

DEPARTMENT OF ADMINISTRATION

STATE PROPERTIES COMMITTEE MEETING MINUTES OF

MARCH 25, 2014

The meeting of the State Properties Committee was called to order at 10:04 a.m. by Kevin M. Flynn in the absence of 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 B. Woolley representing the Rhode Island Department of Attorney General; and Andrew Marcaccio in the absence of Christopher Feisthamel representing the Rhode Island Office of the General Treasurer, Ex-Officio Member. Others in attendance were Kelly Carpenter from the Rhode Island Fiscal Senate Office; John Faltus, Michelle Sheehan, Terri Bisson, Bruce Thompson and Jay Aron from the Rhode Island Department of Environmental Management; John P. Ryan from the Rhode Island Department of Administration; Richard Kalunian and Colleen Kerr from the Rhode Island Department of Transportation; Louis J. Saccoccio from the University of Rhode Island; Tina Benros and Anthony Silva from the Rhode Island Department of Revenue/Division of Motor Vehicles; Catherine Oliver and Diane Lombardi from the City of Cranston.

Chairman Flynn stated that the State Properties Committee did have a quorum present to conduct business.

On a motion made by Mr. Woolley and seconded by Mr. Griffith, the Committee unanimously voted to approve the minutes from the State Properties Committee meetings held on Monday, March 10, 2014 and Tuesday, March 11, 2014. Said approved minutes will be posted on the Secretary of State's website.

ITEM A - Department of Environmental Management - A request was made for approval of and signatures on an annual License Agreement, by and between the Department of Environmental Management and the Fort Adams Trust (the "Trust") to allow the Trust to hold events at Fort Adams State Park during the 2014 season (including twenty-five (25) open dates for other possible events to be held during 2014) with authorization to serve/sell alcoholic beverages.

Mr. Faltus stated that the number of events hosted by the Trust has grown and expanded over the years. For this reason, the License Agreement before the Committee provides for twenty-five (25) open dates to accommodate other events that may present themselves over the 2014 season. Mr. Faltus explained that rather than having to come back to the Committee for each of these events, the Department has included a provision allowing the Trust to host up to twenty-five (25) additional events at Fort Adams State Park, provided the Department has an opportunity to thoroughly review the nature of the event and determine whether or not the same should be approved. The Department retains full control relative to approving any future requests under this provision. Mr. Woolley asked how long the Department has been including the "open dates" provision in its license agreements. Mr. Faltus indicated that the "open dates"

provision has been utilized for the past ten (10) to twelve (12) years. Mr. Griffith requested that the Department provide the Committee with notice whenever the Department has approved an "open date" event. Mr. Woolley asked if the insurance underwriter is qualified to do business in the State of Rhode Island. Mr. Faltus stated that the insurance underwriter is in fact qualified to do business in the State of Rhode Island. On a motion made by Mr. Woolley and seconded by Mr. Griffith, the Committee voted unanimously to approve the above request.

ITEM B - Department of Environmental Management - A request was made for approval of and signatures on an annual License Agreement, by and between the Department of Environmental Management and Sail Newport to allow Sail Newport to hold events at Fort Adams State Park during the 2014 season (including fifteen (15) open dates to accommodate requests for additional events to be held during the 2014 season) with authorization to serve/sell alcoholic beverages. Mr. Faltus indicated that the License Agreement with Sail Newport also includes an "open date" provision; however, said provision only provides for fifteen (15) additional events over the course of the 2014 season. Mr. Faltus indicated that Sail Newport has provided the Department with all required documents with the exception of an updated Certificate of Insurance. Mr. Faltus assured the Committee that Sail Newport would submit the updated Certificate of Insurance well in advance of any event taking place and that said updated Certificate of Insurance has been provided to the Department and Committee throughout the years without fail. On a motion made

by Mr. Griffith and seconded by Mr. Woolley, the Committee voted unanimously to approve the above request, subject to the submission of an updated Certificate of Insurance to both the Department and to the Committee.

ITEM C - Department of Environmental Management - A request was made for approval of and signatures on a Warranty Deed for the purchase of seven (7) acres of land located on Worden's Pond Road in the Town of South Kingstown, known as the Boy Scouts Worden's Pond Property. Ms. Sheehan explained that the subject property is located across the street from the Worden's Pond boat ramp and that the purpose of this acquisition is to create a parking lot for overflow vehicle parking for the boat ramp. There is currently over flow parking of vehicles along Worden's Pond Road, which has created unsafe conditions. Ms. Sheehan stated that in order to alleviate this situation, the Department will create a parking lot with a crosswalk and a sidewalk along the road. The property's purchase price of \$260,000.00 is being funded with State Open Space Bond Funds. Said funds will also be used for all expenses associated with the project. Mr. Woolley noted that due to the size of the parcel, it appears there is the potential for more than just the creation of a parking area. Ms. Sheehan explained that most of the site is actually wetlands; therefore, there is a significant wetlands buffer needed, making construction beyond the parking area impossible. On a motion made by Mr. Woolley and seconded by Mr. Griffith, the Committee voted unanimously to approve the above request.

ITEM D - 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 the Hmong United Association of Rhode Island for use of approximately fourteen (14) acres of land located in Curran State Park in the City of Cranston to be utilized by the Hmong community as a community farm and garden to grow vegetables for their own consumption. Ms. Bisson indicated that the Hmong United Association of Rhode Island has leased the subject property since 1990. Approximately forty (40) to fifty (50) families utilize this land to grow vegetables for their own consumption; none of the produce grown is sold for profit. Ms. Bisson stated that the term of this Indenture of Lease is for a period of five (5) years and includes one option to extend said Lease for an additional five (5) years. Ms. Bisson stated that the Hmong United Association of Rhode Island has submitted the appropriate and required Certificate of Insurance to the Department. On a motion made by Mr. Griffith and seconded by Mr. Woolley, the Committee voted unanimously to approve the above request.

ITEM E - 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 Kyle Murray for the Rocky Point State Park caretaker's residence located at 353 Palmer Avenue in the City of Warwick. Ms. Bisson stated that Department employee, Kyle Murray, has been selected to reside within the aforementioned caretaker's residence in accordance with the Department's standard policies and procedures. Ms. Bisson stated that Mr. Murray is very qualified relative to the responsibilities

associated with the duties of a resident caretaker. Ms. Bisson noted that due to existing vacant buildings and the lack of constant surveillance and monitoring of this sizable property, there have been incidence of vandalism reported as well as a fire being set to a vacant cabin situated on the property. The Department is confident that Mr. Murray's presence will certainly help to deter further acts of vandalism and trespass. Ms. Bisson explained that Mr. Murray will have ready access to EPO Enforcement as well as local and State Police. The Department intends to demolish many of the existing vacant structures on the subject property. On a motion made by Mr. Woolley and seconded by Mr. Griffith, the Committee voted unanimously to approve the above request.

ITEM F - 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 George C. Whaley for use of four (4) acres of land known as the Tuckertown Pond Fishing Access, located along Tuckertown Road in the Town of South Kingstown to raise and harvest crops. Ms. Bisson stated that Mr. Whaley has been leasing the subject property since 2004 and there have been no problems associated with said arrangement. Mr. Whaley is allowed to raise corn, hay and potatoes on this state-owned parcel. After harvesting the crops, Mr. Whaley maintains the parcel's soil and also provides food for local wild life. Ms. Bisson noted that Mr. Whaley maintains his liability insurance coverage in good standing. On a motion made by Mr. Woolley and seconded by Mr. Griffith, the Committee voted unanimously to approve the above

request.

ITEM G - 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 David W. Carpenter for use of seventeen (17) acres of land known as the Carpenter Unit within the South Shore Management Area, along Matunuck Beach Road in the Town of South Kingstown to raise and harvest crops on two (2) parcels of State-owned land. Mr. Woolley asked if Mr. Carpenter's family once owned the subject property. Ms. Bisson indicated that she believes his family did own this parcel and perhaps others at sometime. However, she explained that in accordance with its policies and procedures, the Department issued an Request for Proposals relative to said parcel and that Mr. Carpenter's was the only response received. On a motion made by Mr. Woolley and seconded by Mr. Griffith, the Committee voted unanimously to approve the above request.

ITEM H - Board of Education/University of Rhode Island - A request was made for approval of and signatures on a Lease Agreement, by and between the Board of Education/University of Rhode Island and The International Gallery for Heritage and Culture for use of the premises located within the Shepard Building located at 80 Washington Street, Room 224 in the City of Providence. Mr. Saccoccio stated that the Lease Agreement before the Committee today is essentially the same lease the Committee approved by the State Properties Committee in October of 2011. The Urban initiative at the University of Rhode Island Feinstein Providence Campus

worked with many outreach programs, in particular the Urban Arts and Culture Program as well as collaborating with The International Gallery for Heritage and Culture (the "Gallery") for some fifteen (15) years prior to 2011. The idea was to physically bring the Gallery on Campus to occupy a small office consisting of 120 square feet. Over the past two years, the Gallery has brought many international and local artists and projects to Downtown Providence such as "African American Identity, Living on Both Sides of the Hyphen;" "A Mosaic of Diversity & Unity;" "The Colonial Period to The Present" and "Rhode Island Women of Distinction" among many others. Mr. Saccoccio stated that this collaboration has been very successful and respectfully requests the Committee's approval of a one year Lease Agreement, which includes two options to extend said Lease Agreement for two additional one-year terms Mr. Saccoccio informed the Committee that both appropriate insurance coverage and indemnification are in place relative to this Lease Agreement. On a motion made by Mr. Woolley and seconded by Mr. Griffith, the Committee voted unanimously to approve the above request.

ITEM I - Department of Revenue/Division of Motor Vehicles - A request was made for permission to initiate lease renewal negotiations with the officials of the Rhode Island Public Transit Authority for the premises located at 325 Melrose Street in the City of Providence. By way of background, Mr. Ryan explained that in January of 2010, the Department of Revenue/Rhode Island Division of Motor Vehicles entered into a Lease Agreement with the Rhode Island Public Transit Authority for the above-referenced premises. It is now

the Department of Revenue's intent to renew this Lease. The parties wish to enter into a ten year Lease Agreement for 15,874 square feet of space. The current rental rate is \$3.05 per square foot, which totals \$48,415.00 in annual rent. Mr. Silva explained the functions performed at the Melrose Street facility in great detail. Following discussions involving the negotiations, handicap accessibility and available parking, on a motion made by Mr. Woolley and seconded by Mr. Griffith, the Committee voted unanimously to approve the above request.

ITEM J - 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 City of Providence for a parcel of land consisting of approximately 28,800 square feet of land located adjacent to the Woonasquatucket Bike Path in the Manton section of the City of Providence. Mr. Cadden explained that this is a request for approval of a gratis License Agreement with the City of Providence to allow the City to construct a skate board park. The reason the City chose this site is because it has an existing concrete slab that will be utilized as part of the skate board park. Mr. Cadden indicated that the City will also construct a "taggers wall" in an attempt to discourage graffiti in the surrounding area. After a lengthy discussion concerning the necessity of the existing "revocable at will" clause, in the event, the park is not maintained and/or operated in a way that protects public safety and the best interest of the State, particularly from potential liability exposure, on a motion made by Mr. Griffith and seconded by Mr. Woolley, the Committee voted

unanimously to approve the above request.

ITEM K - Department of Transportation - A request for approval and execution of a gratis License Agreement from the Department of Administration and the Department of Transportation, Licensors, to Woodward & Curran, Inc. and Pontiac Reclamation, L.P., Licensees, for use of 69,812 square feet of land located adjacent to Pontiac Avenue in the Cities of Cranston and Warwick, to conduct site inspections, groundwater monitoring wells, solid waste delineation, and soil gas migration evaluations. Item K is deferred to a future meeting of the State Properties Committee at the request of the Department of Transportation.

ITEM L - Department of Transportation - A request for approval of a License Agreement with the United States Government/Department of Navy for access to property in Portsmouth and Newport in conjunction with the demolition of both the Bradford Bridge #891 and the Armstrong Bridge #893. Mr. Kalunian explained that the Department of Transportation is undertaking the demolition of two (2) bridges, which were actually going to be replaced approximately five (5) years ago; however, with homeland security issues and other activities taking place in that area, it has been determined that the bridges should be removed rather than replaced. As the bridges are dilapidated and have already been closed, the revised plan is to remove them. In order to do so, the Department of Transportation needs access to the Department of Navy's property. Mr. Kalunian indicated that the Department of Transportation forwarded several standard versions of its plan and agreement; however, the

Department of Navy responded by forwarding the only form it would accept to allow the Department of Transportation to access Navy property, which is a License for Non-Federal Use of Real Property. Mr. Kalunian indicated that Director Lewis has executed said document. Further, as the Department of Navy has insisted that the License not be altered in any way; in the event the Department of Transportation's request for approval of the subject License is approved, the Committee will not be required to execute the same. The approval letter prepared by the Executive Secretary of the State Properties Committee shall serve as evidence of the Committee's approval relative to this one-year License for Non-Federal Use of Real Property. After a detailed discussion, on a motion made by Mr. Woolley and seconded by Mr. Griffith, the Committee voted unanimously to approve the above request.

ITEM M - Notices/Communications – Letter received from Michael Baird of Mike's Professional Tree Service Inc. informing us that there will be a Public Hearing before the Zoning Board of Review, Application for Special Use Permit, Commercial Woodlots & Firewood Storage & Sales in I-1 Zoning District, more specifically, 75 Airport Road, Unit 3, AP 44, Lot 1. Said hearing will be held on Wednesday, April 2, 2014, at 7:00 p.m. Please see correspondence for details. No action is necessary concerning Item M.

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 items:

On a motion made to enter executive session by Mr. Griffith and seconded by Mr. Woolley, a roll call vote was taken and the votes were as follows: Mr. Griffith voted "Aye," Mr. Woolley voted "Aye" and Chairman Flynn voted "Aye." Said motion passed unanimously. After detailed discussions relating to executive session Items E1 and E2 concluded, on a motion made by Mr. Griffith and seconded by Mr. Woolley, the Committee voted unanimously 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.

Upon returning to open session at 11:09 a.m., the Committee proceeded to vote relative to Items E1 and E2 presented in executive session.

ITEM E1 - Department of Transportation - A request for approval of and

signatures on a Purchase and Sale Agreement for the conveyance of 1,824 square feet of

land in conjunction with an Administrative Settlement arising from the taking of land for

the Apponaug Circulator Project in the City of Warwick pursuant to R.I.G..L. 37-6-24.

After discussion in Executive Session, on a motion made by Mr. Griffith and seconded by Mr. Woolley, the Committee voted unanimously to table the above request to the April 10, 2014 meeting of the State Properties Committee.

ITEM E2 - Department of Transportation - A request was made for final approval and signatures on a Temporary Easement Agreement, by and between the Department of Transportation and the Arnold Family Limited Partnership for repairs to the Kingston Railroad Station Bridge No. 372 in the Town of South Kingstown. After discussion in Executive Session, on a motion made by Mr. Griffith and seconded by Mr. Woolley, the Committee voted unanimously to table the above request to the April 10, 2014 meeting of the State Properties Committee and to post said request an "open session" item on the agenda.

There being no further business to come before the State Properties Committee, on a motion made by Mr. Griffith and seconded Mr. Woolley, the Committee voted unanimously to adjourn the March 25, 2014, State Properties Committee Meeting at 11:11 a.m.

Holly H. Rhodes, Executive Secretary