

BONNET SHORES FIRE DISTRICT
130 BONNET SHORES RD
NARRAGANSETT, RI 02882
CHARTER COMMISSION MINUTES SEPTEMBER 13, 2022

Call to Order: Chair Carolyn DiLeo called the meeting to order at 6:02 PM. Commission members in attendance: Anita Langer, Faith LaSalle, Lloyd Albert, and Bob Patterson. Atty. Bill Conley, zoom master, Laurie McCarthy, and secretary, Carole Duffy were also present. 7 residents were present as well as three people on zoom.

Ratification of Minutes: Before Faith asked to table the minutes to the next meeting as she had not had a chance to review them, 4 changes were noted: Paul not Peter LaSalle; Patterson not Peterson, charter revisions must go to the RI General Assembly, and commercial property on Rt.1A within Bonnet Shores Fire District. Chair DiLeo asked that minutes be shared no later than 48 hrs before a meeting.

Vice Chair: Chair DiLeo proposed nominating a Vice Chair to fill in if the Chair was absent. She nominated Lloyd ; 2nd by Faith. Motion passed.

Review of Commission's recommendations to date by Atty Conley:

- Reviewed research and all documents related to the Commission's progress to date; wants to provide guidance for the Commission; does not want to revisit each argument, but rather review the dialogue. To make this review clear, a three page memo was shared with the Commission.
- Atty Conley began by addressing a key point as to whether the Commission can extend the franchise to *some class of seasonal residents or other landowners* which must meet the constitutional floor. He then cited three court cases beyond the Patterson litigation which uphold this right . “ This means that the Fire District may lawfully extend the franchise to landowners who do not reside in the Fire District, so long as the landowners , as a class, have a substantial interest in the Town's operations, and so long as the Fire District's residents are not overwhelmed by those voters.”

Furthermore, Atty Conley believes, for the time being , the group should focus on the aims the Commission wishes to reach rather than attempting to formulate precise language for amending the Charter. Following this, the Commission would then allow “this office” to draft language reflecting the consensus.

- Suggestions for focusing on questions:
 1. Who should be permitted to vote in BSFD elections?
 2. How will BSFD police and enforce any standards it wishes to apply?
 3. Should the ability to vote through a proxy ballot be kept or terminated?

Clearly there are many other questions to focus on, but the above questions provide a framework.

This office advises that the proposed electorate should be included in the Charter's proposed amendments. *The proposed electorate should be consistent with the law and the Patterson consent order, but its contours are otherwise within the discretion of the commission.*

(At this point, members of the Commission made statements and asked specific questions of Bill beginning with Sec.2)

BP...” persons who reside full or part time can vote < BC ...” unquestionable”

BP,,,”a locker cannot be used as residency” < BC...” unquestionable”

BP... use of word, domiciliary < BC...” didn't mention this in my memo because the term was not used during last meeting”

FLS... “are you comfortable bringing “sno birds” into the home and resident sec. of RI Gen Laws? Doesn’t want any more lawsuits.” , BC *no direct answer audible*. Also, FLS ...” if domicile is used in Constitution, so we have to use it” < BC “we can use part time or seasonal residents”
BP... referring to Sec. 4 of consent order about dilution” < BC....” absolutely confident it is consistent w/ RI & Fed. Constitution
BP... “Is judge’s order an enforceable judgment” < BC...”Commission cannot change judge’s order”
CdL... after doing research , I found that many Charter amendments over the years were never voted on by the BSFD council < BC...” The Legislature has final word but we have to go with current judgment. Can’t go by old voting rules.”
FLS... question about approval by Gen. Assembly and voters < BC ...” clarity of the cohort has to be in the Charter”
BP...”what if GA votes no” , BC...” back to the drawing board”
FLS... “verification of voters” < BC ...addresses this on pg. 3 question 2.
BP... voter registration proof is something we need to address
FLS...need check and balance system because of the air b& bs
CdL ... will seek advice from SOS and Brd of Elections
FLS...” what do we do with trusts and LLCs” < BC...” it goes away”

Back and forth discussion about the need to clarify, for the final draft, the specifics of 30 day residency, present on election day, and residency within a year.

Resident Joe Thomas asked to speak about Sec. 2. Wondered how the Commission could restrict who votes. People don’t know what is going on nor what the scope of the Commission is. CdL responded that the voting change is based on the lawsuit and the judge’s decision is enforceable. JT explained that some people have not read the Consent Order.

At this point BP attempted to explain the Consent Order and FLS interjected that the Council’s attorney, Dickinson, had told people that based on the lawsuit no one would be disenfranchised. BC added that is why he reviewed the cases that the judge used in making her decision. Furthermore, a beach club locker owner does not have “sufficient interest” (as mentioned in the Court cases) in the FireDistrict; they are just taxpayers.

Resident Deborah Pannullo voiced her concerns about who might be able to vote ,i.e. a student renter residing during the year and 30 days before an election. BC again cited “sufficient interest” in BSFD. DP also gave an example of a homeowner who never lives here, but this example was not specifically addressed by BC.

Resident Paula Childs said the consent order is “clear as day” but people are still confused. CdL responded to this by saying a definitive statement about voting must come from BC to the community. Joe Thomas said people were misled from the beginning. Lloyd explained that is why BC is here to clarify the judge’s orders and to explain the Consent Order in reference to the charge of the Commission. Resident Laurie McCarthy said that a definition of residency is necessary; could determine with a small amount of effort who voted in the last election. BP asked what difference that made now. FLS also wondered who the voters were.

Resident Janice McClanaghan said that the residents need to know what is happening during these meetings and it is hard to follow because the zoom stream is difficult to hear but a mailing could work. CdL agreed but did not want a premature mailing before all of the issues have been worked out.

Resident Carol Fortin expressed that looking back at past voting data would be very time consuming and she wants the Commission endeavors to move forward to help all of Bonnet's residents.

Sec. 3 was read out loud by Chair DiLeo and she commented that perhaps some of the draft language is superfluous. BC agreed as some of the language doesn't address the purpose of the section.

Sec. 4 Both Sec. 1 & Sec. 4 add historical information which the Commission feels is important to include in the new Charter , perhaps in a different format.

Sec. 5 Reference to BC memo: #1 never done, #2 addressed, #3 item never voted on by Council. Anita will forward a letter written to Council at that time (2000) by a local attorney for BC to review.

Sec. 6 Discussion focused on whether to appoint or elect canvassers ; most felt elect was more appropriate. BP suggested independent canvassers and BC said he would investigate all options. FLS suggested that elections bring in new people, but CdL added that doesn't usually happen.

Sec. 7 #1 addressed. #2 concerns new people moving to Bonnet to be assessed a real estate transfer fee

Sec. 8 just changing Oct.15 to Sept. 15 for budget purposes

Sec. 9 #'s 1,2,3 addressed in BC memo. #4 BC acknowledged that language would be provided

Questions/Comments

FLS reiterated her concern about extraordinary monetary expenditures by the BSFD council and would like it capped at \$50,000 and anything above this dollar amount should go to the voters. Council would be allowed to spend more money if an unusual expenditure was necessary like a hurricane. Anita questioned if there were similar procedures in Narragansett. BP added that perhaps there should be a "recall" policy for council members addressing this issue of over spending. AL added that Narragansett has just included this provision in their policies. CdL subsequently read from the current BSFD By-Laws addressing the \$50,000 limit; Art.2 Sec. 3 states the council cannot exceed more than budgeted monies. FSL wants to keep an open mind on this issue as regards the URI Little Beach study. The Land Trust budget was mentioned and it was explained that the Land Trust budget has to go to resident approval at a meeting.

Next step:

Bill will provide a preliminary draft of amendments with alternative language for said amendments as appropriate. This will be ready for the next meeting. BC will also compose a declarative statement explaining the consent judgment and what the charge of the Commission means. BC has made it clear that his statements will reflect "legal opinion" not his own.

Chair DiLeo will put the following items on the Sept. BSFD council meeting:

1. E-blast
2. Website
3. Mailing

These are options for informing residents about the Commission's purpose and direction.

Bill will forward draft of all of his recommendations by Oct. 1st to Carolyn to circulate before the next meeting.

Next meeting on or about Oct 4th; TBD.

Adjournment motion by BP and 2nd by AL. Agreed to and done...8:08 PM

Respectfully submitted,
Carole Duffy