

Bonnet Shores Fire District Council

Bonnet Shores Fire District Community Center
130 Bonnet Shores Road
Narragansett, Rhode Island
Monthly Meeting
May 4, 2016

Meeting Minutes

Call to order

Council Chair Lenny Mercier called the Council meeting to order at 7:30 pm. Those in attendance included Council Members: Janice McClanaghan, John Pariseault, Bill DelGizzo, Mike Vendetti, and Terry Fracassa. District Manager Lisa DiBello. Treasurer Mary McGinn, Tax Collector Helen Patience, Harbormaster Mike Tortolani and Clerk Carole Duffy were also present.

Pledge of Allegiance

The Assembly recited the Pledge of Allegiance along with observing a moment of silence for the men and women serving in the Armed Forces.

Urgent Business: J.McClanaghan announced that Chair Mercier had been named Citizen of the Year for the town of Danvers, MA.

Ratification of Mar.20, 2016 Minutes:

Motion: M.Vendetti made a motion to accept the March minutes; 2nd by T.Fracassa. **Discussion:** M.Vendetti asked that the word *incomplete* be stricken from line six in the Old Business section **Motion** passed by those in attendance in March; 3-0

Committee Reports

- a) **Beautification Committee Report:** garden sponsors will be contacted
- b) **Beach and Security Committee Reports:** J.McClanaghan reported: beaches will open on 6/25/16; looking for lifeguards; no pass-system this year but security guard will still be on duty at Kelly Beach; beach bus rate tripled to \$8800 so the Committee is seeking other alternatives; Bonnet Days will occur on 7/9/16 with Matt Mannix overseeing the event; have contacted three companies to obtain bids for removing seaweed from Little Beach; L. Mercier, L.DiBello, and J.McClanaghan met with J.McC's son in law to discuss creating a Cloud for the district
- c) **Public Works Committee Report:** T. Fracassa reported: the causeway TIP proposal did not receive a grant but there will be a public hearing on 5/26/16. Maybe Narragansett could downsize the plan and seek the support of Rep. McEntee
- d) **Social Committee Report:** a community brunch was held on 5/1/16 at Bed and Bistro in Narragansett; Holiday Social at Spain on 12/18/16
- e) **Pond Committee Report:** B. DelGizzo stated that the "watershed watch" would be handed over to the District Manager for continuity over time
- f) **Harbor Committee Report:** Chair Mercier reported: the mooring fees have begun to come in and the wait list is now shorter
- g) **History:** M.Vendetti said that the new file cabinets (up to fire code) have been installed along with the closets (up to code as well). The District's historical documents will be housed in the office from now on.
- h) **Sanitation Report:** new cycle has begun

Tax Collector's Report: H.Patience reported: \$252,000 of \$256,000 has been collected.

Asked whether two properties which owe back taxes should be offered to Land Trust. **Motion** was made by J.McClanaghan; 2nd B.DelGizzo to write off the debt of approx. \$44. **Motion** passed 6-0.

Treasurer's Report: M. McGinn reported: budget report has been distributed; fiscal year ends on 4/30/16; two budget hearings (5/7/14 & 5/14/16)

Land Trust Report: Chair Terry Duffy reported on a variety of items: TIP... he urged the community to get involved by attending the public hearing or by writing to RI State Planning Commission by 6/26/16. This project is essential as the road was built in 1921 and there is no record of what materials were used in construction. He continued by citing resident safety issues regarding the 2 roads coming into the district (causeway and Bonnet Shores Rd) as the latter was closed to traffic for 36 hrs., recently, due to a traffic accident and if the causeway had also been closed then no emergency vehicles would have had access to the District. ...easement for BSBC sewer: the LT forwarded a letter to the Council expressing their concerns about granting an easement. He referenced 5 points in the correspondence: 1) causeway ownership is currently being researched, 2) requesting legal and engineering advice, 3) there are other alternatives for a sewer pipe installation, 4) since the LT owns the pond LT wants an impact study conducted, 5) CRMC has expressed concern about the location of the test borings. He, then, turned LT reporting over to Trustee, David Stenmark. He distributed a drawing and a pipe for the Council's perusal explaining that if the sewer line were to be installed adjacent to the road: there would be no road disturbance; it could be installed at any time of the year; and it would be a less expensive endeavor for the BSBC. J.McClanaghan asked Atty.Ucci if this was one of the BSBC's plan. He replied that at some point the road would be crossed to reach the pumping station and the Town has stated that the road is safe for their pipe. T.Fracassa added in reference to a remark by Atty. Ucci that introducing "Dave's plan" was not a delaying endeavor.

At this point, B.DelGizzo asked for more details about the TIP grant and was told that Narragansett will receive \$4 million for a bike path.

District Manager's Report: L.DiBello contributed the following information to accompany her written report: see the Garafolo report about pond flooding; reference

the upgrading of the computer system; "speed cushions" were being discussed; summer camp is all set; looking for lifeguards.

Old Business:

- BSBC sewer project update
 - J.Pariseault made the following recommendations: engage an atty. to review BSBC sewer document which is not in its final format. Then a Sewer Line Comm. Rec. was included: decline BC offer of \$500 for atty's fees and instead ask for "reasonable fees". J.Pariseault **moved**; 2nd B.DelGizzo to require the BSBC pay our legal fees "as is customary". T.Fracassa added "a reasonable number" would be put into the contract wording. **Motion** passed 5-1 with one abstention.
 - J.Pariseault **moved**; 2nd B.DelGizzo to hire an engineer to look at whole system proposal with the fee's capped at a certain \$\$ amount. **Discussion:** M.Vendetti wants costs' proposals; Chair Mercier also against hiring; B.Del Gizzo added that if it were one's own home an engineer would be hired; T. Fracassa suggested Ernie George especially since BSFD will be the co-applicant to CRMC permit. **Motion** passed 4-2.

- Sewer Line Committee recommendations explained by T. Fracassa
 - # 25- widening the causeway for pedestrian traffic at time of pipe construction... discussion ensued and a proposed motion was withdrawn
 - #26 – District should be part of BSBC/Town discussions
 - #27 – LT should be party to any easement and in the application process with CRMC
 - # 28 – LT preference for a sewer pipe in the pond instead of in the road
 - #29 – would like BSBC to assist the District and Land Trust to enhance safety, health, and welfare initiatives which would be beneficial for the District as a whole
 - #30 –not discussed

- Extensive discussion of sanitary facilities for Kelly beach attendees
 - T. Fracassa began the discussion by pointing out that 1/3 of the beach has facilities while 2/3 does not and law prohibits non BSBC property to have facilities
 - Suggestion for cross easement language to be incorporated into the agreement in the event that the District pursues sanitary facilities permitting for Kelly Beach with the Legislature in the future.
- J.Pariseault **moved**; 2nd by B.DelGizzo to add the Sewer line Committee's recommendations # 24- #29 to the Version 2 document which is the BSBC proposal with proposed changes by J.Pariseault which Atty. Mancini has to review. J.McClanaghan continued the **motion**; 2nd M.Vendetti to not approve #24 and to reserve the right for the Council to meet in Executive Session for consideration of compensation for the granting of an easement. **Motion** passed 5-1.
- M.Vendetti **moved**; 2nd J.McClanaghan to convene Executive Session on May 7th 2016 @ 9 AM to discuss compensation consideration for the causeway easement. **Motion** passed 5-1.

New Business:

- Preparation for Annual meeting postponed to May 18, 2016
- Newsletter information will go out on email

Period of Public Comment: none

Meeting minutes will be available on tape on the Website after ratification

Adjournment

There being no further public comments or district business M.Vendetti **moved** to adjourn; 2nd J.McClanaghan. All present agreed. Adjournment at 10:45.

Respectfully submitted,

Clerk: Carole Duffy

Ratified

5/18/16

*Carole
Duffy*

Bonnet Shores Fire District							
Operating Budget Worksheet May 1, 2016							
Prepared 4/30/2016							
	2011-12 Actual	2012-13 Actual	2013-14 Actual	2014-2015 Actual	2015-2016 Actual	Proposed Budget	
Ordinary Income/Expense							
Income							
Taxes Revenue	287,044	246,038	256,175	258,258	253,447	287,044	13.3%
Rental Registration	(60)	756	697	762	615	750	
Prior Year Surplus (Deficit)	13,680	18,191	9,884		11,401	1,756	
Hall Rental Fees	4,122	3,400	3,000	2,575	2,600	2,400	12 rentals
Hall Rental Fees - Cleaning (Net)	(747)	(350)	(750)	(650)	600	(600)	
Interest Earned - Bank Accts	155	104	86	453	124	100	
Interest Income - Taxes	2,287	10	1,526	2,502	842	0	
Newsletter Advertising	3,300	3,310	3,410	2,050	400	700	
Permits/Plans Fees	200	200	200	700	200	200	
Bonnet Daze	(462)	0	0	(102)	0	0	
Website Advertising	100	50	50	50	0	0	
Other (Oil rebates, cookbooks etc)	257	0	0	113	0	0	
Total Income	309,876	271,709	274,278	266,711	270,229	292,350	
Expense							
Administrative Expense							
Administrative Expense	141	90	102	206	216	1,650	3 rolls stamps/cell phone/mileage
Advertising Expense	36	0	0	0	102	100	
Annual Meeting Expense	3,004	1,853	1,714	1,240	1,193	2,000	Ad increases/no legal representation
Council Discretionary Expense	209	376	39	545	368	300	
Insurance	5,421	5,132	6,687	6,327	6,780	6,850	per The Trust
IT Services						1,500	
Land Trust Operating Alloc'n	53	0	217	0	2,500	2,500	
Historical Committee Expenses	136	0	11	0	187	200	
Professional Services	0	0	0	0	0	5,500	may be reimbursed
Monthly Meeting Expense	0	41	0	0	0	0	
Newsletter Editor Salary	700	710	700	350	350	350	
Newsletter Postage & Printing	4,603	5,002	5,155	2,902	3,251	3,300	
Office Supplies	1,834	3,108	1,240	2,045	2,078	2,500	
Payroll Services	221	395	459	461	585	600	
Public Awareness Programs	685	0	0	0	0	0	
Security	4,416	4,853	4,393	4,517	3,860	4,600	4 hrs x \$23 winter, summer 14 days (no June)
Tax Collection Costs	2,198	1,607	2,622	2,838	2,750	2,800	
Web Site Expenses	390	0	0	312	0	500	Domain renewal due June 2016
Total Administrative Expense	24,047	23,167	23,339	21,743	24,220	35,250	
Beach Expense							
Beach Bus	5,916	6,381	4,880	4,913	5,083	5,300	in partnership with BSBC
Beach Cleanup	6,570	6,500	6,500	6,500	6,500	9,500	Kelly Beach and Little Beach
Beach Salaries	13,616	16,233	18,346	15,355	17,366	22,400	
Beach Guard	2,088	2,485	2,869	2,074	2,810	2,800	7 hrs x 23 days x \$17.75= @2975.63
Beach Supplies	1,302	131	396	198	196	600	
Total Beach Expense	29,492	31,730	32,991	29,040	31,955	40,600	
Day Camp Expense							
Camp Income	(9,536)	(10,065)	(9,139)	(10,710)	(11,781)	(11,500)	
Camp Salaries	6684	8,258	9,797	9,149	10,406	10,500	
Camp Supplies	978	901	1,134	1,399	1,469	1,000	
Total Day Camp (Income) Expense	(1,874)	(906)	1,792	(162)	94	0	
Harbor Expense							
Mooring/Harbor Fees							
Mooring Fees	(10,050)	(9,950)	(10,050)	(8,400)	(10,110)	(10,050)	67 @ \$150

	2011-12 Actual	2012-13 Actual	2013-14 Actual	2014-2015 Actual	2015-2016 Actual	Proposed Budget	
Mooring Wait List	(260)	(60)	(160)	(100)	(60)	(100)	
Ramp Fees	(1,350)	(600)	(950)	(950)	(550)	(800)	16 @ \$50
Total Mooring/Harbor Fees	(11,660)	(10,610)	(11,160)	(9,450)	(10,720)	(10,950)	
Harbor Supplies & Maintenance	778	3,304	560	1,472	1,766	2,550	
Harbormaster Expense Reimb.	3,785	4,000	4,000	4,000	4,400	4,400	
Sinking Fund Transfer	3,500	3,500	3,500	3,500	3,500	3,500	
Total Harbor (Income) Expense	(3,597)	194	(3,100)	(478)	(1,054)	(500)	
Admin Comp. & Payroll Taxes							
Manager's Salary	24,700	24,700	24,700	14,800	34,989	36,050	same hours per year
Clerk	3,000	3,000	3,000	3,000	3,750	3,750	
Tax Collector	5,000	5,000	5,000	5,000	5,000	5,000	
Treasurer	3,500	3,500	3,500	3,500	4,250	4,250	
Payroll taxes	4,474	5,159	5,474	4,421	5,978	5,500	
Total Admin Comp. & Payroll Taxes	40,674	41,359	41,674	30,721	53,967	54,550	
Property Expense							
Beautification	245	449	756	384	116	500	
Electricity	1,343	1,361	2,767	1,651	1,343	2,000	
Maintenance/Janitorial	935	1,197	1,021	1,785	6,423	1,500	
Natural Gas	2,602	2,448	2,402	3,173	2,414	3,000	
Pond	0	600	0	0	50	600	
Telephone & Internet	1,281	1,889	1,854	2,266	2,395	1,500	
Water	214	342	246	409	1,223	350	
Total Property Expense	6,620	8,286	9,046	9,668	13,964	9,450	
Public Works							
Clear Breachway	6,939	7,400	3,500	2,500	10,420	7,500	
Equip. & Tools Maintenance	227	145	1,282	309	72	3,000	Backhoe
Landscaping	7,275	7,318	5,116	6,295	7,270	8,000	Ocean Edge \$200/cut - community ctr & 3 triangles. LB trimming every other week
Public Works Salaries	640	2,975	3,000	4,583	0	2,000	
Sanitation	104,071	108,600	129,197	129,452	131,165	135,000	
Sanitation Cart Purchase		0	0	0	0	0	
Snow Removal	0	480	1,000	1,500	400	1,000	
Total Public Works	119,152	126,918	143,095	144,639	149,327	156,500	
Recreation (Income) Expense							
Social Activities	89	0	0	0	0	0	
Total Recreation (Income) Expense	89	0	0	0	0	0	
Total Expense	214,603	230,748	248,130	235,171	272,473	295,850	
Net Ordinary Income	95,273	40,961	26,148	31,540	(2,244)	(3,500)	
Other Income/Expense							
Other Expense							
Capital Receipts (Expenditure)							
Appropriation to Checking	0	0	(14,150)	11,296			
Appropriation to/(from) Harbor Fund	0	0	0	0	(3,000)	(3,500)	
Appropriation to/(from) Capital Fund	6,529	9,618	(8,850)	0	(9,188)	(10,086)	
Grant-Capital					(1,000)	0	
Capital Improvement	27,610	21,082	34,837	8,671	9,188	10,086	
Total Capital (Receipts) Expenditure	34,139	30,700	11,837	19,967	(4,000)	(3,500)	
Net (Loss) Income	61,134	10,261	14,311	11,573	1,756	0	

Capital Expenditure Budget						
Bonnet Shores Fire District						
Prepared 04/30/2015						
	Capital	Capital	Capital	Capital	Capital	Capital
	Expenditure	Expenditure	Expenditure	Expenditure	Expenditure	Budget
Proposed Improvement	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Public Works:						
Backhoe Lease	9,487	9,487	9,487	2,372		
Sign at Entrance						
Sign at Muratore						
Footbridge near Community Center						
JD Tractor Mower Deck	3,476					
Traffic Calming					3,195	4,000
Community Center:						
Fire Doors						
Kitchen Renovation						
Kitchen Renovation Donations, cookbook sales						
New Floor						
Upgrade Fire System	8,112					
Storage Shed				1,800		
Community Center Roof			10,900			
Generator			8,450			
IT Setup						2,500
Painting Parking Lot						2,000
Storage closet in office					2,925	
Harbor:						
Repair/replace boat launch ramp						
Mooring Replacement	6,535	4,695	6,000	4,500	1,482	
Beaches:						
Little Beach:						
Dock Repairs: new pilings		1,000			1,586	1,586
Kelly Beach:						
New Guard Chairs		3,900				
Culvert/Breachway Dredge		2,000				
TOTALS	27,610	21,082	34,837	8,672	9,188	10,086

LT RESPONSE TO COUNCIL (draft)

The BSLT met on Apr. 14 to further discuss the granting of an easement to the BSBC for a sewer line installation.

Several issues remain unresolved or not at all addressed ^{TIP} and need clarification before the BSLT can make any decisions related to granting easements or considering this projects impact on community property. They are:

- Land Trust ownership of the causeway and/ or any abutting property
- Any answers provided by the professional, legal, and engineering advice / council which the BSFD Council authorized the sewer committee to seek.

Land Trust ownership of property abutting the Bonnet Point Rd causeway is a matter of public record. The watershed abutting the causeway is part of a sensitive ecosystem already overburdened by over development. We request that an impact study be undertaken and required before any LT action is taken.

In meetings seeking Town and CRMC direction in this matter, both agencies express reservations about the fragile, 100 yr old causeway's ability to withstand the stress this project will entail. The lack of site assessment data (soil borings in the road way) coupled with the Narragansett TIP application description of this causeway demands a much closer evaluation of this application before we act.

In a 4-0 vote, the LT voices its unwillingness to support this project until the applicant addresses our concerns.

BONNET SHORES FIRE DISTRICT SEWER LINE COMMITTEE
130 Bonnet Shores Road, Narragansett, Rhode Island 02882

To: Chairman Lenny Mercier and Honorable Members of the Bonnet Shores Fire District Council
Fr: Terence Fracassa on behalf of the Bonnet Shores Fire District Sewer Line Committee
Date: March 13, 2016
RE: Committee Findings and Recommendations on the Proposed Sewer Line Project and Easement

A. SUMMARY.

At issue is a sewer line project and easement proposed by the Club whereby the District and Land Trust (*see no. 5 below*) would (a) convey a land interest to the Club, and (b) likely have to apply for CRMC permitting to allow the Club to construct and operate a sewer line to convey and dispose Club generated sewage through the causeway to the pumping station. The Committee has conducted and/or held meetings, research, reviews, interviews, deliberations and discussions on the matter.

The Committee recognizes the Club as an important stakeholder in what has become a densely populated neighborhood community of resident families, students, vacationers, recreationalists and guests. All share one thing in common – a once strong natural resource consisting of a small neighborhood beach and pond that now exists in a fragile state. Presently, the community faces mounting safety and environmental problems. Recognizing such, the Town even submitted an application to the State seeking a \$14.2 million project to address the failing causeway and surrounding area due to the visible, real and rapid deterioration of existing safety, environmental quality and infrastructure stability – all significantly and negatively impacting the community.

As a concerned, cooperative and understanding neighbor, the Committee is in support of the District and Land Trust (a) conveying a land interest owned by them to the Club, and (b) applying to CRMC as co-owners of the land in question for the benefit of the Club, in order for Club to secure an easement and private sewer line system - but in a manner that (i) is thoughtful and responsible, (ii) advances the mission and duties of stakeholders such as the Council and Land Trust and Committee (i.e. relating to improving walks and ways, serving and protecting natural resources, and promoting public use and enjoyment), and (iii) incorporates the recommendations contained herein. The Committee believes that proceeding in such a manner will enhance the overall value of assets and quality of life that should be desired by the Club and District as a whole through improving the safety, health and welfare of all that is associated with the Club and District. In addition, the Committee believes that such an approach is defensible in that it will create and/or enhance (a) a public good or betterment, and (b) the protection and nurturing of the one and only environment (i.e. beach and pond) that all stakeholders share and desire to continue to enjoy, hopefully, well into the future.

A special “thank you” is given to all Committee members for their generous and valuable time and efforts, Club representatives for their input, and the Council for its support. An opportunity exists for all stakeholders to join together to make the whole greater than the sum of the parts, and to increase the value of the assets and resources shared in common – one continuous beach, one continuous body of water, one common causeway, and one densely populated neighborhood.

B. DEFINITIONS.

“Club” means the Bonnet Shores Beach Club.

“Committee” means the Bonnet Shores Fire District Sewer Committee.

“Council” means the Bonnet Shores Fire District Council.

“District” means the Bonnet Shores Fire District Council.

“Land Trust” means the Bonnet Shores Fire District Land Trust.

“Town” means the Town of Narragansett.

“Pumping Station” means the station at Bonnet Point Rd. and Allagash Trail.

“TIP Project” has the meaning provided for in Section 14.

“Town-Club Agreement” has the meaning provided for in Section 4.

C. TRAVEL AND FINDINGS.

1. The Club has conducted due diligence efforts to create a sewer line system over the past 7 years, dating back to at least 2009. (*Land Trust memo to Sewer Committee*).
2. As of April 2015, the Club has spent close to \$500,000 on engineers and lawyers as part of their due diligence efforts (*Club Annual Meeting – April 28, 2015*).
3. To establish its Sewer Line System, the Club needs approval of the Town, the District, the Land Trust and other entities.
4. The Club worked with and entered into an agreement with the Town, which April 2, 2013 “Town-Club Agreement” provides in part the following:
 - a. “The final design shall be subject to approval by the Town.”
 - b. “All costs and expenses for the design, engineering, permitting, licensing, construction and installation of the connection to the System ... and any other studies or analyses necessary and required in order to review and approve the design and engineering plans, drawings and specifications, shall be paid by the Association.”
 - c. “The Association further agrees that it shall be solely responsible for and pay for the reconstruction, and not just patching, of any portion of any Town road or

street that is excavated in connection with the construction and installation of the connection of the Condominium to the System.”

- d. That the Town will not be responsible for the operation or maintenance of the sewer line or any infrastructure relating thereto in that “any infrastructure that services and/or supports solely the Condominium whether located on its property or not shall remain under the ownership of the Condominium and the Association shall be responsible for the operation and maintenance of the same.”
5. The District owns the road at issue – namely the “causeway”. The Land Trust maintains that it owns significant portions of the causeway impacted by the proposed sewer line. The District and Land Trust did not participate in, and are not parties to, the Town-Club Agreement.
6. Unlike the Town, neither the District nor Land Trust has any agreement with the Club concerning any aspect of the proposed sewer line project.
7. In August 2015 and not at a Council meeting, the Club made a general public presentation constituting a broad overview and summary of the sewer line project.
8. On September 25, 2015, the Committee sent a letter to the Club expressing concerns including but not limited to the following:
 - “At the end of the day, we are all dealing with one continuous beach, one continuous body of water, one common causeway and one densely populated area – all of which are beautiful and fragile at the same time”;
 - “Review by the District of the Beach Club’s plans, together with a full understanding of the engineering, environmental, insurance and risk-related matters involved”;
 - “The safety of pedestrians, cyclists and motorists who navigate the causeway over which the sewer line will run”;
 - “That any installation of a wastewater line be environmentally and structurally sound, and that such a project improve water quality and reduce risks as much as possible”;
 - “The need to protect and support the sensitive ecosystem encompassed by the beach and the Wesquage watershed, and the desire of Beach Club members and District residents alike to enjoy a cleaner and healthier environment”;
9. To date, none of the Committee, Council or Land Trust has made any formal requests to the Club of any consideration in exchange for any proposed easement or otherwise, in as much as no proposed easement had ever been delivered for Committee, Council or Land Trust consideration until late January 2016.

10. On February 3, 2015, the Club's Board discussed the following phone conversation between (a) John Pariseault and Len Mercier and (b) Club President John Coletti:

"In response to another question, John C. suggested that in order to widen the road, the BSFD Council might want to engage an engineer to create a design that should then be submitted to the appropriate regulatory agencies." (Club Board meeting February 3, 2015)

11. On October 21, 2015, the Club's Board of Directors acknowledged the September 25 letter from the Committee and voted/agreed as follows:

"It was also agreed to pay up to \$500 for a Fire District Attorney to review the documents, but not to pay for a Fire District engineer to review them." (Club Board meeting October 21, 2015)

12. On November 17, 2015, the Club's Board of Directors voted/agreed as follows:

"Due to the fact that permitting of a bathroom on Kelly Beach is unlikely, the BSBCCA board agreed to allow the Fire District to have the ability to tie into our sewer line and to build a men's and ladies' bathroom approximately 10' by 20' in size next to the eastern-most end of our building with the following provisions:

1. The Fire District must incur all expenses including restoring the site to its original state.
2. The Fire District must carry liability insurance to cover the bathroom and the stairs.
3. The Fire District cannot be the project in any facet – including discussion with regulatory agencies – until our sewer connection project is operational." (Club Board Meeting November 17, 2015)

13. In January 2016, the Town submitted a "New Project Application" to the State Transportation Improvement Program seeking a \$14.2 million project to remove and reconstruct and elevate the causeway, and referenced the following causeway issues (the "TIP Project"):

- a. prone to flooding and associated closures;
- b. densely-populated neighborhood;
- c. age and condition of the existing causeway;
- d. constructed of several thousand yards of unconsolidated fill;
- e. make-up of such fill is unknown;
- f. base of the causeway has become unstable;
- g. road shoulders are waterlogged most of the time;
- h. frequent stranding of vehicles that pull over to pass pedestrians or park;
- i. roadway surface continually breaks down;
- j. roadway surface continually requires patching;
- k. numerous incidences of the pond over-topping the roadway with flood waters;
- l. numerous Town DPW closures of the causeway due to unsafe vehicular travel;

- m. the two culverts are clogged numerous times;
 - n. water quality deterioration in the smaller pond;
 - o. over 600 households in the District rely on the causeway as their primary route;
 - p. the causeway is the primary evacuation route;
 - q. the causeway carries great vehicular traffic;
 - r. the causeway is a favorite cycling and pedestrian route, but is very narrow;
 - s. pedestrian user safety and comfort is needed.
14. On January 20, 2016, the Club formally submitted the details of a request to the District for an easement to construct, own and operate a private sewer line system which would convey and dispose of Club generated sewage through the middle of the causeway to the Pumping Station pursuant to a proposed "Sanitary Sewer Line Easement Agreement" submitted on January 20, 2016.
15. As previously referenced, the Club has conducted due diligence on the sewer line matter over the past 7 years, and has spent close to \$500,000 on engineers and lawyers.
16. The District has not had an engineer or outside attorney review any aspect of the proposed sewer line project.
17. As of this date, the Club has not submitted an application to CRMC for approval.
18. Since the Land Trust and District are co-owners of the causeway (*see no. 5 above*), then:
- a. The District and Land Trust would have to consent to any sewer line easement;
 - b. The District and Land Trust would have to be parties to any "Sanitary Sewer Line Easement Agreement"; and
 - c. The District and Land Trust would have to apply to CRMC, as real estate co-owners, for the benefit of the Club and for a sewer line to convey/dispose Club generated sewage through the middle of the causeway to the Pumping Station.

D. POWERS AND/OR INTERESTS.

19. The Land Trust has the power to administer and manage land, and interests in land, held by it in a manner which allows public use and enjoyment consistent with the natural and scenic resources thereof, and has a primary goal to serve and protect Bonnet Shores' two beaches.
20. The District has the power to maintain, upkeep and improve existing private streets, walks and ways and to maintain order and preserve peace relating to such.

21. The Sewer Committee has expressed its following interests:

- “The safety of pedestrians, cyclists and motorists who navigate the causeway over which the sewer line will run”;
- “That any installation of a wastewater line be environmentally and structurally sound, and that such a project improve water quality and reduce risks as much as possible”;
- “The need to protect and support the sensitive ecosystem encompassed by the beach and the Wesquage watershed, and the desire of Beach Club members and District residents alike to enjoy a cleaner and healthier environment”.

E. RECOMMENDATIONS.

In light of the travel and findings described in Article C; the desire of the Committee to protect and advance, and not diminish, the powers and interests described in Article D; and the numerous stakeholders and duties owed to and from them, including without limitation the Land Trust, the Council, District residents, visitors, guests and beach patrons, the Committee makes the following recommendations below in this Article E.

With respect to the District and Land Trust potentially conveying an in interest in their real estate pursuant to an easement, and the District and Land Trust potentially becoming applicants to CRMC as co-owners of the subject real estate, for the benefit of the Club and for a private sewer line system to convey/dispose Club generated sewage through the middle of the causeway to the Pumping Station, the Committee recommends the following to be effected, accomplished and incorporated (as applicable) in any such sewer line project:

22. That the District respectfully decline the Club’s offer to pay \$500 to the District for an attorney to represent the District with respect to the sewer line project due to issues relating to conflict-of-interest, fiduciary duty and the like. (*See no. 11 above*).
23. That the Council engage the following independent professionals to represent the District through the rendering of legal and engineering services relating to the sewer line project:
 - a. Attorney John O. Mancini, Esq. of Kelly & Mancini PC, which is a full service real estate development and litigation firm that has specialized in representing national construction companies, permitting and developing hundreds of retail gas and convenience stores for Cumberland Farms / Gulf Oil, Inc., and appearing before numerous governmental boards and agencies including DEM, the United States Environmental Protection Agency, etc.

Mr. Mancini is familiar with the District and comfortable with the project scope, would charge a reasonable municipal rate, and would be flexible with the District’s budget cycle.

Mr. Mancini would be expected to review, modify and/or draft a proposed easement with respect to all aspects of construction, indemnification, insurance, development rights, TIP Project coordination, issues and points raised by John Pariseault in his redlined version of the proposed easement agreement, and such other matters and issues deemed relevant in the discretion of Mr. Mancini and as expressed or directed by the District.

- b. Engineer Ernest D. George (P.E. 3788), who is the former Chair of the South Kingstown Zoning Board where he enjoyed a 34-year tenure, and who is experienced in coastal and structural engineering work, including seawalls, docks, marinas, piling systems and the like; CRMC permitting; major beach-related work with municipalities, including the Town of Narragansett; and other municipal work, including work for Block Island on landfill closures, transfer stations and groundwater testing.

Mr. George is also familiar with the District and comfortable with the project scope, would charge a reasonable hourly rate, and would be flexible with the District's budget cycle.

Mr. George would be expected to conduct a peer review of the Club's engineering plans, and to review and address any matters raised by the District or Land Trust.

Mr. George shall have access to all engineering studies and work performed by the Club and its engineers relating not only to the "causeway route" but also to any and all other alternative routes considered in connection with the establishment of the sewer line.

24. That the concept offered and agreed to by the Club's Board to allow for the District to tie into the Club's sewer line to build a men's and ladies' bathroom next to the eastern-most end of the Club be:
 - a. Recognized and accepted by the District as a very positive and important element in improving the overall environmental quality of the beach which would be beneficial to all beach patrons and Club members alike, and resulting in better health, safety and life quality for all in connection with the beach;
 - b. Incorporated by the District into any final agreement with the Club in connection with a potential easement and sewer line project;
 - c. Subject to such final modifications and details agreed to by and between the District and the Club. *(See no. 12 above).*
25. That the widening of the road concept discussed between (a) John Pariseault and Len Mercier and (b) Club President John Coletti be:

- a. Recognized and accepted by the District as a very positive and important element in improving:
 - i. Safety of pedestrians, cyclists and motorists (*See no. 21 above*);
 - ii. Streets, walks and ways, and maintaining order (*see no. 20 above*);
 - iii. Public use and enjoyment (*see no. 19 above*);
 - iv. Pedestrian user safety and comfort, and road shoulder quality (*see 13 above*);
 - v. reconstruction, and not just patching, of the causeway (*see 4(c) above*);
 - b. Incorporated by the District into any final agreement with the Club in connection with a potential easement and sewer line project, and to have the Town join in application to CRMC for a special emergency exception for public welfare and safety;
 - c. Subject to such final modifications and details agreed to by and between the District and the Club, including a road width sufficient to allow for (i) safe pedestrian use along the side of the "small pond" and along each side of the Club's entrance/exit, and (ii) much greater ease and safety for the benefit of Club members and guests travelling to/from the Club's restaurant, bar and other facilities so as to avoid potential collisions with pedestrians on the causeway. (*See no. 10 above*).
26. That the District be a party to the Town-Club Agreement, or a similar agreement, so that (a) Club obligations may run directly to the District (instead of just the Town), and (b) the District may be able to better rely on and enforce important provisions of such agreement (*See no. 4 attached hereto*).
 27. That the Land Trust be a party to any easement, and application submitted to CRMC.
 28. That the Land Trust's preference of a sewer line elevated over Land Trust property along the "small pond" be explored as a more optional sewer line route.
 29. That the Club join and assist the District and Land Trust, by exercising good faith efforts and support under a written agreement, in connection with the pursuit the TIP Project and any CRMC applications aimed at enhancing safety, health and welfare initiatives beneficial for the District as a whole.
 30. That the Committee continue in its capacity to help expedite execution of all of the foregoing, understanding the final decisions will always remain within the authority of the Council.

Bonnet Shore Fire District Council Meeting
Meeting for Executive Session on Sewer Project Easement
Place: Bonnet Shores Community Center
Date: Monday, May 9, 2016
8:00 PM

Call to Order

Executive Session to discuss Sewer Project Easement

Return to meeting for any motion for vote

Other Business

Adjournment

BONNET SHORES FIRE DISTRICT COUNCIL

EXECUTIVE SESSION MEETING

May 9, 2016

BSFD Community Center

8 pm

In attendance: Lenny Mercier, John Pariseault, Janice McClanaghan, Mike Vendetti, Paul Farley, Bill DelGizzo, Terry Fracassa, and Carole Duffy

Chair Mercier called the meeting to order. A **motion** was made by J. McClanaghan ;2nd by M.VendettiI would like to make a motion to retire to executive session to discuss the request of consideration for the easement for the BSBC sewer project, pursuant to RI General Laws Section 42-46-5(a)(5) and Federal Law Section 42-46-5(a)(2) and have L. Mercier, Council Chair, take notes and prepare the minutes as Clerk Pro Tem.

Motion passed. All of the following said aye: L. Mercier, J.Pariseault, M.Vendetti, J.McClanaghan, B.DelGizzo, P. Farley, and T.Fracassa.

Public meeting reconvened at 9:20. P. Farley **moved**; 2nd M.Vendetti to authorize only J.Pariseault to negotiate a final settlement with the BSBC based on the considerations discussed during Exec. Session. B. Del Gizzo added that no one else will communicate with the BSBC. **Motion** passed 7-0.

M.Vendetti **moved**; 2nd J.McClanaghan to seal all minutes of Exec Session until such time that the Council decides to release them. **Motion** passed 7-0.

P. Farley **moved**; 2nd M.Vendetti to adjourn the meeting. **Motion** passed 7-0.

Meeting ended at 9:30 pm

Respectfully submitted by Clerk Carole Duffy

Carole Duffy

Ratified by Council on

5/18/16