

Minutes of a special meeting of the Town Council held on June 14th, AD 2012 in the Town Council Chambers, Town Hall, 40 Commons, Little Compton, RI. Members present: Charles N. Appleton, Jr., Fred M. Bodington, III; Paul J. Golembeske and Robert L. Mushen. Absent: Gary S. Mataronas. Also in attendance: Richard S. Humphrey, Town Solicitor, Andrew Teitz, Esq., and several members of the public: Larry Anderson, Abigail Brooks, Arthur Goldstone, Deb Ladd, Michael Steers, Charles Whipple and Sheila Mackintosh (who arrived at 6:53 PM).

At 5:30 PM the Town Council President called to order this special session of the Town Council. Richard Humphrey gave a brief review of the Rudick vs. LC Agricultural Conservancy Trust et als CA NO. NC2011-0635. A decision has been rendered by the Honorable Stephen P. Nugent on June 8, 2012 that the case is dismissed based on mootness. No declaration was made regarding any merits of the arguments within the case. Attorney's representing the LC Agricultural Conservancy Trust (LCACT) through Chubb Insurance will no longer participate after today if the case is not appealed.

Councilor Mushen noted that he has repeatedly tried to arrange a meeting of both the LCACT members and the Town Council. He has finally had an e-mail response from the Chairman of the LCACT expressing an interest in meeting with only the Council President, but not offering any dates for said meeting. Councilor Golembeske and Bodington both expressed a desire to have the full committees

present, but agreeing that a first step could be for the two (2) Chairmen to meet first.

Abigail Brooks suggested that the Council look closely at the deed being used by the LCACT for conveyance of development rights, as well as a review of the stewardship needs of the LCACT and how they are or are not being implemented.

The Town Solicitor mentioned that Mrs. Brooks's comments and opinions will be valuable to him in the future.

Larry Anderson expressed concern that the deed presently being used by the LCACT is a derivative of an old State of RI document for the acquisition of development rights. He cautions the use of such an old document and worries that it may not have sufficient language to meet current IRS requirements.

Discussion then ensued concerning the need to pay Richard Humphrey for his time spent on defending the LCACT. To date the LCACT has not authorized any payments to Mr. Humphrey. Councilor's expressed their frustration with the fact that these professional services have not been paid throughout this matter.

After discussing options available made the following vote:

Motion made by Councilor Appleton, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington,

Golembeske, Mushen): To pay out of the legal contingency fund Richard S. Humphrey for his professional services rendered to defend the LC Agricultural Conservancy Trust in a case involving the Trust vs. Ruddick CA No. NC2011-0635 and to direct the Town Council President to correspond in writing with the LCACT to direct that they reimburse the Town for this expense.

Concern has been raised that this matter could continue if an appeal is filed resulting in further legal expenses. It was cautioned that sending a letter directing reimbursement may have an adverse effect on the tone of the proposed joint meeting.

Andrew Teitz, Esq. who represents the Ruddick's noted that his clients will very likely appeal the Courts decision. He suggests that the proposed meeting to be held between the LCACT and the Council include the Ruddick's and the Hough/Compton's in order to attempt to achieve a resolution to this matter.

Councilor Mushen thanked all who were in attendance and participated in the discussion.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen): To adjourn at 6:10 PM.

Carol A Wordell

Town Clerk