the State's desire to acquire this site as opposed to leasing it. Ms. Kelly indicated that during the initial stage of this project, there were discussions regarding the State leasing the subject property as opposed to purchasing it; however, the consensus was that it would not be financially prudent to invest funds to improve leased property. It was decided that if the State was going to expand the existing MET School facility, it would be far more sensible to make an investment for the acquisition of the existing building together with the 1.45 acre parcel and build on State-owned land rather than to invest in property owned by someone other than the State. Mr. da Silva indicated that the capital budget has allocated \$8.8 million dollars for the project; however, at this time the project is not even close to exhausting said

allocation. Chairman Flynn asked how large the addition will be. Mr. da Silva stated that the addition will comprise approximately 20,000 square feet. Mr. da Silva stated that the project has been approved by the Board of Regents. Mr. Kay asked if any federal funds will be used to fund this project. Mr. da Silva indicated that there is no federal funding associated with the project. Mr. Woolley asked that Mr. da Silva explained how the purchase price was determined and how the remediation cost associated with said project figured into the purchase price. Mr. da Silva stated that the remediation issues involve the naturally occurring levels of arsenic found throughout Aquidneck Island. The existing levels of arsenic on the Island are in excess of the standards acceptable by the State of Rhode Island Department of Environmental Management. Ms. da Silva stated that a Phase II investigation has not been completed relative to the subject property; however, the Department expects that as the adjacent property was found to contain unacceptable levels of natural arsenic that this site will contain naturally occurring arsenic as well. Mr. da Silva indicated that after a review of the feasibility study, the architects and engineers determined that the cost to remediate the potential contamination would be approximately \$220,000. The Department conducted an independent appraisal of the property, which established a value of approximately \$630,000. Therefore, the Department engaged in negotiations with the City of Newport Housing Authority relative to reducing the purchase price of the property to off set the remediation costs and the Authority agreed to sell the site "as is" for a purchase price of \$415,000. In addition, the

**Purchase and Sale Agreement includes a provision, which holds the Newport Housing Authority liable for additional remediation costs up to \$220,000. Mr. da Silva stated that the Department has also discussed this project with representatives of the Department of Environmental Management, who indicate that given their knowledge of the surrounding properties, they anticipate that much of the existing soil will not need to be removed from the site. Much of the soil can be retained in the proposed development, which would be a significant savings to the Department of Education. Chairman Flynn questioned whether the constructions of parking lots would provide for the appropriate containment of the slightly higher arsenic levels. Mr. da Silva indicated that is correct. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM E – Department of Environmental Management – A request was made for approval of and signatures on a Purchase and Sale Contract by and between Harrisville Quarries Associates and the Department of Environmental Management for the acquisition of 105 acres of land located along Cherry Farm Road in the Town of Burrillville; known as the Harrisville Quarries Property. Ms. Primiano provided a map of the subject property for the Committee’s review. Ms. Primiano illustrated the exact location of the property and indicated that the acquisition of this of this property will provide a connection to other State-owned properties located around Spring Lake.**

**Ms. Primiano noted that the existing trails run directly into the subject property to allow the continuation of its public use. Chairman Flynn**

**asked if the State owns all of the property surrounding Spring Lake with the exception of the residential dwellings located directly on the lake. Ms. Primiano indicated that is correct. Ms. Primiano stated that seventy-five (75%) percent of the funding for this acquisition is coming from the U.S. Fish and Wildlife Service. Ms. Primiano indicated that there is currently a strong market in guns and ammunition; therefore, the amount of federal money being collected for the Department's Hunting Program has increased substantially giving the Department access to seventy five (75%) percent of said funds for land acquisitions; the remaining funds are coming from a bond account. The seller agreed to pay the expense of surveying the property and the Department has reviewed and approved the specifications; therefore, the cost of the survey will be included in the purchase price. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM F - Department of Environmental Management – A request was made for approval of and signatures on a Purchase and Sale Contract by and between the Boy Scouts of America and the Department of Environmental Management for the acquisition of 180 acres of land located along Buck Hill Road in the Town of Burrillville; known as the Boy Scouts Property. Ms. Primiano explained that the subject property is currently owned by the Boy Scouts of America referred to as the Narragansett Council. The Boy Scouts, as well as many other scouting organizations and even some of the non-profit organizations throughout the State of Rhode Island, have began evaluating their**

assets and attempting to consolidate their operations. Ms. Primiano noted that in many cases when an organization is not utilizing a property to its full capacity, they are offering them for sale to the Department of Environmental Management and/or The Nature Conservancy or a combination of conservation groups. Ms. Primiano indicated that typically these are very often the best managed properties and usually located near protected land that offers myriad recreational opportunities. Ms. Primiano noted that there are no State funds associated with this acquisition with the exception of some minor overhead costs. The Department will likely pay the title work expenses, which should not exceed \$5,000 as well as reimbursing the seller for the survey costs. Otherwise, the funds for said acquisition are being contributed by the U.S. Fish and Wildlife Service and from The Nature Conservancy, through a grant from the Champlin Foundation. The property will be open for full public access and will be utilized for hunting and hiking. Ms. Primiano noted that the property includes existing parking lots, which are well developed and gated, making it easy for the Department to maintain and monitor controlled access to the property. Mr. Woolley asked if the Boy Scouts will be able to continue using the property. Ms. Primiano indicated that the Boy Scouts as well as any member of the public will be allowed access to the property for recreational use. There are no exclusive use restrictions for the Boy Scouts or any other organizations relative to this property or any portion thereof. Mr. Woolley asked if the property can be utilized for camping. Ms. Primiano indicated that

**camping is not allowed on the property at this time; however, because of the increasing interest in camping, some of these parcels may lend themselves for camping activities in the future. Mr. Kay asked if the subject property includes any existing structures. Ms. Primiano indicated that there are no structures on the property with the exception of a couple of gates. A motion was made for approval by Mr. Woolley and seconded by Mr. Kay.**

**Passed Unanimously**

**ITEM G – Department of Environmental Management – A request was made for approval of and signatures on a Conservation Easement by and between various owners of the subject property and the Department of Environmental Management for the acquisition of 2.29 acres of land located along East Beach in the Town of Charlestown. Ms. Primiano presented a map for the Committee’s review. Ms. Primiano explained that this acquisition is a continuation of the Department’s effort to obtain conservation easements and/or fee ownership of a series of very small lots located along the Ninigret Conservation Area. Ms. Primiano indicated that one land-owner in the area has made a tremendous effort to persuade the other property-owners to agree to grant the conservation easement. Ms. Primiano stated that the Department has been working with these property-owners for over forty (40) years. The Department previously entered into a Cooperative Land Use Agreement with the property-owners; however, the Department is now attempting to conclude the project through permanent Conservation Easements. Ms. Primiano indicated that the property-owners agreed to donate the**

**Conservation Easement over land that will be held privately, but protected in perpetuity. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM H – Board of Governors for Higher Education/Rhode Island College –**

**A request was made for approval of and signatures on a License Agreement by and between the Board of Governors for Higher Education/Rhode Island College and Cox TMI Wireless, L.L.C. (“Cox”) to allow Cox to place cellular radio and telephone antennas on the roof of the new Residence Hall. Mr. Saccoccio explained that Items H and I are essentially identical requests. Mr. Saccoccio stated that the Board of Governors and the Colleges are seeking approval of a License Agreement with Cox TMI Wireless, L.L.C. to install cellular radio and telephone antennas on two structures at the college campuses. At the Rhode Island College the antennas will be placed on the roof of the dormitory building known as Residence Hall and at the Community College of Rhode Island the antenna will be placed on the main mega structure in Warwick on the Knight Campus. Mr. Saccoccio indicated that the schematics of the antennas are attached to the License Agreements, which are virtually identical. An annual license fee of approximately \$32,000 has been assessed for the use of the structures to install antennas. The initial term of the agreement is for a five (5) year period and includes three (3) renewal options for a period of five (5) years each. Mr. Saccoccio explained that each of the additional three (3) terms include an escalation cost of three (3%)**

percent. The License Agreements were presented and approved by the Board of Governors at its last meeting in May 2010, and today Mr. Saccoccio respectfully requests the approval of the State Properties Committee. Mr. Kay asked if these are the only two structures on which antennas have been installed. Mr. Forte indicated that Rhode Island College also has an antenna another residence hall building. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley. Said 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. Kay**

**ITEM I – Board of Governors for Higher Education/Community College of Rhode Island – A request was made for approval of and signatures on a License Agreement by and between the Board of Governors for Higher Education/Community College of Rhode Island and Cox TMI Wireless, L.L.C. (“Cox”) to allow Cox to place three (3) cellular telephone antennas on the Knight Campus roof in the City of Warwick.**

**A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley. Said 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. Kay**

**ITEM J – Department of Children, Youth and Families – A request was made for approval of and signatures on an eighteen (18) month extension of the Lease Agreement for the premises located at 530 Wood Street in the Town of Bristol. Mr. Peterson explained that the Department was initially seeking approval of a new ten (10) year Lease Agreement; however, the request was revised as an eighteen month extension of the existing Lease Agreement. Prior to the expiration of said extension, the Department will make a final decision as to its course of action relative to the premises. Chairman Flynn asked if the extension document was ready for execution at this time. Mr. Peterson indicated that it was ready for approval and execution at this time. Mr. Woolley indicated that the document is rather straight forward and ties into the original Lease Agreement,**

**which he thoroughly review and approved back in 1998. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM K – Department of Human Services – A request for final approval for the renewal of Lease Agreement by and between Department of Human Services and 57 Associates, LP for the premises located at 77 Dorrance Street in the City of Providence and a request for a Certificate of the Chairman of the State Properties Committee be forwarded to General Assembly. A motion was made to table Item K to a future meeting of the State Properties Committee by Mr. Griffith and seconded by Mr. Kay.**

**Passed Unanimously**

**There being no further business to come before the State Properties Committee, the meeting was adjourned at 10:50 a.m. A motion was made to adjourn by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

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**Holly H. Rhodes, Executive Secretary**

**State Properties Committee**