

SPECIAL MEETING OF THE STATE PROPERTIES COMMITTEE

TUESDAY, FEBRUARY 22, 2011

The meeting of the State Properties Committee was called to order at 12:03 p.m. by Chairman Kevin M. Flynn. Other members present were John P. Ryan representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; and Andrew Marcaccio representing the Rhode Island Office of the General Treasurer, Ex-officio Member. Others in attendance were Steve Whitney from the Rhode Island Senate Fiscal Office; Michael D. Mitchell and Ronald Renaud from the Rhode Island Department of Administration. Matthew Shaw from the Rhode Island Department of Attorney General; Sally Strachan and Tina Benros from the Rhode Island Division of Motor Vehicles; Richard Kalunian from the Rhode Island Department of Transportation; Thomas V. Moses and Stephen A. Izzi from the law firm of Moses & Afonso, Ltd.; and Paul Davis from the Providence Journal.

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

A motion was made to amend the February 22, 2011, State Properties Committee Special Meeting Agenda relative to the paragraph, which allows the Committee to move to enter into Executive Session, to include language that reflects an additional basis upon which to enter Executive Session which is “and pursuant to 42-46-5 (a)(2) by Mr. Woolley and seconded by Mr. Ryan.

Passed Unanimously

ITEM A – Department of Revenue/Division of Motor Vehicles – A request was made for authorization to waive the Request for Proposals process in securing new leased

space for the Aquidneck Island Division of Motor Vehicles office. Ms. Benros explained that the Division of Motor Vehicles previous leased space located in the Town of Middletown to service clients in this area of the State. Ms. Benros stated that the Division of Motor Vehicles lease agreement for said premises expired on or about December 31, 2010. The Department of Review/Division of Motor Vehicles, through the Department of Administration, issued two (2) separate Requests for Proposals to seeking to solicit bids for alternative suitable space; however, neither Request for Proposals prompted even a single response. Therefore, Ms. Benros explained that the in view of these fruitless attempts to solicit bid, the Department of Review/Division of Motor Vehicles is requesting the Committee's permission and approval to waive the formal request for proposals process to allow the Division of Motor Vehicles to attempt to identify suitable alternative space in order to re-open a branch office, which will continue to provide convenient service to clients residing on or near Aquidneck Island. It is Chairman Flynn's understanding that although no formal bids were received in response to the previous Requests for Proposals, there were in fact landlord/property owners who expressed in interest in leasing space to the Division of Motor Vehicles. Chairman Flynn asked if the Division of Motor Vehicles has a sense as to why those property-owners did not follow through with the submission of their proposals. Mr. Ryan indicated that one of the major deterrents for prospective proposals was the timeframe in which the Division was seeking to occupy the premises, which was specified in the Request for Proposals. Chairman Flynn asked if the landlords indicated that they just would not have space available and/or prepared for occupancy in the specified timeframe. Mr. Ryan stated that is correct and noted that the specified number of necessary parking spaces was also an

issue. Chairman Flynn asked if the Division could perhaps be more flexible relative to the issue of available parking. Ms. Benros stated that there is minimal number of employees at this branch office; at most there are five or six members of the staff present at any given time. Chairman Flynn asked how many parking spaces were requested or specified in the Request for Proposals. Ms. Benros explained that eighty-five (85) parking spaces were requested; they majority of which would be utilized for client parking. Chairman Flynn asked if the Division is certain that the public's use of this facility is such there is need for eighty (80) parking spaces to be simultaneously available in order to adequately meet the needs of its clients. Ms. Strachen stated that a portion of those 80 parking spaces are allocated for individuals that utilize this branch for purposes of taking their road test and not solely for individuals who make transaction within the facility. Chairman Flynn asked if it is crucial that the ability to perform road tests be offered at every branch. Ms. Strachen indicated that the road test is not offered at all branches. Chairman Flynn asked if road tests have historically been offered at the Middletown facility. Ms. Strachen indicated that the locations that offer road tests have varied over time. Ms. Strachen explained that within the past year, the Division has consolidated its operation into a centralized site, which is located on Melrose Street in the City of Providence. This facility is responsible for the majority of road testing. However, Aquidneck Island began to offer the ability to road tests several months ago. The tests are offered two (2) days per week because there is only one gentleman who is available and willing to commute to the Aquidneck Island for this purpose. Ms. Strachen stated that the request for eighty-five (85) parking spaces was based upon several variable, but mainly the total client traffic was examined and it was determined that said

number of parking spaces are necessary. Chairman Flynn indicated that he understands that the basis for the requested number of parking spaces is based upon well investigated facts; however, should the issue of available parking impede the Division's ability to identify and secure suitable alternative space, than perhaps the parking demands could be relaxed somewhat relaxed if necessary. Chairman Flynn asked if the Division has any sense as to how long it will take to identify suitable space. Mr. Ryan stated as space for this facility is a high priority, they would be trying to identify prospective properties over the next month. Chairman Flynn asked if there is any potential that this facility could be consolidated with any other State leased facilities on Aquidnick Island. Mr. Ryan indicated there is no potential for consolidation at this time. Chairman Flynn requested that if the opportunity for consolidation happens to present itself, that the Division consider the same. A motion to approve was made by Mr. Woolley and seconded by Mr. Ryan.

Passed Unanimously

A motion was made by Mr. Woolley to amend the posting of the State Properties Committee agenda for the Special Meeting held on February 22, 2011, relative to the motion to enter Executive Session. Said motion shall include Rhode Island General Law 42-46-5(a)(2) as an additional and appropriate statute for the placement of Item E1 in the Executive Session portion of said meeting. The motion to approve was seconded by Mr. Ryan.

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 potential settlement of litigation arising from the disposition of publicly held property as required by R.I. Gen. Laws 37-6-20 wherein public participation would be detrimental to

the best interest of the parties and the public and pursuant to Rhode Island General Law 42-46-5(a)(2).

The motion to enter Executive Session was made by Mr. Woolley and seconded by Mr. Ryan.

A roll call vote was taken and the votes were as follows: Mr. Ryan voted “Aye,” Mr. Woolley voted “Aye,” and Chairman Flynn voted “Aye”.

ITEM E1– Department of Transportation – A request was made by legal counsel for Chapel Associates, LLC for a pretrial conference with the State Properties Committee and to confer regarding litigation pending in the Providence Superior Court as: *Chapel Associates, LLC vs. State of Rhode Island, through the Department of Transportation*, CA No. 10-5198. Said pre-trial conference is mandatory pursuant to the provisions of Rhode Island General Laws § 37-6-20.

There being no further business to come before the State Properties Committee, a motion to adjourn was made by Mr. Griffith and seconded by Mr. Woolley. The meeting adjourned at 1:03 p.m.

Holly H. Rhodes, Executive Secretary
State Properties Committee