

MISQUAMICUT FIRE DISTRICT

ANNUAL MEETING

JUNE 11, 2005

The Annual Meeting of the Misquamicut Fire District was held at the Fire Station at 65 Crandall Avenue, Misquamicut, Rhode Island on Saturday, June 11, 2005 at 10:00 a.m. Written notification was provided by posting in four locations in the District, direct mail, and notice in the "Westerly Sun". The meeting was called to order by Moderator Peter J. Przekop. All stood for the pledge of allegiance and a moment of silence for deceased District residents. The District Clerk, Joan C. Przekop, read the call of the meeting. The District Officers were introduced by Moderator Przekop.

Moderator Przekop acknowledged the presence of past District Moderators Edward Morenzoni and Dick Karkutt, past District Tax Collector Jane Boucher and introduced two Westerly Town Councilors Sam Azzinaro and Caswell Cooke who were in attendance. A motion was made and seconded that the reading of the 2004 Annual Meeting minutes be dispensed with and placed on file and it was,

VOTED: That the reading of the minutes of the June 12, 2004 Annual Meeting be dispensed with and placed on file.

FIRE CHIEF'S REPORT (see attachment 1)

Fire Chief, Louis Misto, provided a summary of Department activities for the past year. In addition to the 200 emergency calls there have

been numerous meetings, drills and work parties. There was one structure fire and one serious motor vehicle accident among the 200 calls. The Chief appointed a new training officer, 2 members completed Firefighter I and 2 members completed Firefighter II training. The kitchen area of the Fire station was improved by the members. Two grants were received last year for a new cutting saw and new PASS devices for all the SCBA's. The Chief thanked the Fire Truck Committee for their efforts in support of the procurement of a new Fire Truck. The Misquamicut Fire Department along with the four other Fire Departments in Westerly was able to purchase a back up radio system and miscellaneous radio equipment with Homeland Security funds.

The Chief requested residents to ensure they have the correct phone numbers on file with their security company. The Chief also asked for continued support of the Fire department and its members who spend a great deal of time volunteering. See attachment 1 for more details.

IMPROVEMENT COMMITTEE REPORT (see attachment 2)

Dominic Arminio, Chairperson, introduced the members of this committee: Norm Auger, Bill Gonzalez, Don Goyette and Carol Melin. Dominic also acknowledged other residents for their support of the committee, Beverly McLaughlin, Craig Melin, Neil Collins, Mary Auger, Patricia O'Brien and Charlie Kruczek.

Dominic mentioned that the Improvement Committee meets on the second Saturday of each month. Dominic also provided a summary

of Improvement Committee activities for the past year. Some of these included the District Web Site, landscaping and plantings, emergency ID passes, cigarette butt cans at beaches, and annual “good neighbor” beautification awards. Carol Melin made a presentation on the beach cigarette butt can project that she is spearheading.

Dominic made the following presentations for the beautification awards for attractively maintained property:

- Wirtz-64 Kimball Avenue
- Olivieri-65 Crandall Avenue
- Scott-30 Crandall Avenue
- Kirker-439 Atlantic Avenue
- Lil-Ren Holdings-1 Maplewood Avenue
- Hubbard-31 First Street
- Breezeway Resorts (Bellone)

Residents were asked to volunteer to help the committee if they have the time.

See attachment 2 for full details. Dominic reminded those in attendance that walking dogs on the beach is not permitted by the Westerly Town ordinances.

TAX COLLECTOR’S REPORT (see attachment 3)

Sylvester Murano, Tax Assessor, presented the report of the Tax Collector Mary Delisio who was not able to attend the meeting. It was noted that it was a very successful year. A collection rate of 98% was achieved and tax receipts exceeded the budgeted amount by approximately \$11,000. In addition, approximately \$15,000 was

collected from accounts in the arrears. The Tax Collector requests that the District Tax Collector and Town of Westerly be notified of any address changes. The 2005 tax bills will be sent out the last week in August. A detailed report is attached.

TREASURER'S REPORT (see attachment 4)

William Sisco, Treasurer, explained his report, which was in the Annual Meeting Handout (attachment 4). The Fiscal Report for 2004-2005 up to June 6, 2005 was presented. The Treasurer reported total assets of \$1,067,930.28. Total District Income was \$351,951.39. Total District Expenses were approximately \$294,684.35. More income and expenditures are expected prior to close of the fiscal year on June 30, 2005. See Annual Meeting Handout, attachment 4, pages 2, 3, 4, and 5 for full details.

MODERATOR'S REPORT (see attachment 5)

Moderator Przekop mentioned some of the Board activities which included, bid evaluations for a new fire truck, refuse collection, and the Benson Avenue Beach septic system.

Moderator Przekop also thanked the various committee chairpersons and their committees for their support.

-Improvement Committee-Dominic Arminio

-Finance Committee-Ed Morenzoni

-Fire Truck Committee-Doug Turnberg

-Firefighter Incentive Award Committee-Michelle Vacca

-Insurance Committee-Syl Murano

-Refuse Committee-Syl Murano

The remaining funds donated by District taxpayers and residents were used to purchase and plant various flowers and beach roses at the beaches and maple trees in front of the Fire station. Lifeguard Mike Burbelo organized a beach clean-up and volunteers installed 350 feet of snow fencing to protect the beach dunes. Mike also obtained some grant money from the State of RI to offset some of the costs associated with this effort. A polished granite bench was donated and installed by the friends of Mary Wlodkowski in her memory at the west entrance to the Clark Farms Beach.

The Moderator stated that the beaches have been readied, all permits obtained and employees hired and trained. He provided the names of the beach employees.

-Beach Managers Kathy Bean and Jay Simmons

-Tractor Operator Charles Kruczek

-Lifeguards Brian Kodzis-Captain

Tom Murray

Mike Burbelo

Julie Comforti

Matt Binkowski

Jacqueline Wheeler

Ann Wish

-Beach Attendants Sean Woods

Kayla Capizzanno

Matt Falcone

Chase Zoglio

Two AED's are available at the beaches for emergency use, one is at the Lawton Avenue Beach and one is at the Benson Avenue Beach. Trained personnel are available to use them.

The Moderator reported that repairs/replacement to the Benson Avenue septic system were needed. The total cost was approximately \$36,000.00. With the excess revenues collected from taxes it is expected that very little money will be needed from the sinking fund.

The Misquamicut Fire District Web Site is up and running. Bill Gonzalez continues to be instrumental in the maintenance of this site.

All his efforts are on a volunteer basis. Please visit the site as it contains much information regarding the District.

Please fill out you application for the emergency identification cards and return. Cards will be sent out, to those that apply, with the tax bills in August.

A Westerly Town Council "neighborhood" meeting will be held on June 18, 2005. Please plan on attending this important meeting.

The Moderator thanked District Officers, residents and taxpayers for their support and mentioned that he can be contacted by phone, e-mail or regular mail. Contact information is provided in the Annual Newsletter.

See attachment 5 for all details of the Moderator's report.

VARIOUS AWARDS (see attachment 6)

Moderator Przekop announced the recipient of the first Gerard Nardone Service to the Misquamicut Community Award as John

Vacca, also known as the Beachcomber. The award plaque was presented to his daughter Michelle Vacca. (see attachment 6).

Clerk Joan Przekop presented District Solicitor John P. Toscano Jr. with a plaque for his 25 years of service to the Misquamicut Fire District, July 1980 to June 2005. John thanked the Board and taxpayers for this recognition. It was announced that cake and coffee will be provided after the meeting in honor of this occasion

NOMINATIONS

Moderator Przekop turned the meeting over to Solicitor Toscano. Solicitor Toscano stated that the following names were submitted into nomination for the Fire District Officer positions:

Moderator Peter J. Przekop

Clerk Joan C. Przekop

Tax Collector Mary Delisio

Treasurer William Sisco

Fire Chief Louis Misto

Solicitor John P. Toscano Jr.

Tax Assessor Sylvester Murano

Members at Large Michelle Vacca and Cornelius Collins

The Solicitor recommended that unless there are any nominations from the floor that a motion be entertained for all of the present officers. Steven Pont was nominated for the position of Tax Assessor.

Having no further nominations from the floor a motion was made and seconded that all the current Officers with the exception of the Tax

Assessor be re-elected for the year 2005-2006, it was,

VOTED: That all the current Officers with the exception of the Tax Assessor be elected for the year 2005-2006.

Solicitor Toscano announced that because the position of Tax Assessor is being contested by Sylvester Murano Jr. and Steven Pont an election will be held on Saturday, June 18, 2005 between the hours of 8:00 a.m. to 2:00 p.m. at the Fire Station. The candidates for the Tax Assessor position were allowed to address the voters regarding their candidacy.

REFUSE CONTRACT

The Moderator presented the results for the bids for the District Refuse Contract which were detailed in the Annual Newsletter and summarized in attachment 4, page 9. The District Officers voted on April 21, 2005 to recommend to the District taxpayers at the Annual Meeting that the EZ Waste Systems, Inc. 5-year contract at \$81,400.00 per year be accepted.

A motion was made and seconded that the District accept the EZ Waste Systems, Inc. 5 year contract at \$81,400.00 per year (which includes a two year extension). After discussion involving the change in pick-up days, traffic concerns on Winnapaug Road and Atlantic Avenue, and back yard pick-up, it was,

VOTED: That the District accept the EZ Waste Systems, Inc. 5 year contract at \$81,400.00 per year (which includes a two year extension).

FIRE TRUCK FINANCING

The Moderator presented options for financing of the new fire truck which were detailed in the Annual Newsletter and summarized in attachment 4, page 9. Finance estimates for 1, 3, 5, and 10 years were detailed. The proposed budget was based on a 10-year option. At the June 12, 2004 Annual District Meeting the voters authorized the District Officers to go out to bid and purchase a new fire truck and equipment at a cost not to exceed \$310,000.00. Bids were received and evaluated by the District Officers. Awards were made for the truck, equipment, including radios for a total of \$302,829.00. The District Officers recommend that approximately \$93,000 be taken from the sinking fund and the remaining \$210,000.00 be financed.

A motion was made and seconded to go with a ten-year finance option for \$210,000 for the purchase of the new fire truck (which would result in approximately \$25,000 in the next year's budget to cover the expense). After discussion regarding expected lifetime of the new truck (greater than ten years), next expected major truck expense (no sooner than ten years for truck 203), and other finance options and suggestions, it was,

NOT VOTED: To go with a ten year finance option for \$210,000 for the purchase of the new fire truck.

A motion was made and seconded to go with a five-year finance option for \$210,000 for the purchase of the new fire truck (which would result in approximately \$52,000 in the next year's budget to cover the expense). After discussion regarding other finance options and suggestions and value of the old truck (less than \$10,000), it was,

VOTED: To go with a five year finance option for \$210,000 for the purchase of the new fire truck.

The Moderator introduced the next two topics requiring taxpayer and resident action. Enough feedback was received during the last beach season and last year that warranted that the District Officers evaluate beach access controls and beach parking controls and provide alternatives to the current controls that could be voted on by the taxpayers and residents. He pointed out that these proposals are for voter consideration and no changes will take place without their approval. These proposals were detailed in the Annual Newsletter and are summarized in attachment 4 page 10.

PARKING PASS CHANGES

The Moderator stated that monitoring of the beach parking passes last year revealed that beach parking passes being used by guests (renters of cottages, hotel/motel overnight patrons) typically outnumber those being used by taxpayers and residents by a ratio of 3 to 1. As a result of the beach use the District Officers developed an alternative parking pass fee structure for different types of passes consisting of a \$125.00 Limited Use Seasonal Parking Pass and \$250.00 Unlimited Use Seasonal Parking Pass (see attachment 4 for details), which would result in an approximate \$8000.00, increase in beach revenues.

A motion was made and seconded to implement the two level seasonal parking pass system consisting of the \$125.00 Limited Use

Seasonal Parking Pass and the \$250.00 Unlimited Use Seasonal Parking Pass. After much discussion regarding the fairness, cost implementation, and parking lot capacity, it was,

NOT VOTED: To implement the two level seasonal parking pass system consisting of the \$125.00 Limited Use Seasonal Parking Pass and the \$250.00 Unlimited Use Seasonal Parking Pass.

A motion was made and seconded to increase the seasonal parking pass fee to \$150.00 and it was,

VOTED: To increase the seasonal parking pass fee to \$150.00.

BEACH ACCESS REQUIREMENTS

The Moderator stated as a result of concerns from taxpayers regarding beach overcrowding situations the District Board developed an alternative for beach access control for the three Misquamicut Fire District Beaches. This alternative was detailed in the Annual Newsletter and is summarized in attachment 4, page 10. Basically the proposal involved some form of beach pass, hotel/motel/cottage key or rent receipt that would entitle the individual(s) the use of the three private beaches above the high water mark. Monitoring would be required to control beach access. An additional cost \$8000.00 would be needed for monitoring personnel.

A motion was made and seconded to implement the proposed beach access alternative. After much discussion regarding pros and cons of beach access controls it was,

NOT VOTED: To implement the proposed beach access alternative..

BUDGET (see attachment 4)

The Moderator then presented the proposed budget for 2005-2006.

See attachment 4, Annual Meeting Handout, pages 6, 7, and 8.

1. Fire Department Operations	\$78,225	
2. Salaries.	\$60,975	
3. Insurance.	\$24,000	
4. Refuse Removal.	\$81,900	
5. Beaches	\$94,710	
6. Storm Damage	\$20,000	
7. Taxes	\$18,775	
8. Improvement Committee	\$ 500	
9. Sinking Fund	\$13,500	
10. Other	\$10,800	
11. Total Expenses		\$403,385

The Moderator identified that beach liability insurance needed to be increased as a result there will be additional cost \$1620.00. As a result of this change and previous discussions and voting regarding beach access controls, beach parking fees and fire truck financing the budget needed to be amended as follows:

Revenues:

1. Total Beach Revenue -\$4000.00 (line item #4050 decreases from \$40,000 to \$36,000 as a result of parking pass fees being increased by \$150.00 and not voting in two level parking pass system)

Expenses:

- 1. Fire Department Operations +\$27,000.00 (line item #6041p increases from \$25,000.00 to \$52,000.00 as a result of voters going with a 5-year finance option instead of a 10-year option)**
- 2. Insurance +1620.00 (line item #6083 increases to \$7420 from \$5800.00 as a result of increasing the liability limit)**
- 3. Beaches -\$8000.00 (line item # 6126 decreases to \$0.00 from \$8000.00 as a result of beach monitoring personnel not being needed)**

A motion was made seconded and voted that the proposed budget be approved with the amended changes detailed above and it was,

VOTED: That the proposed budget be approved with the amended changes detailed above.

This vote resulted in an approved 2005-2006 Budget of \$424,005.00

A motion was made and seconded to transfer the unused \$20,000.00 from the 2004-2005 Beach Reserve-Storm Damage account to the 2005-2006 Sinking Fund account. It was,

VOTED: To transfer the unused \$20,000.00 from the 2004-2005 Beach Reserve -Storm Damage account to the 2005-2006 Sinking Fund account.

TAX RESOLUTION

Upon motion duly made and seconded it was,

RESOLVED: That the electors of the Misquamicut Fire District qualified to vote at the District Meeting, legally assembled on this 11th day of June, 2005, hereby order the assessment and collection of a tax on the ratable property of said district in a sum of not less

than \$407,985.00 nor more than \$447,985.00, said taxes for ordinary expenses and charges, for the payment of interest and indebtedness, in whole or in part, of said District, and for other purposes authorized by law. The assessors of taxes shall assess and apportion said taxes on the inhabitants and ratable property in said District as of the 31st day of December, 2004 at twelve o'clock noon, according to law, and the last evaluation made by the Assessors of the Town of Westerly previous to this assessment, adding, however, any taxable property which may have been omitted by said Town Assessors, or afterwards acquired on or before August 1, 2005; and shall, on the completion of said assessment, the Assessor shall date, clarify, and sign the same and deliver the same to the Collector of taxes on or before the 1st day of August, 2005. The Collector of Taxes, on receipt of said assessment is hereby commanded to proceed and collect said tax on persons and estates liable therefore. Said tax shall be due and payable on or before the 30th day of September, 2005 and all taxes remaining unpaid on said date shall carry until collected a penalty at the rate of fifteen (15%) percent per annum upon unpaid taxes.

LIQUOR LICENSES

Upon motion duly made and seconded, it was

RESOLVED: That the Misquamicut Fire District hereby recommends to the Town Council of the Town of Westerly that the present limits on liquor licenses in the District be maintained, and authorized and directed the District's Moderator, Clerk, and Counsel to appear in opposition to any hearing held to consider any application for a

license which, if granted, would change the classification of a license or increase the number already issued; and it was further

RESOLVED: That the District seek to have the present number liquor licenses reduced.

Upon motion duly made and seconded it was,

VOTED: That a copy of these resolutions be sent to the Town Council of the Town of Westerly, Rhode Island.

ZONING

Upon motion duly made and seconded it was,

RESOLVED: That the Misquamicut Fire District be on record as being opposed to any changes of the zoning laws which would increase present business areas within the Misquamicut Fire District.

Upon motion duly made and seconded, it was

VOTED: That a copy of this resolution be sent to the Town Council of the Town of Westerly, Rhode Island.

Whereas, the taxpayers of the Misquamicut Fire District have expended several millions of dollars in improving their property, resulting in a tax valuation of the sum amounting to more than \$535,000,000.00 on which they regularly paid Town Taxes in addition to taxing themselves and thereby expending more than \$300,000.00 for fire, police, and health protection in the District during recent years; and

Whereas, many places in the District have been issued liquor licenses and have been zoned for business which caters to large

numbers of transients and thereby overtax the law enforcement agencies and create confusion among applicants for such licenses and business permits, many of whom have insisted on pressing applications, hearings, and appeals required for the convenience of the public contrary to voters of this District entered in its public records; and

Whereas, the taxpayers are anxious to preserve the character of Misquamicut as a family beach resort and prevent unregulated incursions therein, and promote health, safety, and general welfare of its citizens and their property.

NOW, THEREFORE BE IT RESOLVED, that the taxpayers of the Misquamicut Fire District in Annual Meeting assembled do hereby nominate and appoint the majority members of the Improvement Committee present in Westerly at the time of any proposals and recommend appropriate actions in favor of or against the same by the authority having jurisdiction thereof according to the requirements of the public health, safety and welfare; and

BE IT FURTHER RESOLVED, without limiting the generality of the foregoing, that said Improvement Committee protect and promote the interest of Misquamicut with respect to liquor control, zoning, breach way and erosion control, and land acquisition in appropriate beach areas for the use of the District pursuant to its charter.

After due consideration and upon motion duly made and seconded it was,

VOTED: To adopt said resolution.

NOISE

Upon motion duly made and seconded, it was

RESOLVED: That the Fire District go on record as being opposed to loud noise and urges the Town of Westerly to adopt and/or enforce a ban on loud noise from business establishments and private residences, thereby protecting individual rights to peace.

VOTED: That a copy of this resolution be sent to the Town Council of the Town of Westerly, Rhode Island.

INDEMNIFICATION

Upon motion duly made and seconded it was,

VOTED: That the District taxpayers adopt the following resolution presented by the District Solicitor regarding claims against employees of public bodies.

In accordance with the provisions of Section 45-15-16 of the General Laws of the State of Rhode Island in Chapter 45-15 entitled "Actions By and Against Towns" as amended by an act entitled "An Act Relating to Claims Against Employees of Public Bodies-Indemnification", passed at the January 1988 Session of the General Assembly, it is resolved by the Misquamicut Fire District that the following resolution relating to Indemnification is hereby adopted.

The District hereby indemnifies any and all elected or appointed Fire District Official, Fire District Employee, Members of Boards, Agencies and Commissions appointed by the District from all loss, cost, expense and damage, including, legal fees and Court costs, if any,

arising out of any claim, action, compromise, settlement or judgement by reason of any alleged error or misstatement or action or omission or neglect or violation of the rights of any person under any Federal or State law which imposes person liability on any such District Individual, if such neglect, was acting, within the scope of his or her official duties or employment. Such indemnification shall not extend to any error, misstatement, act, omission, or neglect if the same resulted from willful, wanton or malicious conduct on the part of such District Individual. The District, acting through the District Solicitor, will provide legal counsel at the expense of the District and/or the reimbursement for reasonable attorneys' fees and other expenses incurred in connection with the conduct of such defense, including payment of the judgment thereon. The District Solicitor is further authorized to pay any such expenses in advance of the final disposition of such claim upon receipt of a written undertaking by or on behalf of such District Individual to repay such amount unless it shall ultimately be determined that he or she is entitled to be indemnified hereunder.

CLOSING REMARKS/QUESTIONS and ANSWERS

The Moderator made the following remarks:

-Please submit applications ASAP for Emergency Identification Cards if you want one, do not wait until there is a hurricane brewing.

-The pamphlet that was mailed has a lot of information, please use it. Please feel free to contact the Moderator.

-Submit nominations for the Gerard Nardone Service to the

Misquamicut Community Award.

-June 18, 2005 Tax Assessor election and Meeting with Westerly Town Officials.

-EZ Waste Systems will take over refuse collection and pick-up days will be Wednesday and Saturday.

A motion was made and seconded to extend firefighter in “good standing” beach parking privileges to the spouses of those firefighters and it was,

VOTED: To extend firefighter in “good standing” beach parking privileges to the spouses of those firefighters.

Moderator Przekop nominated five individuals (Dominic Arminio, Norman Auger, Bill Gonzalez, Don Goyette, and Carol Melin) for the Improvement Committee. Upon motion being made and duly seconded it was

VOTED: That the following 5 individuals be elected members of the Improvement Committee: Dominic Arminio, Norman Auger, Bill Gonzalez, Don Goyette, and Carol Melin.

CLOSING REMARKS

At 1:22p.m. upon motion duly made and seconded it was,

VOTED: That the meeting be recessed until June 18, 2005 for the purpose of the Tax Assessor election.

A true copy, attest:

Joan C. Przekop, Clerk

Attachments:

(These attachments will be filed in the annual book of Officer's Meeting Minutes for 2005-2006)

- 1. Fire Chief's Report**
- 2. Improvement Committee Report**
- 3. Tax Collector's Report**
- 4. Annual Meeting Handout**
- 5. Moderator Report**
- 6. Service to Community Award Presentation**