

BONNET SHORES FIRE DISTRICT CHARTER COMMISSION  
130 BONNET SHORES RD  
NARRAGANSETT, RI 02882  
MINUTES (REVISED) OCTOBER 18,2022

Chair Carolyn DiLeo called the meeting to order at 6:00 PM . Members in attendance included: Faith LaSalle, Lloyd Albert, Anita Langer, and Bob Patterson. Atty. Bill Conley, zoom master, Michelle Caraccia, and secretary, Carole Duffy were also present. There were approximately 15 residents present along with 9 people on zoom.

**Motion to Approve Minutes:** Bob moved to accept the Aug. 30, 2022 minutes with Faith's amendment; 2nd Lloyd. Motion passed, 5-0. Lloyd moved to accept minutes from Sept 13, 2022; 2nd by Bob. Motion passed 5-0.

Recording of meeting:

[https://us02web.zoom.us/rec/play/YMSvlw-Q3wb58SilUn3eMZXm1Ayed-yhkWZH4TG1zl386n5aefYRJFw2Cu1VBsgaadXr06KnaSi7HrG5.juUbCWJNeAop4GS8?continueMode=true& x\\_zm\\_rtaid=K3ZuQBIAsv6tHmMR1GeTFA.1669731463245.aba574f345af550f9602630644825556 & x\\_zm\\_rhtaid=79](https://us02web.zoom.us/rec/play/YMSvlw-Q3wb58SilUn3eMZXm1Ayed-yhkWZH4TG1zl386n5aefYRJFw2Cu1VBsgaadXr06KnaSi7HrG5.juUbCWJNeAop4GS8?continueMode=true& x_zm_rtaid=K3ZuQBIAsv6tHmMR1GeTFA.1669731463245.aba574f345af550f9602630644825556 & x_zm_rhtaid=79)

The majority of the meeting was devoted to public questions and comments about the 9/23/2022 memo from the Attorney, William Conley.

The full discourse can best be heard by listening to the recording which is embedded in these minutes. You will find the time stamp for beginning of major discussion points for easier movement through the recording. It is very important, however, to listen to the entire recording to gain a full understanding of the meeting.

Joe Thomas had questions about the diminimus group. (0:3:36)

Atty Conley explained that the court looked at balancing the substantial interest between full time and seasonal residents. The court also looked at the voting power of residents v non-residents. . There is a consensus among commission that both groups have substantial group but those with taxpayer status can be seen as diminimus.

Carol O'Donnell (13:31)was concerned that some people will be disenfranchised because they are not residents for long periods of time. It was explained that they will be considered part time residents. Also, that renters will be eligible to vote. Additional discussion between Carol O'Donnell and Bob Patterson further explained that there will be more defined days of required residence and that will allow seasonal residents the ability to vote.

Faith LaSalle (21:21)and Bill Conley discussed the word "domicile" as it relates to who will be eligible to vote in the district. The distinction between domicile and residency was explained and discussed and based on Bill Conley's understanding of the commission's desire is to expand the franchise to include full and part time residents. Our task is to reach a happy medium.

Louise Healy, (31:00)BSBC secretary, spoke about the beach club's interaction with the district over the years and their concern that they will not now be able to vote on the changes to the charter. It was explained that the judge ruled that was not permitted and that the District agreed in the consent order. She suggested that the club be allotted one vote per unit. Bill Conley explained that voting using taxpayer status alone is **unconstitutional. but these voting issues could have**

been resolved before, but the FD did not move forward to seek a resolution.

Bill DelGizzo (48:00) stated that the BSBC and FD need to cooperate with each other to protect our adjoining properties especially in view of climate change.

Chair Dileo returned to a previous discussion about the attorneys' different opinions about the lawsuit. Atty Dickinson, she reminded the group that the reason an independent attorney was chosen was to eliminate the bias that might exist and to view the amendments without that bias. We must move forward to be certain our amendments comply with the law.

Richard Mercier, (55:00) on zoom, focused on one of the court cases that referred to commercial property and BSBC and suggested we give them one vote per unit. He was reminded that he has overlooked the unconstitutionality of the current franchise.

Louise Healy (1:01) and again at (1:30) asked for an explanation of unconstitutionality. Bill Conley explained that since the court found the franchise to be unconstitutional, a similar vote using the same franchise would be unconstitutional. The General Assembly enacts the statutes, and the election will take place after the Gen. Assembly meets. Therefore, to allow original franchise to vote would certainly invite a lawsuit or contempt of court. She followed with a suggestion to allow one vote per unit, that would reduce the number eligible to 600 or so individuals and thus eliminate the dilution. This again relies solely on taxpayer status. Bob Patterson explained that when basing ownership of property as a

right to vote is a back door to a poll tax and that this unconstitutional.

Faith (1:12) reported on her research of Watch Hill, Misquamicut, and Shady Harbor fire districts, which have two qualifications for voting: 1) taxpayer, or 2) permanent resident of the town and registered to vote. CDL responded that again using taxpayer only status is unconstitutional and may result in their need to change their voting practices .

Paula Childs- is disturbed that so many people are unable to accept the judge's decision.

Mark Michelson (1:18:52), on zoom, asked why Count 3 in the Consent Order was dismissed. BC said MM could find that reference on pg. 3 of the Consent Order. It refers to "declaratory action' which is another version of dilution. It was explained to him that the plaintiffs decided not to go forward with this as they would have had to contact every BSBC owner .`

Paul Luba asked the attorney if BSBC voters could be added to voting lists in a lesser fashion and can the franchise be changed? BC responded that the Court looked at the lawsuit not at BSBC. The commission should look at substantial interest and amend the franchise accordingly

Lloyd (1:41)commented by saying that during the time he has served on the commission, he has read the consent order and the Charter along with the BC summary and I believe that voting is based on residency Furthermore, he realizes that allowing for

public input is important and he was interested in hearing different opinions. My example of substantial interest is that I pay 21 X more taxes on my home than I do on my cabana at the BSBC. He continued by saying he wanted to be sure that the steps going forward were Commission to General Assembly to the voters.

P Luba (1:36) raised a point saying a Council in East Providence changed guidelines for an issue resolved by another body. BC said the court order would not allow this and he referenced paragraph 5 in the Consent Order.

CDL reminded everyone that the Commission has been meeting since the beginning of August with all meetings on zoom for public information.

Additional comments were made about other areas of the Charter not related to voting.

Carol O'Donnell expressed concern about a potential insertion into the Charter about a cap on Council spending. CDL responded that this was mentioned in passing regarding extraordinary expenditures.

Atty. Conley jumped in to explain the genesis of his summary and to emphasize that the Commission is still working on a first draft. No consensus yet and his summary was designed to offer structure to the process.

CDL responded by reiterating that what has been made public is a first draft. She went on to say that input from everyone is welcome and people should send comments to her via email

including names and addresses. She will compile the messages and share them with the Commission members.

**Adjournment:** Anita moved to adjourn the meeting with a 2nd from Lloyd. Motion passed at 8:10 PM.

*Note: Next meeting date was not decided upon but once calendars are checked the date will be made public along with the agenda.*

Respectfully submitted,  
Carole Duffy