

Bonnet Shores Fire District

Special Meeting
May 21, 2022
8:00AM

Bonnet Shores Community Center – 130 Bonnet Shores Road Narragansett, RI
Zoom

Call To Order

Chair Carol O'Donnell called the meeting to order at 8:12am. Council members in attendance included: Chair Carol O'Donnell, Vice Chair Marlene Bellini, Carolyn DiLeo, Bill DelGizzo, Steve Danuszar and Anthony DeAngelis.

Urgent Business

Discussion and possible vote for the annual meeting.

Tom Dickenson addressed the settlement of the voting lawsuit. He explained this ruling decided that all people residing in the district for 30 days or longer, regardless of property ownership, prior to the annual meeting will be allowed to vote going forward. He also explained that the district entered an agreement to form a 5 member Charter Review Commission, to review the charter & bylaws to adjust in accordance with the ruling of resident's right to vote, and also address the question of if non-residents should be allowed to vote. He said the judge did not finally resolve this second topic, but did give a pretty clear indication on what the law would be on that. The Charter Review Commission will be appointment by the council, and include one person from the Plaintiff in the lawsuit. This Commission will review the Charter and ByLaws to adjust in accordance with the judge's decision. Under the Charter, and amendment to the charter must first be approved by the General Assembly and then by the voters in the district at an Annual or Special Meeting.

Because of the changes that need to be made to the process of the Annual Meeting, there is no practical way to have all of the appropriate changes made in time to hold a 2022 Annual Meeting. In accordance with the ByLaws, because of the current circumstances, all business to be held at the 2022 Annual Meeting can be held at the following Annual Meeting, or a Special Meeting.

Carolyn DiLeo commented that after reading the extensive ruling, she feels there are a lot of pieces in place to effectively run an election that will not be questioned and will hold up in a court of law. To avoid any issues, she would like to postpone the meeting to ensure it is done right.

Anthony DeAngelis asked Tom what the additional steps are to hold a legal election. Tom responds that there needs to be a mechanism in place for allowing residents of 30 days or longer to register to vote, because the tax roles can no longer be relied upon, which will be the most significant step. In the past BSFD has not had the assistance of the Secretary of State or Board of Elections, which is what every municipality in the state has, and he suggests reaching out for guidance from those entities.

Bill DelGizzo commented that he agrees there should not be an annual meeting this year for the purpose of making sure it is held correctly. He agrees with reaching out to the state entities Tom mentioned for assistance. Steve Danuszar agrees with the previous comments to cancel the annual meeting for the purpose of ensuring a proper, legal meeting.

Marleen Bellini comments that the committee to be formed should be selective and asks if it needs to have one or more council members. Tom replies it will be 5 members, and the composition will be up to the council, pending the judges final ruling. She says it should be a mix of people from the neighborhood, the council, and the plaintiff. She then asks at what point can they share all of the information, when it is signed, the answer is yes. She asks for clarification on what information will be made public from the executive session after the ruling is signed, Tom responds almost everything.

Carol O'Donnell comments that she agrees with the council to move forward and abide by the laws, with the purpose of bringing the community together.

Anthony DiAngelis comments about the two issues present. The first being what needs to happen to facilitate change in the election. And secondly what needs to happen to improve the annual meeting. He repeats his question of what are the steps necessary to have the annual meeting while accommodating the new changes, and how much time will that take. Tom replies that would be up to the council, they need to get the charter revisions in place, and get the new process in place to register the new category of voters, and submit that to the General Assembly who ends around the middle of July. He thinks the council would not get a vote from the General Assembly until the beginning of next spring, but it is possible it could happen faster. Anthony asks if it would be possible to hold the annual meeting without the signature from the general assembly, Tom responds a meeting could be held without the General Assembly approval, but, it would be in some hybrid fashion to incorporate the new voters.

Carol O'Donnell comments that it would be nearly impossible to for a commission to be formed and hold a meeting in thirty days, while also running the regular business. And it is important to for a commission to be formed and let people speak.

Marleen comments about the difficulty of organizing and running the annual meetings historically, and considers the added difficulty of coming up with a process to verify voters that meet the resident on 30 days or longer criteria.

Anthony comments he is doesn't know how long it will take or how the process will work.

Bill comments that the General Assembly ends in July, and does not reconvene until January 2023, and before the council submits charter changes to the General Assembly, the council wants to contact the Secretary of State and the Board of Elections.

Anthony asks Tom again if it is necessary for the council to submit it's changes to the General Assembly first, or if the hybrid annual meeting would be an option, and asks if there is risk in that option. Tom replies there is, there are still open questions in the judges decision that need to be worked through.

Carol comments the council wants to be educated by the Board of Elections to make sure the new process is correct.

Deb Panullo 84 King Phillip Road – Asks about the 30 day residency, and if there is any discussion about how the “30 day prior to voting” rule may effect temporary residents that are common in the neighborhood (such as college students). Tom comments that they go by what the constitution says, and comments on other communities in similar situations. She asks about the ruling on tax payer non-residents, and if there is a final decision, Tom replies that issue will be resolved by the commission that will be formed for charter review, who's changes will be submitted to the General Assembly for a vote, and then handed back to the BSFD for vote. The eligibility of anyone to vote will be addressed by the charter review commission.

Richard Mercier on Zoom asks Tom – How do you avoid the risk that this council has the authority to complete this lawsuit, given that the election was by nonvoters. Carol comments maybe he doesn't understand everyone still can vote. Tom answers that one of the parts of the lawsuit was that the council should be deemed not an elected council, but trustees until a new council is chosen, and this portion of the lawsuit went nowhere. The judge did not say it was a valid argument, and Tom says there is no argument against the validity of the current council.

Nancy Cordy 240 Bonnet Point Road – Asks who gets to vote at the next annual meeting on the charter changes. Tom replies whoever is eligible to vote after this judgement comes into place. Any changes the charter commission propose will not be effective until approved by an annual or special meeting. Nancy clarifies that anyone who voted at the last annual meeting, along with the addition of residents of 30 days or longer, will be allowed to vote at the next annual meeting. Tom agrees, yes this is the current outlook.

Carolyn DiLeo made a motion to postpone the annual meeting/ election until the council receives the appropriate approvals from the judge and the General Assembly.

Marleen clarifies that the council is rescheduling the meeting until next June or not. Carolyn replies that it's possible to call a special election for the vote in regards to the charter changes. Marleen asks to clarify when the next annual meeting would be, because they are many snow bird residents that would possibly not be available if a vote is held during a moth when many residents are away.

Carol agrees a special meeting in the winter would not be ideal.

Carolyn suggests amending her motion to postpone the 2022 annual meeting to the next annual meeting, date may be determined by the charter review committee.

Nancy Cordy asks the council if the vote for the new changes will be held at the next annual meeting, Marleen says there should be a special meeting for the voting changes prior to the annual meeting. Nancy asks that with the Charter Review, they consider changing the date of the annual meeting, possibly later in the summer for the convenience of summer residents. Marleen clarifies if there should be a special meeting for the charter review, prior to the annual meeting and election, Tom agrees it would be less messy this way. Tom also comments when the meeting to vote on the charter happens depends on the General Assembly.

Richard Mercier via Zoom – asks how to do you avoid the risk this council has the authority to complete the lawsuit, Tom answers that once the lawsuit is settled, there is no pending challenge to the election of the sitting council, and the council has the authority to settle the case because they are the defendants.

Carolyn made a motion to postpone the 2022 annual meeting to comply with the judges order, the General Assembly's approval, and until such time a 30 day resident rule is put in place for voting to take place. The time frame is going to be fluid based on what happens, and what is best for the community. Motion is seconded by Bill DelGizzo. A roll call is made, Steve, Bill, Marleen, Carol, Anthony and Carolyn all vote in favor, motion passes unanimously.

Adjournment

The meeting was adjourned at 8:41am

Respectfully submitted,

Stephanie Caldwell
Bonnet Shores Fire District Clerk