

STATE PROPERTIES COMMITTEE MEETING

TUESDAY, DECEMBER 6, 2011

The meeting of the State Properties Committee was called to order at 10:03 a.m. by Chairman Ronald N. Renaud. Attendance of the members was taken by roll call and the following members made their presence known: Robert Griffith representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; Andrew Marcaccio representing the Rhode Island Office of the General Treasurer, Ex-Officio Member. Others in attendance were Anthony Robinson from the State of Rhode Island General Assembly; Kelly Carpenter from the Rhode Island Senate Fiscal Office; Annette Jacques, Christine Brien, Paul Carcieri and Richard Kalunian from the Rhode Island Department of Transportation; Mary E. Kay, Lisa Primiano, Michelle Sheehan and Terri Bisson from the Rhode Island Department of Environmental Management.

Chairman Renaud stated for the record that the State Properties Committee did have a quorum present.

A motion was made to approve the minutes of the State Properties Committee meeting held on Tuesday, November 22, 2011, by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM A - Department of Environmental Management – A request was made for approval of and signatures on an Indenture of Lease, by and between the Department of Environmental Management and Marisa A.

Desautel for the Colt State Park caretaker's residence located at 84 Poppasquash Road in the Town of Bristol. Ms. Bisson explained that under the terms of the subject Indenture of Lease, Ms. Desautel will pay a rental fee of \$7,098.00, per year, for the caretaker's residence, which will be deducted as bi-weekly payroll deductions in the amount of \$273.00. The term of said Indenture of Lease is for three (3) years, with one (1) option to extend for an additional three (3) years. Ms. Bisson noted that the tenant will be responsible for surveillance of the property, maintenance of the gardens around the residence as well as providing assistance to the park manager such as opening and closing the park restrooms during the off-season. Ms. Bisson stated that the Indenture of Lease has been prepared in accordance with the terms and conditions of the Department's Residential Lease Policy, which has been previously presented to the Committee on numerous occasions. Mr. Woolley noted that as the prospective tenant is a staff attorney for the Department of Environmental Management, he asked Ms. Bisson to please provide additional information regarding the Department's procedures and policies in terms of selecting tenants for its caretakers' residences. Ms. Bisson stated that Ms. Desautel is a senior legal counsel for the Department's Office of Legal Services. In accordance with the Department's policy, first, the residence was offered to employees of the park; and then to employees of the Park's Division who work in that specific region; third, the residence is offered to DEM police officers; and finally, if no interest in the residence is received, the Department offers the residence to all Department employees. Ms.

Bisson stated that as there was no other expressed interest in the residence, Ms. Desautel, being the sole respondent, was selected as the successful candidate. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM B – Department of Environmental Management – A request was made for approval of and signatures on a Purchase and Sale Contract, by and between the Department of Environmental Management and Brown University for the acquisition of approximately 5.51 acres of land located along Hartford Pike in the Town of Foster; a portion of Jerimoth Hill. Ms. Primiano explained that the request before the Committee is for the approval and execution of the Purchase and Sale Contract for the acquisition of the aforementioned 5.51 acres of land. Ms. Primiano mentioned that Jerimoth Hill is the highest natural point in the State of Rhode Island. Ms. Primiano explained that the Department has been working with Brown University toward the acquisition of the subject property for many years. She stated that back in 2008, the State acquired a parcel of land referred to as the Mosely Property which provides direct access and road frontage to Jerimoth Hill. Ms. Primiano illustrated the location of said parcel using an aerial photograph. Ms. Primiano noted that the Mosely's were very kind in allowing the public to trespass across their property to access the high point; however, prior to their ownership of the parcel this had not been the case. Mr. Primiano believes the previous lack of public access is what prompted the then Senator Chafee to identify funding to assist the

Department in acquiring the Mosley Property. Chairman Renaud asked if the area labeled "Parking" on the photograph is the designated site for a proposed parking lot. Ms. Primiano stated that at this time, that portion of the property is actually a driveway; however, the Department intends to formalize the same to create a public parking area. The parking area will most likely consist of a gravel lot bordered by timber fencing to restrict parking to a defined area. Chairman Renaud asked if the Department believes the designated parking area will provide a safer alternative to the current parking options. As Jerimoth Hill is the highest point in the State, Ms. Primiano noted that Hartford Pike is a popular route for cyclist. She explained that the public will often pull off the opposite side of the roadway to park their vehicles and then cross Hartford Pike to access Jerimoth Hill. The Department wants to provide safe access and public parking on the subject property in an effort to discourage the public from crossing Hartford Pike, which she noted is a rather wide roadway. Mr. Griffith asked if the Department intends to place signage along the road to further protect jaywalking pedestrians. Ms. Primiano stated that she anticipates a sign will be erected publicizing Jerimoth Hill's location and perhaps some caution signs. A motion to approve was made by Mr. Griffith subject to the insertion of an amended paragraph eight (8) as requested by Mr. Woolley. Said motion was seconded by Mr. Woolley.

Passed Unanimously

ITEM C – Department of Environmental Management – A request was made for approval of and signatures on an Amendment to the

Purchase and Sale Contract, by and between the Department of Environmental Management and the Rhode Island Boy Scouts for the acquisition of an additional 5.47 acres of land located along Croff Road in the Town of Burrillville; a portion of the Boy Scouts Property.

Ms. Primiano indicated that the adjunct acreage directly abuts the larger parcel being acquired by the Department; however, there will be no additional cost to the State for the acquisition of this property.

Ms. Primiano explained that there was formerly a house situated on the subject property, which was on the market for sale, but the Boy Scouts of Rhode Island has agreed to include said parcel as part of the Department's purchase. The house has since been demolished and the land is vacant at this time. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM D – Department of Environmental Management – A request was made for approval of and signatures on a Deed to Development Rights, by and between Shorelands, LLC and the Department of Environmental Management over 7.7 acres of land located along Lloyd Road in the Town of North Kingstown; referred to as the Clorite Property. Ms. Sheehan stated that the Deed to Development Rights over this 7.7 acre parcel is being donated to the State by the landowners. Ms Sheehan noted that the subject parcel of land is situated in close proximity to other protected land. Mr. Woolley noted that the landowners have retained the right to develop two (2) house lots and asked if said lots are part of the 7.7 acre parcel. Ms. Sheehan stated that it is her understanding that the property owners have

reserved the right to construct one (1) dwelling on a lot located outside the conservation area. Mr. Griffith asked if the family will continue to occupy the property. Ms. Sheehan indicated that yes the family will retain fee ownership and continue to maintain the property as they always have. Mr. Woolley noted that the map references site 1 and site 2; each consisting of 10,000 square feet of land and asked what the owners intend to utilize said lots for. Ms. Sheehan indicated they may intend to construct single-family homes on said lots, but that she is not entirely sure. Mr. Griffith asked if the landowners would be allowed to sell those lots/homes if they so chose. Ms. Sheehan stated that yes the property owners would be allowed to sell said lots/homes. Mr. Woolley asked if the construction and/or sale of these homes would in anyway diminish and/or impact the conservation area. Ms. Sheehan indicated that she did not believe the conservation area would in any way be diminished and/or impacted by the construction and/or sale of the homes. Ms. Kay provided some background information and stated that the donation of these development rights is part of a settlement for a wetland's violation. The property owners will convey development rights over the 7.7 acre parcel to satisfy the penalties associated with a wetland's violation and in return the Department has agreed to enter into a Consent Order resolving matter. Chairman Renaud stated that he was not entirely comfortable with this arrangement as it appears to benefit the property owners rather than penalize them. Chairman Renaud summarized that the property owners donate the development rights to settle the wetlands violation. They retain fee

ownership and continue to occupy the property. They also retain the right to build two (2) single-family homes, which they can sell if they so chose, but they will not be responsible to pay property taxes on this 7.7 acre parcel of land. Chairman Renaud commented that it seems the landowners did well for themselves. Ms. Kay explained that the landowners want to continue their agricultural operations and perhaps construct two (2) residential homes; however, they will not be able to develop the property to the extent that they would have liked. Ms. Kay stated that the Department's Enforcement Division often settles wetlands violations and non-hazardous violations via conservation easements or in this case because of the agricultural activities, by the conveyance of development rights. In response to Chairman Renaud's comment concerning taxes, Ms. Kay stated that the issue of property-taxes is between the Town of North Kingstown and the property owner. However, she has no independent knowledge whether the landowners are released, either in whole or in part, from their obligation to pay property tax as a result of said donation. Ms. Kay explained that it has never been the Department's intent to even indirectly reward landowners for violations; rather, the Department's objective is to reach a fair and reasonable settlement of the matter without seriously impeding the landowner's ability to continue their agricultural operation. Mr. Woolley clarified that if the landowners construct these two homes, they will have to go through the standard process of obtaining local approvals. Ms. Kay stated that the process of obtaining local approvals will apply to this property as with any other. Mr. Woolley asked Ms. Kay if the

Department believes this settlement arrangement is in the best interest of the State of Rhode Island. Ms. Kay stated that the Department is confident that this settlement arrangement is in the best interest of the State and both the Divisions of Enforcement and Agriculture fully support the same. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM E – Department of Environmental Management – A request was made for approval of and signatures on a Deed to Development Rights, by and between Michael Clifford as Executor of the Estate of Nella M. Clifford and the Department of Environmental Management over eighteen (18) acres of land located along Iron Mine Hill Road in the Town of North Smithfield. Ms. Sheehan stated that the subject property previously came before the Committee in August of 2011. At that time, the Department’s request for approval of the Purchase and Sale Contract was granted and the Department is now seeking approval and execution of the Deed to Development Rights. Ms. Sheehan stated that the subject property will continue its agricultural production which it has done for over one hundred (100) years. Ms. Sheehan stated that the Natural Resources Conservation Service (the “NCRS”) is contributing \$200,000.00 toward the purchase price and the Rhode Island Agricultural Land Preservation Commission (the “ALPC”) is contributing the remaining balance of \$200,000.00. 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 Deed to Development Rights, by and between Elizabeth M. Garrison, Trustee, and the Department of Environmental Management over approximately eight (8) acres of land located along Aldrich Avenue in the City of Warwick; known as Rocky Point Farm. Ms. Sheehan stated that the Department also received the Committee’s approval of the Purchase and Sale Contract in August 2011, and is here today seeking approval and execution of the Deed to Development Rights. This farm primarily produces blueberries, but also produces pawpaw. Pawpaw is a fruit, which is native to North America and is often likened to the mango. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM G – Department of Environmental Management – A request was made for approval of and signatures on an Easement Agreement by and between the Department of Environmental Management and the South Foster Volunteer Fire Company (the “Company”) for access over portions of Plat 14, Lot 41, within the Shippee Sawmill Pond Fishing Access Area for the installation and maintenance of a dry fire hydrant. Ms. Kay stated that a dry fire hydrant is very much like a medication port, which provides for a constant non-pressurized flow of liquid. Ms. Kay explained that if the Company needs access to the water in the pond, they will be able to place hoses in the pond and have immediate access to said water. This Easement Agreement will eliminate the inconvenience of having to trampling through the

property's wetlands to access water. Ms. Kay noted that the South Foster Volunteer Fire Company is one of the Department's partners in firefighting and fire prevention programs in that part of the State, which encompasses Killingly State Park as well as other forested resources. Ms. Kay stated that the Company has provided the appropriate Certificate of Insurance and other documents related to the subject Easement Agreement. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM H – Department of Transportation – A request for conceptual approval to solicit bids via a Request for Proposals for two (2) stand-alone parcels of land, (referred to as Parcels A and B) located at the intersection of Post Road (U.S. Route 1) and Cedar Avenue in the Town of East Greenwich. Item H is deferred to a future meeting of the State Properties Committee as the request of the Department of Transportation.

ITEM I – Department of Transportation – A request was made for reauthorization to acquire land for Relocated Interstate Route 195 in the City of Providence by virtue of Condemnation Plat 2728, Parcel 1A. Mr. Kalunian asked if he could combine the presentations for Items I and J given the relationship between the two. The Committee had no objection to combining the two items. Mr. Kalunian indicated that previously on March 29, 2011, the Department obtained that Committee's approval for the acquisition of land as shown on Condemnation Plat 2728, necessary to construct Clifford Street. As part of said acquisition, the Department and the landowners entered

into a settlement agreement whereby the Department would provide the landowners with 5, 400 square feet of excess State-land which is located immediately adjacent to the owners building. This land would allow the owners to construct a new entrance to that portion of their building as well as a new parking area. Mr. Kalunian indicated that while the Department was working diligently to secure statutory approvals, meets and bounds descriptions and administrative subdivision approval from the City of Providence, the I-195 Redevelopment Act of 2011 was passed, which delayed the Department from moving forward until the I-195 District Commission's members were selected so that they could approve the sale of 5,400 square feet of land, which now comes under the Commission's jurisdiction based upon the legislation. Mr. Kalunian indicated that two issues have arisen: (1) the statute stipulates that the Department must file the acquisition plat within six (6) months of the authorization obtained on March 29, 2011. This would ensure the Department's ability to honor its portion of the settlement; however, despite its best efforts the file was not accomplished; and (2) the Department must obtain I-195 District Commission's approval to convey the 5, 400 square foot parcel of excess land. Mr. Woolley stated that he clearly recalls the original request for authorization to acquire and indicated that the requests before the Committee today are simply matters of procedure and formality. Mr. Woolley moved to approve both Items I and J; said motion was seconded by Mr. Griffith.

Passed Unanimously ITEM J – 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 Ship Center, LLC conveying 5,400 square feet of land located behind 89 Ship Street in the City of Providence. As stated above, Mr. Woolley moved to approve both Items I and J; said motion was seconded by Mr. Griffith. Passed Unanimously

There being no further business to come before the State Properties Committee, the meeting was adjourned at approximately 10:35 a.m. The motion to adjourn was made by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

Holly H. Rhodes, Executive Secretary