

# **DEPARTMENT OF ADMINISTRATION**

## **STATE PROPERTIES COMMITTEE MEETING MINUTES**

**OF TUESDAY, JULY 3, 2012**

The meeting of the State Properties Committee was called to order at 10:05 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 K. 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; and Lawrence S. Eichler, Public Member. Others in attendance were Anthony Robinson from the State of Rhode Island General Assembly; Richard Kalunian from the Rhode Island Department of Transportation; Mary Kay, Lisa Primiano, Allison Logan and Daniel Costa from the Rhode Island Department of Environmental Management; John Ryan from the Rhode Island Department of Administration; Benjamin Copple from the Rhode Island Department of Labor and Training; Anthony Bucci and Thomas Brueckner from the Narragansett Bay Commission; and Bruce Leach and Betty Sullivan from the Rhode Island Convention Center Authority.

Chairman Renuad stated for the record that the State Properties Committee did have a quorum present in order to conduct business.

**ITEM A – Narragansett Bay Commission – A request was made for**

authorization to acquire four (4) parcels of land, two of which are located in the Town of Lincoln and the remaining two located in the City of Central Falls. Mr. Bucci explained that this request is for the acquisition of the aforementioned properties in fee simple. Mr. Bucci noted that the purchase price of the above-referenced properties is rather low as the properties are encumbered by wetlands. Mr. Bucci indicated that the Narragansett Bay Commission is seeking approval for this taking in order to construct a wetlands facility for its Phase II CSO Program. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

**Passed Unanimously**

**ITEM B – Department of Human Services – A request was made for approval of and signatures on a Lease Agreement, by and between Kellaway Realty Corporation and the Department of Human Services for the premises located at 24 Commerce Street in the City of Pawtucket. Mr. Ryan explained that this request is merely for an extension of an existing Lease Agreement to give the Department time to prepare a Request for Proposals (“RFP”) in order to identify alternative suitable space. Mr. Ryan indicated that there has been an ongoing internal discussion as to whether the Department wants to advertise an RFP for one large space or for several store front spaces. Said discussion is being finalized and the Department should be prepared to issue the RFP in the near future. Mr. Ryan noted that the Department will also have to obtain approval from the General Assemble as the Lease is expected to be for a term of five (5) years or more. Chairman Renaud asked if the extension will be on a**

month-to month basis. Mr. Ryan stated that the initial extension is for a period of six (6) months with two (2) six (6) month renewal options. Mr. Ryan is confident that this particular landlord will work with the Department if the need arises to extend the Lease beyond the eighteen (18) month extension period. Mr. Griffith asked if there will be an increase in the current rental rate during the extension period(s). Mr. Ryan noted that due to the short-term nature of the extension, there will be a slight increase in the rental rate which is customary when seeking short-term extensions. Mr. Ryan explained that prior to the expiration of the Lease, the City of Pawtucket paid one half of the total rental fee for this leased spaced. However, at the expiration of said Lease, the City removed itself as a party to the Lease and therefore, rather than paying only \$8.50 per square foot, the Department is now responsible to pay \$14.00 per square foot, per month. Chairman Renaud commented that this is not a lease he would be inclined to enter into on a long term basis, but given the brief extension and provided the Department works vigorously to identify a suitable alternative space quickly, he is willing to agree to the requested extension. A motion to approve was made by Mr. Griffith and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM C – Department of Labor and Training – A request was made for approval**

**of and signatures on a Memorandum of Understanding, by and between the Department of Labor and Training, the Department of Environmental Management and the Department of Behavioral Health,**

**Developmental Disabilities and Hospitals to host the annual Farmers' Market at the Pastore Complex every Friday, between 10:00 a.m. and 2:00 p.m., from July 20, 2012 through September 21, 2012. Chairman Renaud asked exactly where the market site is within the Pastore Complex. Mr. Copple stated that the market is set up in the center of the complex, which is an open space common area. Chairman Renaud indicated that there are several enhancement projects planned for the Pastore Center, which will involve a significant demolition and construction activities. Mr. Copple noted that he does not believe the Farmers' Market will adversely impact the impending construction projects. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM D – Department of Administration/Rhode Island Convention Center Authority (the “Authority”) – A request was made for final approval of and signatures on a Grant of Easements Agreement, by and between the City of Providence and the Department of Administration for two (2) Permanent Easements over land located on Park Street in the City of Providence. Mr. Leach noted that on June 19, 2012, the Authority initially presented its request for approval of said easements. At that time, the Committee granted the Authority's request to acquire said easements at the cost of \$325,000.00, provided the Grant of Easements Agreement and Resolution were provided to both the State Properties Committee and the Department of Attorney General for review. Mr. Leach indicated that the City of Providence is prepared to vote relative to this matter on July 5, 2012,**

**provided the City Council meeting is not cancelled due to the holiday.**

**Mr. Leach stated that he has tendered a copy of the proposed deed to Ms. Rhodes; however, the Resolution number and certain dates will have to be inserted as they are realized. Therefore, Mr. Leach respectfully requested approval of the Grant of Easements Agreement, subject to the completion of the deed and subject to Mayor Tavares' execution of the deed. A motion was made to approve by Mr. Woolley, subject to the completion of the deed and the execution of the deed by Mayor Angel Tavares. Said motion was seconded by Mr. Griffith**

**Passed Unanimously**

**Under discussion, Ms. Rhodes asked that Mr. Leach forward a duly executed copy of the Deed to her attention once the same has been completed and executed by Mayor Tavares. Mr. Leach indicated he would forward the duly executed Deed as soon as possible.**

**ITEM E – Department of Behavioral Health, Developmental Disabilities and Hospitals – A request for approval of and signatures on a Lease Agreement, by and between the Department of Behavioral Health, Developmental Disabilities and Hospitals and Opportunities Unlimited for property located at 1425 South Road in the Town of South Kingstown. Item E is deferred to a future meeting of the State Properties Committee at the request of the Department of Behavioral Health, Developmental Disabilities and Hospitals,**

**ITEM F – Department of Environmental Management – A request was made for approval of and signatures on a Lessor's Waiver and**

**Consent, by and between the Department of Environmental Management and Bank of Rhode Island in connection with an Indenture of Lease dated December 16, 2003, between the Department of Environmental Management and Galilee Realty LLC in the Port of Galilee. Ms. Kay explained that the Department was before the Committee in January 2012, and obtained approval of Galilee Realty, LLC's first request for a Lessor's Waiver and Consent. Ms. Kay noted that Galilee' Realty owns the building situated on Lot 214 in the Port of Galilee and operates a restaurant known as Clam Jammers' from the second floor of said building. Ms. Kay explained that as the Town of Narragansett is requiring the tenant to install a new sprinkler system in the restaurant, Galilee Realty contacted Bank RI and requested additional funds in order to install the necessary sprinkler system as well as to complete some other improvements. Bank RI agreed to provide Galilee Realty with the necessary funding and in accordance with the usual procedure, the Department is providing Bank RI with a Lessor's Waiver and Consent subject to its approval by the State Properties Committee. 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 a Purchase and Sale Contract, by and between SOJO Realty, LLC and the Department of Environmental Management for the acquisition of approximately 40,968 square feet of land located at 1420 Broad Street in the City of Central Falls;**

known as the Valley Falls Landing Property. Ms. Primiano explained that this parcel of land consists of approximately 40,000 square feet, is located on the banks of the Blackstone River and serves as a gateway to the City of Central Falls. Ms. Primiano explained that over the course of three (3) years, beginning in 2010, \$1.5 million dollars was included in the State's budget for purposes of funding improvements and assistance to the Blackstone Valley area. At that time, the acquisition of this parcel was specified in the list of projects to be supported by said funds. The Department has worked very closely with the City of Central Falls, the Heritage Corridor Commission and the Friends of the Blackstone River to plan for long-term improvements to this property with hopes of improving the future for the City of Central Falls as a whole. Ms. Primiano indicated that the necessary funding is in place, the Department has negotiated the details of the Purchase and Sale Contract and is working on a Memorandum of Understanding to satisfy one of the conditions within the same. Ms. Corrigan stated that as the Committee may know, the City of Central Falls is presently emerging from bankruptcy and will be transferring back to elected officials by the end of August. Ms. Corrigan explained that this parcel has been the subject of many discussions over the past ten (10) years. Ms. Corrigan noted that funds in the amount of \$420,000.00 have been allocated by the Department of Transportation to design and build a park. The City would like to utilize those funds and get said project started. Ms. Corrigan explained that a portion of the parcel will be developed as a park and recreation area as well as further access to the Blackstone

**River. Ms. Corrigan indicated that the City of Central Fall has one of the lowest parkland to resident ratios in the State of Rhode Island; therefore, developing some sort of outdoor free-space is very important for the City. Ms. Corrigan noted that the building, which can be seen in one of the photographs presented to the Committee, qualifies as a historic structure and that City is hoping to develop this site as a multi-use facility to include park land and to further economical development for the City by utilizing said building as a tourist center or something along those lines. Ms. Corrigan indicated that many residents consider this project a symbol of change for the future of Central Falls. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM H – Department of Environmental Management – A request was made**

**for approval of and signatures on a Purchase and Sale Contract, by and between Richard P. Wucik, Jr. and the Department of Environmental Management for the acquisition of 4.19± acres of land located at 30 Post Office Lane in the Town of Westerly; known as the Wucik Property. Ms. Primiano explained that the subject property is located on the banks of the Pawcatuck River in the Town of Westerly. The Department has been working very closely with the Pawcatuck Watershed Association known for its efforts in promoting river clean-up, public access together with educational and recreational programs. Ms. Primiano stated that this parcel of land has been identified as a key linkage in that section of the Pawcatuck River to**



provide public access, boating access, portage and fishing access. There is derelict building presently on the property which will need to be demolished. The Department plans to purchase the property using state bond funds and then utilize federal aid funds from the U.S. Fish and Wildlife Service to do the demolition and to create a small parking area and a boating access site on the property. Ms. Primiano mentioned that the Department has also worked with the Westerly Land Trust to bring this project to fruition. Mr. Griffith noted that the photographs presented to the Committee show a bridge situated near the subject property which appears to be derelict and asked if the Department has considered State's liability exposure in view of the bridge's location and deteriorated condition. Ms. Primiano stated that the Department has considered the potential liability to the State due to the location and condition of the bridge and indicated that the Department will conduct a structural analysis of the bridge to determine whether it can be repaired or needs to be taken down. A motion to approve was made by Mr. Griffith and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM I – Department of Environmental Management – A request was made for approval of and signatures on a Purchase and Sale Contract, by and between the Kent County Water Authority and the Department of Environmental Management for the acquisition of approximately 27,484 square feet of land located along Seven Mile Road in the City of Cranston; known as the Kent County Water Authority Property.**

**Ms. Primiano explained that the subject property although relatively small is very important to the Department. The purchase of said property will allow the Department to demolish and then rebuild a new dam at the Curran Upper Reservoir. Ms. Primiano stated that this dam has been identified by the State of Rhode Island as its highest hazard dam. Said dam is owned by the Department and is currently in extremely poor condition. Ms. Primiano stated that the Department is in the midst of an ongoing dam restoration and repair program. Ms. Primiano explained that dam restoration is a very expensive undertaking, but it is imperative that these assets are protected. Ms. Primiano noted that this acquisition will provide the Department with the land necessary for the dam replacement together with a small construction easement area. Ms. Primiano stated that the project will cost approximately \$3.5 million dollars to complete. The funding for the project will come from RICAP funds over the next two years. Ms. Kay indicated that as the Department currently has approximately thirty (30) ongoing enforcement actions against municipalities and private dam owners to encourage them to repair their high hazard dams, it is essential that the Department replace the dam identified as of the highest- hazard dams in the State. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM J – Board of Governors/University of Rhode Island – A request for approval of and signatures on a Site License Agreement, by and between Cellco Partnership d/b/a Verizon Wireless to provide Verizon Wireless access to the University Water Tower and adjacent land in**

order to erect and maintain a digital communications antenna. Item J is deferred to a future meeting of the State Properties Committee at the request of the Board of Governors/University of Rhode Island.

**ITEM K – Department of Environmental Management/Department of Administration – A request was made for a short term extension of the Agreement allowing the America’s Cup Event Authority to utilize a portion of Fort Adams State Park for the 2012 America’s Cup World Series. Ms. Kay stated that the America’s Cup Event Authority (the “Authority”) recently informed the Department that it would not be able to remove all of its equipment and temporary structures from Fort Adams State Park by the termination date of the original Agreement. Ms. Kay explained that her primary concern is that, if necessary, the insurance and indemnification provisions would be revised to ensure that the State is protected from liability exposure until such time as the Authority vacates the Fort Adams State Park property. The Department coordinated with the Authority, the Economic Development Corporation and the Department of Administration to draft this First Amendment to Letter Agreement. Ms. Kay stated that the America’s Cup World Series and all the associated events were a great success. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.**

**Passed Unanimously**

**The Committee may move 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 relating to the following item:**

**A motion to enter into Executive Session was made by Mr. Griffith and seconded by Mr. Woolley.**

**A roll call vote was taken and the votes were as follows: Chairman Renaud voted “Aye,” Mr. Eichler voted “Aye,” Mr. Griffith voted “Aye” and Mr. Woolley voted “Aye.”**

**After a detailed discussion relating to Executive Session Item E1 concluded, a motion to return to the open session of the State Properties Committee meeting and to seal the Executive Session minutes, until such time as said matters are resolved, was made by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

**Upon returning to open session at 10:49 a.m., the Committee proceeded to vote**

**relative to Item E1 presented in Executive Session**

**ITEM E1 – Department of Transportation - A request was made for approval to proceed with the acquisition of temporary and permanent easements by virtue of Condemnation Plats 2722 and 2723. 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 10:50 a.m. The motion to adjourn was made by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

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**Holly H. Rhodes, Executive Secretary**