

Bonnet Shores Fire District

Bonnet Shores Fire District Council Monthly Meeting

Wednesday, July 18, 2018

7:30 pm

Meeting Minutes

Call to Order

The meeting was called to order at 7:35 pm. In attendance were council members Michael Vendetti, Janice McClanaghan, Daniel Johnson, Christopher Mannix, Natalie McDonald and Anita Langer. Also in attendance were District Manager Lisa DiBello, Treasurer Mary McGinn, Tax Collector Richard Mercier, Harbormaster Mike Tortolani and Clerk Matthew M. Mannix. Council member John Pariseault was absent.

Urgent Business

The council commended Mr. Albert Bonfiglio, who administered CPR to Richard Murhpy in an emergency situation. Mr. Bonfiglio's family was with him at the meeting and took a photograph with the council members.

Approval of Minutes

C. Mannix moved and J. McClanaghan seconded to approve the May 16, 2018 council meeting minutes. A. Langer and N. McDonald disagreed regarding a portion of the minutes, in which A. Langer stated that N. McDonald had not talked about the Land Trust lacking a capital budget. A. Langer indicated that N. McDonald and M. Vendetti stated, "that's the way it is" in response to A. Langer's question of why had the \$60,000 been moved from the capital expenditures budget to the Land Trust operating budget without council approval. N. McDonald stated that the minutes reflected what she had said. The motion was approved, 4-2, with A. Langer and D. Johnson dissenting.

The council members provided changes to the Organizational Meeting Minutes from the July 10, 2018 Organizational Meeting. M. Vendetti asked the Clerk to bring the revised minutes to the next council meeting for approval.

Period of Public Comment

C. Fortin stated her concerns about the recent Land Trust meeting that she had attended and that Robert's Rules need to be followed better. She also expressed her disappointment with the Annual Meeting being held at the Bonnet Shores Beach Club because of the nearby bar area and that it was difficult to hear. She indicated that she did not want the Fire District to use the Beach Club again for its Annual Meeting in June.

C. DeLeo asked what the future plans were for safety on the causeway.

M. Vendetti thanked Carole Duffy for her work as the BSFD Clerk over the past several years. He indicated that a floral arrangement had been sent to her by the Fire District.

Reports

Beaches (J. McClanaghan): An upcoming meeting will be scheduled as the committee will review the beach pass situation.

Security (J. McClanaghan): The night patrol is ongoing.

Social (A. Langer): Cocktails on the Beach will be held at 6 pm on July 25th, 2018 at Kelly Beach.

Harbor (M. Tortolani): Fees have been collected, but mostly has been quiet. N. McDonald indicated that the committee is updating the waiting list, but is waiting for a new bulletin board at Little Beach.

Historical (A. Langer): Thanked Mr. Archambault for the recent photographs.

Pond (J. McClanaghan): Have received signed copy of DEM agreement regarding the dredge project. Dan Goulet will be the CRMC contact person for this project. Will soon receive a P.O. and work with consultant on next steps.

Public Works (J. McClanaghan): Reported as Vice Chair, on behalf of the absent Public Works chair J. Pariseault. A committee will be formed to address public safety on ALL Bonnet roads. The committee will include 2 council members, 2 Land Trust members, 2 Bonnet Shores Beach Club members, 2 at-large members from the community and District Manager L. DiBello. She stated that the first step would be information-gathering. Stated that the Land Trust needs to focus on its mission and this committee can focus on road safety. Committee members will be announced in August.

Memorial Benches (A. Langer): Many people are requesting benches. Some are in disrepair. L. Mercier suggested that A. Langer check in with him, L. Listro and M. Mannix, all of whom had dealt with the Memorial Benches in recent years. L. DiBello indicated that there is currently a “moratorium” on building new benches by the council.

Treasurer (M. McGinn): Cash flow is tight this time of year because the Fire District is waiting for tax bills to come in. C. Mannix indicated that the state is imposing a new landfill fee that could increase costs 23%.

Tax Collector (R. Mercier): There was a delay in sending out tax bills because of the Special Council Meeting on July 10, 2018. Collectible taxes are estimated at \$378,000, an increase of approximately \$53,000 over last year.

Land Trust (N. Coleman): Reported on the July 12, 2018 BSFD Land Trust meeting. E. Gersten resigned from the Land Trust and the Land Trust recommended either Terry Duffy or Carol O'Donnell to be appointed to the vacant position. The Land Trust's application for a grant to the Champlin Foundation for the walkway was deferred. He stated that A. Langer attended the Land

Trust meeting as the liaison to the Land Trust (D. Johnson is the liaison; A. Langer is the back-up liaison). He stated that the members of the Mannix family were disrespectful to A. Langer at the meeting and were out of control. He stated that the next meeting would be held on August 7, 2018.

District Manager (L. DiBello): 32 families plan to participate in the Bonnet Yard Sale, to be held on July 21, 2018.

OLD BUSINESS: Update on DEM grant/next steps

J. McClanaghan indicated that she had updated everyone about the signed DEM agreement during her Pond Committee Report.

NEW BUSINESS: Land Trust Appointment

M. Vendetti opened the discussion regarding the appointment to the vacant Land Trust position that had been held by E. Gersten. E. Gersten had resigned just a few days before the BSFD Annual Meeting.

David Stenmark indicated that the next vote-getter at the Annual Meeting (Terry Duffy) should be appointed.

Brian Holland indicated that Carol O'Donnell should be appointed because of her qualifications and work ethic.

Carol O'Donnell introduced herself, discussing her work as a contractor, knowledge of Bonnet properties and role on the Bonnet Shores Beach Club board. She also addressed her familiarity with DEM and CRMC due to those experiences. She stated that people should not make the appointment "personal," but that it should be based on qualifications.

Anita Langer read emails in support of Terry Duffy being appointed to the Land Trust from BSFD residents that had been sent to all council members.

L. Mericer of the Land Trust indicated that two Land Trust members supported Carol O'Donnell for the appointment, one member supported Terry Duffy for the appointment and one member was comfortable with either O'Donnell or Duffy being appointed. He indicated his support for Carol O'Donnell and her "new" perspective. He mentioned that the last two BSFD Nominating Committees had not nominated him or Jan McClanaghan for election to the council in the name of getting "new" blood.

Terry Duffy introduced himself, indicated that he had gone through the democratic process and was proud of how he and others had "transformed" the Land Trust. He said it was not the time for new blood, but for someone who has experience on the Land Trust. He talked about picking up where Dave Stenmark, who is departing the Land Trust due to term limits, left off on the donations of properties within the Fire District to the Land Trust by the Audobon Society. He emphasized that he went before the Nominating Committee and that other candidates did not.

Charlie Short spoke in favor of Terry Duffy's nomination, citing diversity of views.

M. Vendetti asked for feedback from the council. He stated there are two sides to every story and a third side, which is the “truth.” He talked about the toxicity and division and the need to move forward. He criticized the Friends of the Walkway for spreading disinformation and contributing to that toxicity and division.

N. McDonald stated that both candidates deserved the position and was “torn.”

D. Johnson talked about the need for consistency and to see the Land Trust projects through to completion.

J. McClanaghan stated that we all need to take a “deep breath” and start over. She said she spoke with Terry Duffy and told him she was not supporting his appointment because of the need for “another perspective” and the results of the Annual Meeting. She stated that the Land Trust will not be looking at the same issues as it was in the past year.

Anita Langer stated that she could not support Carol O’Donnell because she had been a signatory of the Sewer Easement Agreement when she was president of the BSBC Board of Directors. She further stated that Lenny Mercier, who was recently elected as a Land Trust Trustee was also the signatory for the BSFD as the Chair of the BSFD Council and she said she saw it as a “conflict of interest” and conflicted with the Land Trust’s purpose. She further stated and read from this portion of the Preliminary Determination Report regarding the sewer project: *“It is very important to consider that during the meeting of November 16, 2016, CRMC Staff offered an opinion that utilizing the proposed boardwalk to provide a means to locate and structurally support the proposed Bonnet Shores Beach Club (BSBC) sewer line may help satisfy the regulatory review criteria for both projects. Specifically, proceeding with a combined project may help provide the necessary rationale to meet the RICRMP special exception criteria. In this regard, CRMC Staff’s interpretation of the legislation (2009 – H5683 Substitute A) which authorized the BSBC sewer line effectively deemed the sewer line ‘public infrastructure’ in accordance with RICRMP Section 130, criterion 1. However, CRMC Staff believes the project remains subject to special exception criteria 2 (All reasonable steps shall be taken to minimize environmental impacts and/or use conflicts.) and 3 (There shall be no reasonable alternative means of, or location for, serving the compelling public purpose cited.). On this basis, and as opined by CRMC Staff in November 2016, we believe that locating the sewer line beneath and attached to the boardwalk serves both to minimize environmental impacts (considering burial concerns in an area of high ground water) and a reasonable alternative location for the sewer line (as opposed to burial alongside Bonnet Point Road). We therefore strongly recommend that both projects proceed as a single unified effort. Otherwise, CRMC Staff is likely to have significant difficulty determining consistency with the special criteria.”* (Source: CRMC Preliminary Determination, July 2017, page 3).

M. Vendetti stated that there are other parts to the Preliminary Determination and other documents regarding the problems with the walkway.

Sal Moio then spoke from the audience on behalf of his wife, Carol O’Donnell. He stated that she was a hard-working person and was a valid candidate.

C. Mannix moved to appoint Carol O'Donnell to the vacant position on the Land Trust. J. McClanaghan seconded the motion.

Terry Duffy asked the council to respect the 139 votes he received at the Annual Meeting and appoint him.

N. McDonald asked both candidates if they were interested in pursuing the transfer of Audobon Society properties to the Land Trust.

Carol O'Donnell indicated that the whole truth about the walkway had not come out at the Annual Meeting. She stated that the walkway project should not have been pursued when the community was working to complete the DEM dredge project and Beach Club sewer project.

M. Vendetti called for a vote on the motion to appoint Carol O'Donnell to the Land Trust, which was approved, 4-2, with A. Langer and D. Johnson dissenting.

NEW BUSINESS: Update on Zoning Issue

Anita Langer indicated that the council would have to go into Executive Session because the issue is in litigation.

NEW BUSINESS: BSFD Interlocal Trust & BSFD Board Members' Insurance Policy

Anita Langer stated that she is seeking broader and more extensive coverage for council members in case of litigation. A. Langer indicated that she was concerned for Property and Liability Coverage for all BSFD properties and all council and committee members. She asked to look into the Board of Directors' insurance coverage and umbrella policies for all board and committee members. D. Johnson asked what the current coverage amount was. M. McGinn stated that it was \$5 million per occurrence. N. McDonald indicated that the BSFD purchases the maximum amount of insurance coverage for its officials. M. McGinn stated that she often communicated with the Interlocal Trust ("the Trust"), which provides the insurance coverage for Fire District officials. M. Vendetti emphasized the importance of having one point of contact between the Trust and the Fire District.

L. DiBello indicated that she had seen the agenda item and wanted to provide additional information/clarification regarding communications with the Trust. She stated that she had spoken with Laurie Bannon from the Trust regarding those communications. Laurie Bannon indicated that she had received three phone calls from A. Langer regarding insurance coverage. In the first conversation, A. Langer asked about the danger associated with the road. Laurie Bannon had told A. Langer to provide any questions regarding coverage in writing. In a second conversation, A. Langer inquired about the coverage possibilities for the proposed walkway. Laurie Bannon told A. Langer that the walkway was not covered by the current policy and that endorsement would have to be added. Such a request would have to be made in writing. Laurie Bannon also requested that additional inquiries be made in writing. L. DiBello reported that she had spoken with Laurie Bannon earlier in the day today (July 18, 2018) and that Laurie Bannon indicated that A. Langer had called her earlier in the day as well, which was the third

telephone conversation between A. Langer and Laurie Bannon. Laurie Bannon encouraged the Fire District to name a single point of contact and to put coverage inquiries in writing.

M. McGinn indicated that the District Manager should be the point of contact. M. Vendetti reemphasized the importance of one point of contact, a point with which the other council members appeared to agree.

NEW BUSINESS: Retain a BSFD Attorney

M. Vendetti opened the conversation regarding the hiring of an attorney to state that the Fire District hires attorneys on an as-needed basis and did not see the need for a full-time attorney.

A. Langer indicated that she wanted to obtain a legal opinion on the allocation of the \$60,000.00 to the Land Trust. M. Vendetti stated that the council does not need to spend the money that is not budgeted. He then stated that we should congratulate Carol O'Donnell on her appointment to the Land Trust and partner with the Land Trust, citing the need for "closure."

Adjournment

J. McClanaghan moved to adjourn the meeting. The motion was seconded by C. Mannix and was approved, 6-0.

Respectfully submitted,

/s/Matthew M. Mannix
Bonnet Shores Fire District Clerk