

STATE PROPERTIES COMMITTEE

SPECIAL MEETING

FRIDAY, JUNE 23, 2006

A special meeting of the State Properties Committee was called to order at 1:01 p.m. by Chairman Jerome F. Williams. Other members present were Mr. Robert Griffith, representing the Department of Administration, and Mrs. Genevieve Allaire Johnson, Esquire, representing the Department of Attorney General and Mr. Robert Kay, Public Member. Also in attendance were Brian Wagner from the Department of Environmental Management; Marlene McCarthy Tuohy, John Ryan from the Department of Administration; Steven Feinberg from the Rhode Island Film & TV Office; Lynne McCormack, and Jenny Peek from the City of Providence; and Melissa Martin from TG Productions and Heineken USA.

ITEM A – DEPARTMENT OF ADMINISTRATION – A request was made by the City of Providence, TG Productions and Heineken USA for use of Station Park in connection with a Fourth of July celebration. Ms. McCarthy Tuohy explained this Fourth of July celebration is a joint effort between the City of Providence and TG Productions for the use of Station Park for live concerts on the July 2nd and 3rd, 2006. Ms. Martin indicated that the July 2nd event is the 2nd annual Fourth of July celebration for the Hispanic community in the City of Providence. Ms. Martin provided the Committee with a line up of artists which will perform on Sunday, July 2, 2006, from 1:00 p.m. to 8:00 p.m. A map was also provided to illustrate the placement of the stage. Ms. McCarthy Tuohy indicated that she has not yet received the certificate of insurance for liquor liability or the deposit check. Ms. Martin indicated both are forthcoming. Ms.

McCormack stated that on July 3, 2006, the City of Providence will execute a fireworks display beginning at 6:30 p.m. in the parking lot of the Department of Health. There will also be two live concerts in Station Park. The Grammy nominated Plena band, Plena Libra will perform first, followed by the Rhode Island Philharmonic. Ms. McCormack revisited issues which were addressed, but not resolved at the State Properties Committee meeting of June 20, 2006. Ms. McCormack indicated that the fireworks will be set up on Monday morning in the upper lot. The lower lot will remain open until 5:00 p.m., at which time that lot will be closed in accordance with the requirements of the State of Rhode Island Fire Marshal. Signs will be posted to inform people to remove their vehicles from the lower lot by that time. Ms. McCormack stated Mr. Mitchell and Mr. Stoile are working out the insurance issues as the City of Providence is self-insured. The deposit checks will be issued by the end of the week. Ms. McCarthy Tuohy indicated that both license agreements have been reviewed by the Department of Attorney General. Chairman Williams stated that as a portion of Station Park is licensed to the State of Rhode Island by Amtrak, the State is paying particular attention to this parcel of land relative to any damage inclusive of damage to the lawn. In light of the recent heavy rain fall, there is a greater possibility the State of Rhode Island may have to utilize a portion of the damage deposits to pay the costs of re-seeding the grass areas and restoring the park to its previous and usual condition in accordance with the License Agreement between the State of Rhode Island and Amtrak. Mr. Griffith commented that he had occasion to pass by Station Park both last night and this morning and the arrangement seems to work. Mr. Griffith mentioned that the ground is saturated and extremely soft so there is definitely greater potential for damage to the lawn. However, he stated that if the

pattern which WBRU established is followed, he believes these events will be a success.

A motion was made to approve the license agreements subject to the State of Rhode Island's receipt of the insurance certificate for liquor liability and the certificate of insurance from the City of Providence by Mr. Griffith and seconded by Mr. Kay.

ITEM B- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made for permission to use Fort Wetherill Marina for purposes of filming scenes of *The Education of Charlie Banks* by Charlie Banks, LP/Iridium Entertainment. Mr. Feinberg explained Fred Durst is directing this project. Fred Durst is the front man and lead singer for the band, Limp Biscuit. The project is being produced by Marisa Polvino and Michael Corrente. This project is being filmed throughout Rhode Island including Brown University. The director and producers wanted to film at Fort Wetherill Marina. Mr. Feinberg stated that it has come to the attention of the individuals involved that some of the filming was being done on State property and therefore, he is seeking permission from the State Properties Committee to film at Fort Wetherill Marina. For the benefit of the members of the State Properties Committee, Chairman Williams indicated this matter recently came to the attention of the Rhode Island TV & Film Office and although the Film Location Agreement is being proposed for approval, the filming was actually done on Wednesday, June 21, 2006 and Thursday, June 22, 2006. Chairman Williams stated that it is unfortunate that the filming was done before the Film Location Agreement is approved and executed. Chairman Williams believes there was a lack of communication to the TV & Film Office which prevented this request from being heard in a timely manner. Mr. Feinberg will be sending out correspondence to all major departments and agencies of the State of Rhode Island where people may be interested in

filming to notify them that any filming activity must go through the TV & Film Office to act as a conduit to explain the process and requirements of the State Properties Committee. In this case, the Department of Administration was not made aware of the filming until Monday, June 19, 2006. Therefore, there was no way this item could have been included in the agenda, as the State Properties Committee has to comply with the Open Meetings Law. The filming was done on Wednesday and Thursday and Charlie Banks, LP/Iridium Entertainment did so at their own peril. Charlie Banks, LP proposed its Film Location Agreement and the State of Rhode Island substituted that agreement with its own standard agreement which carried greater indemnification language. It is unfortunate that the approval of the Film Location Agreement is being approved after the fact, but we are taking steps to ensure this situation does not happen again. Mr. Griffith stated that he understood the exigencies and he indicated he would have not have trouble approving the Film Location Agreement after the fact, however; he found it unusual that the Department of Environmental Management, given its very strong relationship with the State Properties Committee in terms of license agreements, chose not to bring this item before us, either independently or through the TV & Film Office. Chairman Williams indicated that it was his understanding that senior employees at the Department of Environmental Management did not become aware of this item until late Friday, June 16, 2006. Chairman Williams indicated that he had spoken to the Director of the Department of Environmental Management and informed him that if he had found out about this item on Friday and contacted the State Properties Committee immediately, a special meeting could have been set up on Wednesday morning and approval could have been granted before Charlie Banks, LP/Iridium Entertainment actually arrived on State

land. For what ever reason, that did not occur early enough and evidently Charlie Banks, LP/Iridium Entertainment were dealing with a lower level employee who did not bring this matter to the attention of the appropriate individuals. Chairman Williams indicated that he shared Mr. Griffith's concerns, but indicated that steps were being taken to ensure that this type of situation did not arise again. Mr. Feinberg stated that he was extremely annoyed that the TV & Film Office was not notified of this matter. If the TV & Film Office had been informed, this matter could have been dealt with properly. Ms. Allaire Johnson wanted to make certain that the Film Location Agreement she reviewed, and the one before the Committee today, is the same as the agreement she received via e-mail from the Department of Environmental Management. Mr. Wagner indicated that the agreement Ms. Allaire Johnson reviewed is the same agreement which is before the Committee today. Ms. Allaire Johnson also stated that the State of Rhode Island is going to be using a standard agreement for any filming. A motion was made to approve the License Agreement by Mr. Griffith and seconded by Ms. Allaire Johnson.

Passed Unanimously

There being no further business to come before the State Properties Committee, the meeting was adjourned at 1:28 p.m. A motion was made to adjourn the meeting of the State Properties Committee by Mr. Griffith and seconded by Mr. Kay.

Passed Unanimously

Holly H. Rhodes, Executive Secretary

