

**BONNET SHORES FIRE DISTRICT
130 BONNET SHORES RD
NARRAGANSETT, RI 02882**

**CHARTER COMMISSION MINUTES
AUGUST 30, 2022**

Call to Order: Chair, Carolyn DiLeo, called the meeting to order at 6:05 PM. Members in attendance: Anita Langer, Lloyd Albert, Faith LaSalle, and Bob Patterson, Zoom master, David Kaufman, secretary, Carole Duffy, and Bill Conley, attorney.

Ratification of Minutes: Bob **moved** and Lloyd 2nd to accept the **Aug. 2nd minutes** with amendments. **Motion** passed 5-0. Bob **moved** and Lloyd 2nd to accept the Aug. 9th minutes with the elimination of the zoom reference. **Motion** passed 5-0. Bob **moved** and Lloyd 2nd to accept the Aug. 16th minutes with the addition of ‘professional management of the Little Beach Harbor’. **Motion** passed 5-0.

At this point Chair DiLeo introduced the newly appointed attorney, Bill Conley, who will provide legal counsel for the Commission. Chair DiLeo asked him to outline his experience and to reference questions he answered during the interview. *His remarks can be heard in their entirety on Zoom.* Highlights of this discourse: reviewed all the court documents concerning the charge for this Commission; charter work for various cities and towns goes back years; very familiar with Legislature procedures; former state Senator; legal counsel for Senate Judiciary Committee; believes the end result of the Commission work could impact other fire districts in the State; fee for this legal counsel is \$200 per hr. Faith asked what documents were given to him to review. He had read the Consent and the pleadings. Faith referenced pg. 11 of Consent about the judge not entertaining “declaratory decisions”. Faith asked him if he had watched the zoom of Atty. Dickinson about the Judge's decision and Bill responded, yes. Bob wanted to know if Bill had any affiliation with anyone in Bonnet or Narragansett. The answer was no although chances are that he might know people in general.

Business at hand. Chair DiLeo turned the focus of the meeting to reviewing the Charter sections already discussed during the course of the four meetings. All the drafts' copies were given to Bill.

Sec. 2 Chair DiLeo read, out loud, the Commission's Sec. 2 and the RI Constitution's pertinent section which corresponds to voting rights.

- Anita added that all 44 fire districts' voting laws should be reviewed, not just 4 as pertinent to this Commission's tasks.
- Faith said that these fire districts provide that qualified voters can be met in two ways: 1) owner of real estate located in the district, and 2) every person of the age of majority

within the district who for at least 30 days is a resident for voting purposes in Rhode Island in the town where the fire district is located.

- Bob added that looking at other Fire Districts' voting laws is a mistake as our "situation" is the most current. He also referenced Sec. 4 of the Consent citing the unconstitutionality of our voting laws because of non residents being allowed to vote.
- Everyone on the Commission acknowledges that the language in Sec. 2 is extremely crucial especially in terms of what constitutes a resident and the definition of domicile.
- Anita pointed out to Bill that the group hoped to add a Preamble to this Charter giving background information and including mention about the Court decision.
- Chair DiLeo mentioned that an agenda must be presented prior to a meeting but in the case of the Annual Meeting an issue could be raised that was not on the agenda.
- Bob suggested that the last line of Sec. 2 should be removed and clarified in Sec. 3.

Sec. 3 Question was raised about placing the # 100 in Charter or in ByLaws for a quorum at the Annual Meeting.

Sec. 4 Who will write the "Preamble"?

Sec. 5 With reference to Narragansett or Washington County courts, the cost of doing business should be compared.

Sec. 6 Ok

Sec. 7 Reference made to taxing commercial properties within the Fire District on Rt.1A. BSBC is taxed by the Town at a commercial rate. BSFD taxes individual owners at residential rates.

Sec. 8

- Chair DiLeo mentioned the change referencing tax dates Oct. 15 to Sept. 15
- Faith suggested that the annual budget be voted on at the Annual Meeting acknowledging Anita's prior example of not restricting a Council's power in case of emergency and reiterating wanting a \$50,000 cap on the budget. Bob added this is a ByLaw issue and Lloyd said we can't tie the Council's hands. And, Chair DiLeo referenced the need at the Annual Meeting to vote on the Land Trust budget, not the District's. Atty. Conley said that the Council cannot exceed the budget dollar amount.

Sec. 9 This section of the Charter refers specifically to how this Charter can be approved.

Questions were raised about the procedure, ie, new Charter to Legislature then to people; what if Legislature says yes and people say no or the reverse.... Atty. Conley said it is a requirement to go to the Legislature as Fire Districts are creatures of the General Assembly. Chair DiLeo said that this section will require a thorough analysis by Bill. *Listening to this discourse on zoom will provide exact quotes by the various members.*

Sec. 10 CRMC oversees Little Beach Harbor

Public Comment

Paul LaSalle is in favor of a cap on the budget which should be reflected in the Charter and the ByLaws. Suffrage should be expanded with the idea that resident property owners should vote.

He wanted to know where he could find the documents being referenced during these meetings and he was directed to the BLUE BOOK.

Atty. Conley stated that he has a good sense of the issues and questions which arose tonight.

There were five residents in the audience and two on Zoom.

As noted throughout, verbatim discourse can be heard on the zoom stream.

Next meeting will be on Sept. 13 @ 6 PM.

Motion was made to adjourn and the members approved at 7:44.

Respectfully submitted,
Carole Duffy