

## TOWN COUNCIL MEETING

August 23, 2022

The regular meeting of the Montross Town Council was held on Tuesday, August 23, 2022, at 7:30 p.m. at Town Hall, 15869 Kings Highway, Montross, VA.

Council Members Present: Terry A. Cosgrove, Joseph P. King, Clinton A. Watson, Jr.  
Carolyn K. Carlson, Bobby D. Greene, Kathryn S. Wittman

Council Members Absent: Robert L. Barker

Town Manager: Patricia K. Lewis

### REGULAR MEETING

Mayor Cosgrove called the Council meeting to order at 7:30 p.m.

### MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited, and a moment of silence was observed.

### APPROVAL PRIOR MINUTES

Mayor Cosgrove asked if there were any additions or corrections to the minutes from the July 26, 2022, regular meeting. Mr. King, seconded by Mr. Watson, made a motion to approve the minutes from the July 26, 2022, meeting. The motion unanimously carried.

### APPROVAL FINANCIAL REPORTS

Mayor Cosgrove asked if there were any additions or corrections to the financial reports for July 31, 2022. Mrs. Carlson, seconded by Mrs. Wittman, made a motion to approve the July 31, 2022, financial reports. The motion unanimously carried.

### REPORTS

#### TOWN MANAGER

Mrs. Lewis reported that National Night Out was a huge success. She stated that she and Master Deputy Smith were not able to do sign-ups for the Neighborhood Watch Program. She and Master Deputy Smith would be meeting to figure out a way to do sign-ups.

Mrs. Lewis reported that there was a water break on Rectory Road on August 17, 2022.

#### NEW BUSINESS

Jason DeLa Cruz, Bryacin Norris, Matt Packett, and Christy Taylor from Dominion Energy joined the meeting via Google Meets to discuss All Points Broadband and a Memorandum of Understanding needed between the Town and Dominion Energy to help move the project forward. After discussion regarding All Points Broadband and the Memorandum of Understanding, Mrs. Carlson, seconded by Mr. Greene, made a motion to approve the Memorandum of Understanding. The motion unanimously carried. A copy of the Memorandum of Understanding is attached to these minutes.

## OLD BUSINESS

Mayor Cosgrove gave an update of the Town Park. Mayor Cosgrove stated that the contract has been signed for the pavilion and band structure. He stated that we were waiting on the drawings so they can be presented to the Planning Commission and the County. He stated that there will be discussions with Carville Landscaping to get a more refined quote on the landscaping. He stated that we have had conversations with All Rec regarding playground equipment. Mayor Cosgrove was told by the company that it would take five weeks to get freight estimates. Mayor Cosgrove stated that he asked for quotes on two different playground features as well as a swing set, park benches, and trash receptacles.

Mayor Cosgrove reported that architects are waiting on additional information relating to the pickleball courts. Mayor Cosgrove reported that we received the survey for the proposed town parking lot, but more discussion with the bank is needed.

Mrs. Lewis reported that Charlie Riedlinger with Resource International will be putting out bids to start on the water system upgrade and well in the next couple of weeks. The upgrade should take about nine months to complete.

Mrs. Lewis reported that the next Fall Festival meeting is scheduled for September 14, 2022, and September 28, 2022, at 6:00 p.m. at Town Hall.

Mayor Cosgrove reported that the next First Friday is September 2, 2022. Karen Jonas from Fredericksburg is the featured band.

Mayor Cosgrove stated he had a chance to tour the new high school. He stated it is a wonderful facility and he was excited for the students and teachers.

## PUBLIC COMMENTS

Larry Hinson asked if there were any discussions about a backup plan for First Friday rain outs. Mrs. Wittman said it would be difficult to reschedule a band and vendors. Mayor Cosgrove stated it gets complicated, but the main street would have that discussion in the off season.

## COUNCIL MEMBER COMMENTS

Mr. Greene stated that Miller's performed at his church, and they were outstanding. He wanted to share the information and perhaps the Town could get them to perform at the Christmas Spirit Festival.

## CLOSED SESSION

Mr. King, seconded by Mr. Watson, made a motion to adjourn to closed session for discussion of personnel matters for specific employee pursuant to Code of Virginia Section 2.2-3711(A)(1). The motion unanimously carried, and Council adjourned to closed session at 8:05 p.m.

## REGULAR SESSION

Council returned to regular session at 8:15 p.m. Mrs. Wittman, seconded by Mr. Watson, made a motion certifying that only personnel matters for specific employee pursuant to Code of Virginia Section 2.2-3711(A)(1) were discussed. Mayor Cosgrove asked for a roll call vote: Mrs. Carlson, aye; Mr. Watson, aye; Mr. King, aye; Mrs. Wittman, aye; Mr. Greene, aye. The motion unanimously carried.

Mrs. Carlson, seconded by Mr. Kings, made a motion to accept the letter of notification of resignation.

Mr. King, seconded by Mrs. Wittman, made a motion to advertise the position in the local papers, Free Lance Star, VML, and VEC. The motion unanimously carried.

Mr. Watson, seconded by Mr. King, made a motion to continue the meeting to 5:00 p.m. on September 27, 2022. The motion unanimously carried, and the meeting was adjourned at 8:20 p.m.

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Patricia K. Lewis  
Town Manager

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Terry A. Cosgrove  
Mayor

**MEMORANDUM OF UNDERSTANDING**  
**as to Communications Facilities with**  
**Dominion Energy Virginia's Franchise Agreement**

THIS MEMORANDUM OF UNDERSTANDING (this "Memorandum"), made and entered into this 23<sup>rd</sup> day of August 2022, by and between the **Town of Montross**, a political subdivision of the Commonwealth of Virginia (the "Town") and **Virginia Electric and Power Company**, a Virginia public service corporation doing business in Virginia as Dominion Energy Virginia ("DEV"), hereby recites and provides as follows:

RECITALS:

- A. On the 27th day of May, 1980, by Ordinance, the Town granted a franchise to DEV (the "Franchise") to allow DEV to "... acquire, construct, install, operate, maintain and use ... poles, towers, structures, attachments, wires, cables, conduits, ductways, manholes, handholes, meters, appliances and other equipment necessary or useful in the distribution or sale of electricity" in the streets, alleys, and public places of the Town, all as more particularly described in the Franchise.
- B. Through a series of initiatives, the Commonwealth of Virginia (the "Commonwealth") has prioritized extending high-quality broadband communications networks throughout Virginia to achieve universal access to high-speed internet within Virginia.
- C. In 2019, the Commonwealth established a pilot program to promote collaboration between localities, electric utilities, and internet service providers to connect unserved areas to high-speed internet.
- D. DEV participated in the pilot program, has been cooperating with the Commonwealth's initiative by obtaining rights to add broadband lines within its existing rights-of-way to help expand broadband facilities using DEV's existing infrastructure for the distribution of electricity.



- E. The initial pilot program has been expanded, and DEV is continuing to expand the installation of broadband facilities within its rights-of-way to help the Commonwealth meet its goal of universal access to high-speed internet within the Commonwealth.
- F. Consistent with this objective, DEV desires to install broadband facilities within a portion of the Franchise that it has with the Town, and the Town desires to permit DEV to do this.
- G. The portion of the Franchise that is to have broadband facilities is depicted on the plat attached hereto as "Exhibit A", with the areas of the Franchise to have the additional broadband facilities denoted with green boxes (the "Broadband Areas of the Franchise").

AGREEMENT:

Therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and DEV enter into this Memorandum and agree as follows:

1. The foregoing recitals are hereby incorporated by reference.
2. The rights granted to DEV in the Franchise to "... acquire, construct, install, operate, maintain and use ... poles, towers, structures, attachments, wires, cables, conduits, ductways, manholes, handholes, meters, appliances and other equipment necessary or useful in the distribution or sale of electricity" shall be understood by DEV and the Town to include, within the Broadband Areas of the Franchise, the rights to:
  - 2.1 Attach, operate, and maintain, additional cables, including but not limited to fiber optic cables, wires, attachments, and other transmission facilities as DEV may from time to time deem advisable, and all equipment, accessories and appurtenances desirable in connection therewith (the "Broadband Facilities"), including the right to increase or decrease the number of wires, all for the purpose of transmitting voice, text, data, internet services, and other communications services, including the wires and attachments of third parties (the "Communication Rights");

2.2 Lease or license the right to transmit signals, data, or other communications through such Broadband Facilities, in whole or in part to third parties as may be useful or practical, including the rights to transmit third party data and the right to lease or license surplus communications capacity to third parties through such Broadband Facilities; and

2.3 Install such additional pole, guys, and anchors on said property as may be necessary for purposes of the safety and stability of the communication facilities.

3. All other terms and conditions of the Franchise are hereby ratified and affirmed.
4. This MOU will terminate once the Town and DEV enter and sign a new Franchise Agreement that includes broadband language as noted in this document.

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IN WITNESS WHEREOF, each of the parties to this Memorandum has caused the same to be executed in the day and year first above written.

Town:

**TOWN OF MONTROSS**, a political  
subdivision of the Commonwealth of  
Virginia

By: Tony Lusque  
Its: Mayor

APPROVED AS TO FORM:

John C. Hutt Jr.  
Town Attorney

DEV:

**VIRGINIA ELECTRIC AND POWER  
COMPANY**, a Virginia public service  
corporation doing business in Virginia as  
Dominion Energy Virginia

By: Shaun Reilly  
Shaun Reilly  
Its: Manager-Electric Distribution Design