

Comments from public re: Sections 2 and 11

Received as of Tuesday, November 8, 2022

I am satisfied with the proposed changes you have posted.

Paula Childs
55 Lake Road

Section 2 Define the # of days residency as consecutive or annual. We need to definitive on this.

Mary Weber and Sandra Doucette
54 Bonnet Point Rd

Great job by the committee in addressing the issues sought in the lawsuit and agreed to by the judge

Tony Lupino
Lake Rd

it appears that the members of the Commission have decided to disenfranchise all BSBC owners, all commercial property owners and others, but the verbiage in the draft is at best confusing and, I believe, not in keeping with the Judge's intent. It is likely to precipitate lawsuits from a number of parties.

, I hope all the Commission members recognize that by banning BSBC voters' ability to vote (even at a reduced level), the Beach Club is unlikely to be willing to be cooperate with the Fire District in the future. This includes but is not limited to:

- Beach Club's willingness to settle the suit against the Fire District which is in the amount of a few hundred thousand dollars,
- Beach Club lifeguards assisting Kelly Beach lifeguards in an emergency,
- Beach Club's willingness to let our lifeguards park there, and
- Beach Club's continued willingness to clean Kelly beach or pick up trash after the maintenance agreement expires in a few years.

Recall too that the last time the residents started attacking the beach club on the sewer / road project, the beach club sued. And to my knowledge, that suit still hangs over our heads with a potential liability to the Fire District of a few hundred thousand dollars.

Additionally, if the Beach Club does not clean our beach or pick up our trash because of the Charter changes, I don't see how it will be done.

- I can't believe residents on Dunes Road will want heavy equipment going through any of their properties.
- Secondly, I would think getting CRMC permission to bulldoze a way to Kelly beach will not be easy if it ever could be achieved.
- And if the beach is not maintained, an unkempt beach will likely have a negative impact on our property values. So, I caution the Commission not to precipitate a suit from either

BSBC or residents/property owners whose property values may be hurt by the Commission's action.

I also suggest the Commission members might want to review the verbiage on the definitions of qualified voters in other RI Fire Districts, e.g., Misquamicut, Watch Hill and Shady Harbor. This is relevant to our situation and does not reinvent the wheel.

Alternatively, as I suggested at the last Commission meeting, a simpler and more equitable way to revise the charter without antagonizing property owners and precipitating further lawsuits would be allocate just one vote to each commercial property. That would remove the Commission's concern of dilution, as Mrs.Healy, the BSBC Secretary, pointed out at the last meeting.

Richard Mercier
Col. John Gardner

Section 2. Paragraph 2.

- Why differentiate 30 days of residence vs 90 days for owners of real estate that is taxed as residential? Depending on when the annual meeting occurs, which is dictated by the council I believe, we could be disenfranchising many people who reside in Bonnet and have substantial interest.
- Possible to give examples of proof and preponderance of evidence? Not inside the charter, but separately so we all know and agree on what that entails.

Section 2. Paragraph 3.

- Why eliminate proxy voting? Someone could be away on business travel or in the hospital or elsewhere. Why should they not be able to vote?

Section 2. Paragraph 3.

- I should have clarified proxy voting vs. absentee ballot. I'm opposed to proxy voting but in favor of absentee ballot (earlier deadline than the actual voting day)

Dave Kaufman
Bonnet Point Road

1. Section 2- new paragraph 1 On the issue of registering 30 days before- who do they register with the town, the district, the clerk of the election? It doesn't seem clear. How does someone prove they are here 30 days prior- what is the criteria?

Section 2 new paragraph 3 I assume there is no proxy? Which I think is a good thing but what happens to people who can't get out to vote because they are ill, or incapacitated, or out of town? Is there a provision for that?

1. Section II first paragraph on page 6 doesn't read right- could be clearer.

Janice McClanaghan
Treasure Road

Section 2

I'd like to simplify this section so that it is readable and understandable to the general public.

Following the consent order and the lawsuit outcomes that the District agreed to cannot be ignored. Exposing the District to future lawsuits or a contempt of court violation over this issue is unacceptable.

I would like to see that all would be required to register with the district and we would maintain our own Registration System. Voter eligibility would be designed to follow Secretary of State and/or Board of Election guidelines. They would attest to their residency by signing a document similar to that used by Town of Narragansett. As I understand it, this is a legal document, which violators would be subject to perjury. While I think this Registration system will be challenging to do for the first year, once we have established a format and worked out the kinks, it will be reliable and verifiable.

The annual election date should be set at late July/early August to allow for the maximum number of residents to be in residence. (Of course, there would be absentee balloting as well). Not sure if this date needs to be specific in charter, perhaps a time frame with Council assigning the specific date within that time frame. Many of the other guidelines for the election would be addressed in the bylaws as is currently the case.

Carolyn DiLeo
201 Colonel John Gardner

Section 2

I don't understand what "30 days next or 90 days next preceding the time of voting" means? In truth I am struggling to follow the entire paragraph. I just think we need it to be more straightforward.

Being selfish for a moment, we own the home on Leonard Bodwell, we reside there approximately 5 months per year (seasonal?), however we might not be in "residence" 30 or 90 days before voting. And if I have to register 30 days before voting is the 30 day requirement actually 60 days before voting?

Here is my scenario -- please help me understand

Voting is scheduled for mid July

Must be registered at least 30 days prior, therefore mid June

I must own property (yes) and in the district 90 days next preceding the time of voting. Does this mean that I must be in residence by mid March? Is the window of residency directly related to the voting day or is it during the 12 months prior to voting?

I find the wording in Section II a little clearer. I believe we fall under A.2 -- we own property and we reside in the district for at least 90 days.

I also don't understand how the list is maintained? Will annual registration be required? Will registration have to be in person or via a website or some combination?

Section 3 -- will we have a provision to mail the ballot in or is all voting in person?

Section II, A- Electorate

It looks like we are excluding BSBC owners from voting on the charter revision. I am surprised it is legal to exclude a portion of our population from any input on a change that eliminates them as a party to the Fire District (but I assume our legal counsel has advised on this).

Ann Rotatori

Leonard Bodwell

Section 2: why is there a distinction from an owner's time of possession versus a renter? Why would they both not be 30 days? The current wording would suggest that renters could band together and would outnumber the owners that serve them. Would it even be possible that a renter could become a council member or do they have to own property in Bonnet Shores? Especially when it comes to spending money I am not in favor of having a renter (short term) create a long-term obligation to debt (by vote) on an extraordinary item. Would that be possible?

3- Page 6 Section II - Many properties are in Trusts for legal and security reasons. There is no reason to eliminate these as voters. What is the rationale for this? The trustees should be able to vote if they reside for the required period.

John Rizzo

Bonnet Point Rd

Section I: 2 - The trigger for what defines "qualified" is the date of the election, eg. if the election is in August, normal seasonal residents will have the necessary 90 days residency, but if it's held in, say, June, they will not qualify. Saying the date will be in the by-laws still leaves it open ended and subject to mischief. If the 'regular' meeting at which this new charter is voted on is in a month other than August, there will be seasonal owners who are ineligible yet eligible to vote in the annual meeting if in August.

Bill Cole

20 Bayberry

Section 2 The electorate

I continue to be concerned about excluding Corporations, Businesses, etc. from voting. Will this cause more costly litigation if the Beach Club decides to pursue? Will this cause the Beach Club to discontinue, charge or increase fees for services like trash and seaweed removal and "courtesy parking" for Kelly Beach employees?

For the Committee's Consideration

Perhaps Corporations like the Beach Club should be allocated 1 vote. How the Corporation chooses to administer and manage that vote is up to their discretion/ governance.

Deb Connor

Col. John Gardner

There is an upcoming Charter meeting and I would like to mention a few thoughts...Vacation and student renters should not be allowed to vote, seasonal property owners who pay taxes should be able to vote and the beach club should have limited votes.. 1 vote per unit as they are tax payers...

Lee Cannon
No address given

Sectoin 2 - I don't understand why there is a 2nd group of eligible voters who possess real estate in the district and resided for 90 days...what group does this address?
2. Is it correct that an individual with multiple residences in the district can only vote once?

Karen Van Dongen
No address given

in reviewing Sec 2 paragraph 1 regarding Voting, I think we need to simplify the language. We have created a Voter with 30 day Residency and one with a 90 day Residency. This purpose was to address the Full time and Seasonal (Summer Resident) however I think it creates a Double Standard and could be up for future Challenge as well as pose difficulty in monitoring.

Beginning with Paragraph 1 , it should simply state "Every person of the age of 18 years who is a citizen of the United States who has residence and home in the BSFD at least 30 days (per year) in the District and is registered to vote shall have the right to vote in all Elections and On all questions submitted to the Electors".

The language speaking to "non-residents" is convoluted and sets a separate standard for the " non-resident". Although this was meant for the Summer Resident it sets two Standards and thus open to a Challenge in Court.

"A Resident is a Resident" of the District whether full time or part time. They also have the same "Substantial Interest". Since the RI Constitution uses the 30 day rule , we should use this same standard to be consistent.

The Clerk nor the BSFD Council should not have the authority to decide who votes in an election. This is too subjective and again opens the District to future challenge.

There does need to be an overseer of the election - who is an "Independent Atty qualified in Voting Practices and this person should not be an elected official or live in the District. "

Anita Langer
241 Colonel John Gardner

section 2 and section II

1. According to the case in which Honorable Justice Sarah Taft-Carter cited, May Vs. Town of Mountain Village: the following was discussed – *In this case it is clear that the nonresident property owners have a sufficient interest in Town affairs to make it **rational for the Town to include them in the political process...**the Town has the power to enact ordinances, adopt capital improvement programs, set tax rates, borrow money, issue bonds, create special improvement districts, control utilities, and to condemn property. Each of these **powers has great potential to affect property owners in significant respects.** While our Charter may have limits on these enactments – the Fire District's (FD) decisions directly affect all property owners: resident and non- resident. *****non-residents contribute >50%***

towards the financial needs of our district. This meets the Judge's requirement of substantial interest from non-residents

2. Also mentioned in *May vs. Town of Mountain Village* is this statement: *With nonresident voting power limited to those owning at least 50% of the fee title to real property, **there is no possibility of "loading up" the nonresident vote through excessive partitions of a piece of property, as was the case in Brown v. Board of Com'rs of Chattanooga, Tenn., 722 F.Supp. 380 (E.D.Tenn.1989) where as many as 23 nonresidents were registered to vote on a single piece of property.***¹¹ There are two positive solutions to prevent unconstitutional voter dilution of the franchise: give non-resident property owners one vote per property or establish a minimum of 50% title ownership.

3. The decisions some members of this commission seem to be making are harsh and highly restrictive changes to those who have enough substantial interest to the well-being of our district. Comments such as "those who own closets" are not realistic. The assessments of these non-residential properties are 100 times greater than the current substantial interest in property value allowed to vote at \$400. Not to mention the current resale value bringing the property to over 250 times the current substantial interest required of the same size property. The condominiums alone contribute over 11% towards the budget – together with other non-residential properties is over 50% contribution.

4. Although many residents live in the FD year-round, our financial burdens fall mainly between the months of May through September. We are a seasonal FD for financial purposes. For instance: in our 2022 fiscal year 58.4% of all budgeted money was expended by October 1, 2021.

In closing, I am strongly against short term renters holding the same voting privileges as those who pay a premium in town and local taxes and, in the maintenance and upkeep of our personal properties. To live in Bonnet Shores is a privilege that should weigh heavily on the members of this commission. Our priorities are our livelihood, our neighborhood, our beaches, and our natural resources.

The overall decision of the council (not unanimous) to disenfranchise property owners: specifically, the beach club, will be the ruination of Kelly Beach. Bonnet's big beach is part of one beach, owned and operated by three entities. Why would this committee even fathom releasing their relationship with the Beach Club and Wesquage only to threaten our pristine ocean oasis? The FD is not equipped to take care of Kelly beach properly and more importantly does not have access to the beach property without the permission of our neighbors – the BSBC.

The health of Kelly Beach is vitally important to the health of Wesquage Pond. I have been told several times by a couple of commission members that we can just raise taxes to fix Kelly Beach. Unfortunately, our natural resources need more than a heavy tax burden. We need a team of shared resources to continually monitor and refresh the wellness of our resources for generations to come.

Please make your decisions on the long-term vitality of our beautiful sea-side community and not on the short term wants of personal interest.

Laurie McCarthy
89 Bayberry

Sections 2 and 11

While I appreciate the efforts to define eligible voters in this district, I sense that long term, year round residents whose homes are in trusts will not be eligible to vote on matters that may have tax

consequences. Clearly taxation without representation.

And the fees, fines and new taxes are absurd.

There are also no qualifying budget parameters. Will the council and committee members be able to decide what projects go forward and then tax residents "up to 7 mill" per assessment?

Or should we be taking the time to develop near and long term plans and budgets? With voter approval. (There's that thorny question of taxation and qualified voters again!).

I am thinking of previous safety projects that have not won approval such as raised sidewalk on causeway and expanded community center to include restaurant and function rooms. Could they proceed without voter approval with the new charter or do they require a vote?

And the fragmite (sp?) remediation, dredging projects for the pond and Little Beach. Very expensive. Worthwhile, but who pays? This combined cost could be \$3 million.

I feel this is being rushed and the liability to taxpayers will be consequential when the new round of lawsuits begin.

Claire Rayner

45 Leonard Bodwell Rd
