

A special meeting of the Town Council held on Monday, March 15, 2010 in Town Council Chambers, was called to order at 6:13 p.m., Council President Budway presiding.

After pledging allegiance to the flag of our country, Deputy Town Clerk Chatfield called the roll:

Councilman Farrar-present	Councilman Hanna-present
Councilwoman Frederickson-present	Councilman D'Agostino - present
Council Vice-President Collins – present	Council President Budway – present
Councilman Winfield – absent	

Motion made by Council Vice President Collins, seconded by Councilman D'Agostino, and voted by a roll call to open the Public Hearing:

Councilman Farrar – aye	Councilman Hanna – aye
Councilwoman Frederickson – aye	Councilman D'Agostino – aye
Council Vice President Collins – aye	Council President Budway - aye

Motion passes.

Motion made by Council Vice President Collins, seconded by Councilman D'Agostino, and voted to approve the Kennel License Renewals (list herewithin):

Councilman Farrar – aye	Councilman Hanna – aye
Councilwoman Frederickson – aye	Councilman D'Agostino – aye
Council Vice President Collins – aye	Council President Budway - aye

Motion passes.

Motion made by Council Vice President Collins, seconded by Councilman D'Agostino and voted by a roll call to close the Public Hearing.

Councilman Farrar – aye	Councilman Hanna – aye
Councilwoman Frederickson – aye	Councilman D'Agostino – aye
Council Vice President Collins – aye	Council President Budway - aye

Motion passes.

Next on the agenda is the Street Light Resolution. Council President Budway stated that he does not have a Resolution this evening. He spoke to Building Official David Provonsil earlier today, and we indirectly received a response from the electric company via Tom Angell who works in the gas division of the utility company. We will send to them what we would like to do, identifying the location of each light we want to shut off, and they will correspond back to us. Mr. Budway would like to see something in writing from them before we issue a Resolution.

Motion made by Councilman Farrar, seconded by Council Vice President Collins and voted to table the Street Light Resolution:

Councilman Farrar – aye	Councilman Hanna – aye
Councilwoman Frederickson – aye	Councilman D'Agostino – aye
Council Vice President Collins – aye	Council President Budway – aye

Motion passes.

Council President Budway stated that we will wait for the arrival of Town Solicitor D'Agostino before discussing the next agenda item – Ratification of Cox Communications Construction Cost Share Agreement with T-Mobile.

Next on the agenda was the consideration of property gift to the Town, AP 35, Lot 45, vacant land on Chopmist Hill Road. Councilman Farrar stated that he saw the property, and he checked the taxes on it. It is being taxed as a buildable lot at \$1,100 per year. It is a small lot with a very high water table, and would need to meet DEM criteria in order to build on it.

Motion made by Councilman Farrar, seconded by Councilman D'Agostino and voted that the Town accept this property gift:

Councilman Farrar – aye Councilman Hanna – aye
Councilwoman Frederickson – aye Councilman D'Agostino – aye
Council Vice President Collins – aye Council President Budway – aye
Motion passes.

Motion made by Councilman Hanna, seconded by Council Vice President Collins and voted to pay early bills in the amount of \$100,052.49:

Councilman Farrar – aye Councilman Hanna – aye
Councilwoman Frederickson – aye Councilman D'Agostino – aye
Council Vice President Collins – aye Council President Budway – aye
Motion passes.

Motion made by Councilman Hanna, seconded by Council Vice President Collins and voted to pay regular bills in the amount of \$58,835.63:

Councilman Farrar – aye Councilman Hanna – aye
Councilwoman Frederickson – aye Councilman D'Agostino – aye
Council Vice President Collins – aye Council President Budway – aye
Motion passes.

Motion made by Councilman Hanna, seconded by Council Vice President Collins and voted to pay supplemental bills in the amount of \$93,307.19:

Councilman Farrar – aye Councilman Hanna – aye
Councilwoman Frederickson – aye Councilman D'Agostino – aye
Council Vice President Collins – aye Council President Budway – aye
Motion passes.

There were no Legislative remarks.

There were no Council remarks.

At 6:30 pm the Council took a brief recess to wait for Attorney D'Agostino to arrive.

Attorney D'Agostino arrived at 6:35 pm. He explained that the Town entered into a lease agreement with Cox Communications a few months ago (the Police Station tower). He explained that the Town owns the tower. Once we entered into this agreement with Cox, their attorney kept sending communications to him regarding the Town agreeing to a "co-location cost share agreement." This basically says that the Town had to promise that Cox and T-Mobile would enter into an agreement whereby the new renter would pay the cell tower builder a percentage of the construction cost. Mr. D'Agostino initially felt the Town did not have to be involved in this. Cox stated there is a requirement in the lease that the Town has to be a third party in this agreement. After further investigation and reviewing the original document that gave the Town title to the tower, there is a provision in that document that says the #2 party attaching to the tower has to pay 50% of the construction cost of the tower, and that a 3rd or subsequent party has to pay 16.7% to the #2 party and 16.7% to the #1 party, and so on. Mr. D'Agostino stated there are really only 3 usable locations on the tower, and Cox is situating their equipment in the lowest location, so we don't anticipate there being any additional people

coming on to the tower. What this does mean is there is going to be an agreement that the Town has to be a party to with no liability to the Town in signing on to this agreement. The Town will basically promise that it will agree that Cox Communications, who has a lease agreement with the Town, will make an agreement with T-Mobile to pay a certain percentage of the construction costs, with no liability to the Town if Cox doesn't pay. This agreement will be drafted by Cox and T-Mobile and the Town has to sign it. Attorney D'Agostino stated he will read this agreement before he gives it to Council President Budway to sign.

Council Vice President Collins stated that he was informed that the reason the Police Dept. took a big hit with the lightning was because everything down there is not grounded. Discussion followed regarding grounding issues on the towers in Town, and that these towers should be inspected by our Electrical Inspector to make sure they are grounded.

Motion made by Councilman Farrar and seconded by Council Vice President Collins and voted to authorize Council President Budway to sign the agreement once it has been reviewed by Town Solicitor D'Agostino.

Councilman Farrar – aye Councilman Hanna – aye
Councilwoman Frederickson – aye Councilman D'Agostino – aye
Council Vice President Collins – aye Council President Budway – aye
Motion passes.

Motion made by Council Vice President Collins and seconded by Councilman D'Agostino and voted to adjourn the meeting at 6:50 pm and to keep the minutes of the meetings previously closed to the public; closed pursuant to RIGL 42-46-4 and 42-46-5 and to allow the Town Clerk 14 days to prepare the minutes of the meeting.

Councilman Farrar – aye Councilman Hanna – aye
Councilwoman Frederickson – aye Councilman D'Agostino – aye
Council Vice President Collins – aye Council President Budway – aye
Motion passes.

For complete discussion, refer to audiotape.

Attest:

Gail Chatfield, Deputy Town Clerk