

**MINUTES OF OFFICERS MEETING  
OF THE  
MISQUAMICUT FIRE DISTRICT**

**April 27, 2013**

**The Officers' Meeting of the Misquamicut Fire District was called to order by the Clerk, Dianne Vumback at 10:00 a.m. on April 27, 2013.**

**Members present were: Mary Delisio, Leone D'Onofrio, Louis Misto, Russell Ryan, William Sisco, Michelle Vacca and Dianne Vumback. John Toscano, Solicitor, was also present.**

**The meeting began with an introduction of the board officers present: Russell Ryan, Leone D'Onofrio, William Sisco, Solicitor Toscano, Dianne Vumback, Michelle Vacca, Mary Delisio, Louis Misto, and his attorney Michael Lynch.**

**Fran Myszka arrived at 10:07 a.m.**

**Meeting began with Michelle Vacca commenting that she contacted the "Bring Back the Beach" committee for some monetary support. Although Lisa Konicki could not donate any money to MFD, she did remember us when she got a call from the family of Betsy Haviland**

who passed away (she owned property on Rabbit Run). Apparently at the bottom of her obituary it stated “in lieu of flowers please donate to “The Bring Back the Beach Program”. Lisa mentioned to the family to contact us. Margo Douglas is here representing her mother.

The family has graciously offered to donate three of the lifeguard chairs. They would also like to donate a 6’ granite engraved memorial bench and would like that on the Lawton Avenue beach. She is here requesting permission of the fire district to accept these gifts.

A motion was made by Leone D’Onofrio and seconded by Louis Misto to accept the donation of the lifeguard chairs and thanks the donating family.

**VOTED:** That the board accept the donation of the lifeguard chairs. (Delisio, D’Onofrio, Misto, Myszka, Ryan, Sisco, Vacca, Vumback – Yes)

A discussion followed over the memorial bench and urn.

A motion is made by Leone D’Onofrio and seconded by Russell Ryan that we graciously decline the memorial bench and urn offer right now due to conditions of the beach and defer until after the beaches are restructured. We will revisit if family still feels inclined in the future.

**VOTED:** That the board graciously decline the memorial bench and

**urn offer right now due to conditions of the beach and defer until after the beaches are restructured. We will revisit if family still feels inclined in the future. (Delisio, D'Onofrio, Misto, Myszka, Ryan, Sisco, Vacca, Vumback – Yes)**

**Discussion followed about placement of the bench with family. We thanked the family for the kind donation to our beaches.**

**A motion is made by Russell Ryan and seconded by Mary Delisio that the clerk sends a thank you letter to the Haviland family for their generous donation.**

**VOTED: That the clerk sends a thank you letter to the Haviland family for their generous donation. (Delisio, D'Onofrio, Misto, Myszka, Ryan, Sisco, Vacca, Vumback – Yes)**

**The Finance Committee update was presented by Jim Culyer.**

**The finance committee has met twice. They have done a line by line review of the proposed budgets of both the Fire Chief and the Moderator. They have reviewed past history. They will be ready early next week with their recommendations and proposal with regard to the upcoming budget.**

**The Solicitor suggests we have a board meeting with all members present to accept the proposed budget by the Finance Committee.**

**After much discussion, the meeting was scheduled to take place on May 4, 2013 at 8:30 a.m.**

**A motion was made and seconded to adjourn the meeting at 10:28 a.m., all were in favor.**

**A motion is made by Leone D'Onofrio and seconded by Mary Delisio that we open up the recessed executive session meeting of April 17, 2013.**

**Discussion follows that in regards to this motion; Attorney Lynch states his client is not agreeable to having this matter in executive session. He wants it in regular session per his Attorney. It is an executive session to be held in open session at the request of the chief. Moderator calls this executive session held in open session.**

**Attorney Michael Lynch comments that nothing under the bylaws or charter allows for the April 8th letter that was sent to the Fire Chief. He asked what authority Dianne Vumback had to send the letter. Attorney Lynch states that during the March 30th MFD meeting there was nothing on the agenda discussing this letter. He believes that under the duties of the board members, they do not have that authority, nor does it state anywhere in the charter, that there is a procedure that allows the board to discuss the character of the Chief or job performance.**

**Solicitor Toscano comments that the bylaws, MFD charter and state law all are silent on that issue. Attorney Lynch states that the bylaws and charter don't talk to it, so therefore you don't have the authority. Lynch states the duties of the officers are specifically delineated. There is nothing that allows the board to talk about the character and performance of the chief. The district voters can do that on an annual basis.**

**Leone D'Onofrio questions how does job performance and character get discussed - at the annual meeting? Attorney Lynch states his performance can be addressed at the time of election.**

**Solicitor Toscano states that he is going to rule that the board can discuss the Chief's job performance and whatever happens from that discussion can be handled someplace else, even if it has to be handled by someone with a black robe - so be it.**

**Attorney Lynch makes a statement that he sent correspondence to Solicitor Toscano on April 24th, specifically asking for any documents intended to be referred to at this meeting, and has received nothing. Solicitor Toscano comments that any references made to any documents were generated by the Chief, so he would have them.**

**Michelle Vacca's comments: Louis , no one is here to crucify you. No one is here to say we hate you. But what we do have a problem,**

from myself, when we tried to pull together the March 23rd meeting with the money we needed to raise to restore the beaches – I know you want a fire house – but the taxpayers spoke on March 23rd and they want the beaches. I want you to have a nice fire house, but quite frankly, the taxpayers want us to rebuild the beaches. It seemed as though that meeting started a whole big thing that you hated the board and that we were all against you and we don't support the firefighters. That is so far off the mark. I have been on this board for 21 years and I have always voted pro-firefighters. The lack of cooperation when I kept trying to ask you who was going to set up the firehouse, and you wouldn't give me an answer. Then I find out through a taxpayer that none of the firemen are going to show up because you told them not to. I called all the officers together to set up the meeting. Your non-support at the meeting showed a lot to the taxpayers because we always support you. We needed your support and you were a no-show. You got ticked off to see the money spent on the beaches and not your firehouse.

The moderator opened up the floor for comments from the board members to Louis Misto, Fire Chief:

Frances Myszka's comments: I am impressed with your duties as the chief. I think you do a good job with the fire department. I do have a problem with you having a voice on the board. There is a conflict of interest. I think it should be resolved by you not having a voice on the board.

**Russell Ryan's comments: You are not a team player. Your duties as a Fire Chief is one thing, but when it comes to this board, when you don't get your own way, we get threatening emails. Most of the emails have things in it that are not true. In one email you said the fire station building committee was defunct. We are not defunct. We just held off due to the hurricane and the amount of money people have pulled out of pocket to fix their places, it just wasn't the time to go to the taxpayers. We are looking into other things, like reengineered buildings. The statement that you made to the finance board about the budget for \$30,000 for building maintenance and you told them I had the details on it, and that budget was prepared before I saw that. The fact that you are a board member and a fire chief - I think it is very important that you attend the meetings and if you can't attend, you should notify the board.**

**Leone D'Onofrio's comments: I do have some questions about your performance as a chief and board member. I find it a little discerning when trying to contact you. On 10/30/12 immediately following the storm I made a call to you to find out if there was damage to my house. Having seen my house on the front page of the Westerly Sun, I was calling to see if I could get some update. I was looking for a simple call. I did not receive a call - that day, that month, ever. Also on January 28, 2013, I called you as a member of the board to discuss a volunteer effort that we were both apart of. You volunteered to work with me on the project of the bath houses and once again I**

never received a call in regards to the project you committed to work on. I was left to manage that project myself. I know that there was Email traffic from you about people going to see you at your facility. I went on the record to apologize. I went there for pictures, etc. for the project we were to work on together. I told you I won't do that again. There is an issue with regards to return phone calls.

I also have a concern with contentious emails. I sent an email back advising you how I thought that your previous, contentious email was going to put you in position unfavorable with board members. It was a piece of advice, trying to figure out how to all work together. No one wants to come here to give you a hard time. I have concerns over the numerous emails that you sent on the 18th responding to the special meeting. I do have this email – I'm sure you have it as well. Your comments "you are going to be in town but you don't feel you were going to make the meeting ...you think it is inappropriate because if you go there you aren't going to say anything nice about the project." It doesn't have to be all of us are always unanimous. With regards to everybody attending meetings, we can't make them all. But in your email you weren't coming to support the project of renovating the beaches. The renovation of the bathhouses was to maintain revenue of \$48,000 . You weren't coming because you specifically couldn't support restoring the beaches. I think if you couldn't support it the taxpayers should have heard that.

Russ already mentioned your emails . I was at the board meeting

**there was no release of that committee. As a matter of fact, I understood that you would pick up the head of that meeting in Russ' absence. I was never called by you to have a meeting. There was no comment that there was a release of the fire station house committee.**

**Along with these emails goes the creation of conflict – it creates conflict between the board and the chief's position and it also creates conflict with the fire fighters themselves. I would like to figure out a way so we can work jointly so fire fighters understand how valuable we think they all are. Statements in your emails like, “fire fighters always come in last”, “board more interested in bathrooms and beaches rather than the fire house”, board more concern about beaches than safety”....are not accurate of our views.**

**Fire department minutes of 6/15/13 – you state “still have money in this year's budget please let me know if you need anything – plan to use every penny in the budget”: I question statements like that. That statement makes me think we are going to spend money for the sake of spending money, not because we need something. I do have questions about your character and working relationship.**

**You general lack of support of the board in regard of Storm Sandy. Email of 3/18/13 – you can't say anything good. We are very supportive of the firefighters. Fire safety is number one, the most important thing to this district. The beaches and bath houses are very important as well. In times of emergency, we failed to convey to**

**you that the safety issues of this district was thanks to you and the fire fighters. However, the ability to prioritize based on safety first and then what else do we have to do isn't visible on your part. Instead, it was, "No way I can't support the project". It was very evident at the 3/23/13 meeting that 70-80 percent of the taxpayers here were very very supportive of beach restoration.**

**Your job performance of managing the fire department. My understanding is that there is a concern about asbestos in this building. There was a report done – and there is some discussion where those reports are. Concerning issue with asbestos and fire fighters and taxpayers in this building and considering that this was never brought up to the board at any meeting. I see no evidence you brought it forward. You as Fire Chief - in this position you are responsible to support the Moderator in the condition of this building and you should have brought that forward and formally documented that report.**

**I'm personally concerned in regards to the constant discussion and issues of compensation as the Fire Chief. As a resident, I try to make every meeting. I have heard numerous comments from you regarding the committee that was formed. I suggest we reenergize that committee again – (Attorney Lynch stopped Leone stating it is not permitted under open session) – I'm concerned for your constant request for money as a volunteer Fire Chief. I understand you put in a request for a 33% increase for yourself, 45% increase for the**

deputies. Also concern that there was a request for compensation but nothing for the fire fighters, so to ask for yourself and deputies and not the fire fighters is concerning.

**William Sisco's comments:**

Speaking as the Treasurer, I wasn't privy to all those emails but I will say I got forwarded emails from Michelle. It is upsetting. You emailed her you never received your payroll check. They came in on March 5th, I had Mary mail them in the afternoon. Louis - you deposited it on March 8. Yet your email was on the March 15th to Michelle stating that you never received it. I don't understand that. And you should have come to me. I find that upsetting. No one in this department ever got a late check from this office.

Your administrative capabilities. When you get a bill in here, we are trying to eliminate having them all go to a p.o. box. I have a bill from Brookside Electric, dated 10/19/2011 on it in big red letters. It said past due. I paid it this past March 2013. On this bill there is a description what they did. You keep bringing up the mold and asbestos downstairs. Brookside Electric came here and the bill states: "Amount due following work – check wiring after mold abatement was completed". Yet we still hear from you about the mold. "Remove remaining old lights – supply and installed keyless fixtures and pull chain". This is not the only late bill you received. The question is about the mold. You hired them after the abatement.

**Yet you still bring up the abatement.**

**Other problem - and you do this consistently – when we got rid of Ocean State Cleaning people. You brought in Howard, he is now the janitor. You emailed Michelle, again you should have come to me – you got to pay this individual. He was hired in November. I need a w-4 filled out. No one tells me anything and you are complaining as if it is our fault and why he has not been paid. You have to comply with the federal law-we need to know who is hired.**

**Telephone – AT & T, we had a phone in this building that was going nowhere. If it wasn't for Michelle – that phone wire went nowhere, yet we were paying \$58.**

**These are some areas you need to tighten up if you are responsible for this building. You need to get together on the bills on your structure. Two days ago, an individual came to me – guess who I got a phone call from. Apparently it was you. It was you complaining asbestos but on about 9/5/2012, a company came in. You claim you gave the report to the board. No board member has seen it. My question to you is and I would like to have an answer “Do we have an asbestos problem Louis?” I'll refer to Chief. Chief refers to Michelle Vacca. Michelle Vacca refers to Solicitor stating “ I had Solicitor contact Bill Bingham and Mr. Bill Bingham has no recollection of ever receiving a report”. My question is “Do we still have an asbestos problem? Russ, do we have an asbestos problem?” Russ Ryan**

**responds “We do not”.**

**Dianne Vumback’s comments: I have a concern over the working relationship between our board and you, and as a result our board and the fire fighters. We need to work together to do what is best for this district. Taxpayers are talking about the lack of a positive working relationship. I think it is time we fix it. We have attempted in the past but we are in worse shape than before. I’m asking that we work together in a positive relationship.**

**Mary Delisio’s comments: I feel you have no interest in working with the board as a board member. You are a member of the board. The emails that are going out – it started a few years ago with the boat. You get emails – you send angry emails – then you are no longer angry but emails are still there. It has a very negative impact on our ability to work together. I try to support you as a Fire Chief. I think you have done a great job as chief for the last ten years. I feel safe living here with you as the chief. But I do feel there is an arrogance that you have no interest serving the board. The emails that went out about the March 23rd meeting was not professional at all. It is not professional as a board member to act that way and then let everyone in the fire department feel that way.**

**Moderated states that she is sorry it had to come to this where**

everyone has to air their gripes. But quite frankly it has been building. We wanted to talk to you in close session without an attorney and say we love you dearly. Attorney Lynch interrupts that the letter doesn't reflect that. Furthermore, he has instructed Louis not to comment as our comments go well beyond the responsibility under the charter and bylaw piece that he is obligated to – stating that “the fact that he is not a go along guy I have yet to see or hear one complaint as his duties as Fire Chief”.

Leone D'Onofrio agrees he had the right to do that but wanted to give him that opportunity to address the board. Solicitor agrees he doesn't have to comment and recommends possibility of bylaw and charter changes that can address some issues.

A motion is made by Russ Ryan and seconded by Fran Myszka to adjourn the executive session.

**Discussion followed:**

Leone D'Onofrio asked if we should we have a vote in regards to our position – should we ask for a vote of confidence or no confidence to understand where we stand here. If it carries no weight – he is an elected position – does the board have the authority. Leone states that he is just asking if we want to go down that path.

Mary Delisio asks if this is in regards to Louis Misto as a board

member or a fire chief? She states, “I have a problem we are overlapping two subjects here. When we all started this, we were discussing his behavior as a member of the board. It was pretty clear the letter was to address his membership on the board. I never saw the letter before it went out – so, I’m not quite sure”.

Attorney Lynch states: “I’ll tell you this: in regards to that comment, tread very carefully. Your attorney will tell you what can happen with those types of comments, especially when they are not done within legal authority. Especially when you want to address him regarding your confidence/no confidence.”

Michelle Vacca asks if there is any more discussion. To which Fran Myszka ask “What are we discussing, his position on the board or as Fire Chief?”

There is a motion to adjourn by Russ Ryan.

Leone D’Onofrio states that he doesn’t have a response to his question as part of the discussion.

Russ Ryan rescinds the motion to adjourn because he feels as though what Leone D’Onofrio brought up is proper and we should be addressing Louis Misto’s position as a board member.

Leone D’Onofrio – I asked, and I’ll clarify for the record, whether we

as a board want to do a vote in regards to the discussion we had today if we have confidence or no confidence in the chief as either a chief and or board member – either one.

Attorney Lynch states “I think you need to refer to your solicitor. I object to the whole process. This process doesn’t carry on the agenda. It is a violation of the meeting laws.

I object to the whole process. But even given where you are going, that process that you set in place for today doesn’t even have that as an agenda item. So not only is it again in violation of the open meetings law, but it would also violate and maybe actionable individually and in your official capacities – directly.”

Solicitor Toscana states that you can put forward any of your suggestions you are talking about as he is a member of the board.

Attorney Lynch states he is only a member of the board in his capacity of Fire Chief. The Solicitor states that the position that puts him on the board is Fire Chief and that any vote that this board wants to take as a far as his performance as a member of the board is appropriate.

Russ Ryan recommends we poll the board for vote on lack of confidence in two positions as fire chief and board member.

It was suggested to close the meeting, give purpose of meeting and proper notice and get further legal advice to move forward.

**Bill Sisco requests that the minutes reflect what Attorney Lynch and Solicitor Toscano said about this vote of lack of confidence and that it is going to be postponed.**

**Attorney Lynch states not to put in the minutes that he agrees to anything being postponed. Bill Sisco claims, “I want it on record that you said we can’t do that. And that we will be held liable as individuals and as board members”.**

**A motion was made and seconded to adjourn the meeting at 11:20 a.m. all were in favor.**

**Respectfully submitted,**

**Dianne Vumback**

**Clerk**