

MARCH 1, 2016 AT 7:15 P.M.

CUMBERLAND TOWN HALL, EVERETT "MOE" BONNER, JR. TOWN CHAMBERS

45 BROAD STREET, CUMBERLAND, RI

The meeting was called to order at 7:15 p.m.

MEMBERS PRESENT: Commissioners Koutsogiane, Matta, Parent, Ouellette, Champagne, Scullin, Chairman Lemois and Solicitor Kelley Morris.

GENERAL ANNOUNCEMENTS: There were no general announcements at this time.

CONSENT AGENDA

COMMISSIONER OUELLETTE MOVED TO APPROVE THE MINUTES OF 1/26/16. SECOND BY COMMISSIONER CHAMPAGNE. PASSED 7-0.

NEW BUSINESS

- A. **Adjourn into Executive Session** in regards to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation regarding increase in hydrant fees by the Pawtucket Water Supply Board.

COMMISSIONER CHAMPAGNE MOVED TO ADJOURN INTO EXECUTIVE SESSION AT 7:18 P.M. SECOND BY COMMISSIONER OUELLETTE. PASSED 7-0.

COMMISSIONER CHAMPAGNE MOVED TO ADJOURN EXECUTIVE SESSION AT 7:33 P.M. SECOND BY COMMISSIONER OUELLETTE. PASSED 7-0.

COMMISSIONER CHAMPAGNE MOVED TO SEAL THE MINUTES OF EXECUTIVE SESSION. SECOND BY COMMISSIONER OUELLETTE. PASSED 7-0.

- B. **FC-2016-08**. Authorizing Chairman Bruce Lemois to enter into an engagement letter with Moses Afonso Ryan, Ltd. for legal services at an hourly rate of no more than \$250.00 per hour, relative to the Pawtucket Water Supply Board's increase fee on fire hydrants

COMMISSIONER CHAMPAGNE MOVED TO APPROVE THE RESOLUTION. SECOND BY COMMISSIONER OUELLETTE. PASSED 7-0.

C. Finance Report

Mr. Bruce is out ill. The reports are current and are posted online.

Commissioner Koutsogiane had questions on various line items, more specifically on salaries and overtime.

- D. FC-2016-02.** This is a resolution to authorize Chairman Lemois to enter into contracts with J & A Appliance for materials and installation of a new kitchen at Station 1 in the amount of \$7,478.0 and for appliances in the amount of \$2,344.85. Three quotes were obtained and J & A Appliance was the lowest responsible bidder.

There was discussion that this would be the 5th capital improvement project and the line item is on budget.

COMMISSIONER OUELLETTE MOVED TO APPROVE THE RESOLUTION. SECOND BY COMMISSIONER MATTA. MOTION PASSED WITH A 6-1 VOTE WITH COMMISSIONER KOUTSOGIANE VOTING NAY.

- E. FC-2016-06.** This resolution would authorize Chairman Lemois to sign a memorandum of agreement with Local 2722 regarding the position of Deputy Chief and its vacancy.

There is a vacancy in a Deputy Chief's position. The Cumberland Fire District does not have a promotional list for this position and one will not be available until 4/8/16. The Local and the Chief have arranged to leave the position unfilled until such time as the promotional list may be completed as per the standing collective bargaining agreement. This agreement, as spelled out in the memorandum of agreement has a savings to the Cumberland Fire District of approximately \$19,000.00.

There were questions by Commissioner Scullin on the procedures and does not believe - needs to be filled. Solicitor Morris reviewed that we are under an existing Collective Bargaining Agreement and would not filling the position would be legal issue.

COMMISSIONER CHAMPAGNE MOVE TO AUTHORIZE CHAIRMAN LEMOIS TO SIGN THE MEMORANDUM OF AGREEMENT AGREEING TO FILL THE POSITION ON OR ABOUT 4/8/16. SECOND BY COMMISSIONER PARENT. MOTION PASSED 6-1 WITH COMMISSIONER SCULLIN VOTING NAY.

- F. **FC-2016-07.** This resolution is requesting that the General Assembly enact legislation providing that the Cumberland Fire District is public body.

Currently, the following RI State Departments consider the Cumberland Fire District to be a public body and such all rules, regulations and laws regarding public body are applied.

The RI Attorney General Office, the Department of Revenue, the Office of Municipal Finance, the Ethics Commission and the Audit Office of Auditor General. Other state agencies do not consider the Cumberland Fire Department as a public body, therefore, the Cumberland Fire District, its commissioners and employees are treated inconsistently with regard to various agency decisions. The Cumberland Fire District wishes to be recognized as a public body so that all state agency treatment is consistent.

COMMISSIONER SCULLIN MOVED TO TABLE THIS RESOLUTION. SECOND BY COMMISSIONER KOUTSOGLIANE. MOTION FAILED WITH A 5-2 VOTE WITH ONLY COMMISSIONERS SCULLIN AND KOUTSOGLIANE VOTING AYE.

COMMISSIONER CHAMPAGNE MOVED TO APPROVE THAT THE CUMBERLAND FIRE DISTRICT REQUEST THAT THE GENERAL ASSEMBLY ENACT LEGISLATION PROVIDING THAT IT IS A PUBLIC BODY. SECOND BY COMMISSIONER OUELLETTE.

There was discussion that this could have had a direct impact of the Pawtucket Water Supply Board in not notifying CFD about the rate increase. As the PWSB may not have recognized CFD as a public body.

MOTION PASSED WITH A 5-2 VOTE WITH COMMISSIONERS SCULLIN AND KOUTSOGLIANE VOTING NAY.

OLD BUSINESS

- A. **Review of comments made by Commissioner Scullin and Commissioner Koutsoglione to the Cumberland Town Council on 1/20/16.**

This topic was originally on the January 26, 2016 regular meeting but Commissioners Scullin and Koutsoglione both felt the agenda was not worded correctly. Though the Solicitor concluded that the agenda was correct and legal it was decided to table the issue until this meeting.

The Chairman reviewed that the two Commissioners had presented a resolution to the Town Council that would have the Town request the General Assembly dissolve the Cumberland Fire District and have the Town take over the Fire District. (Copy of the resolution attached for the record.)

The Chairman noted that the Fire Committee was not privileged to know of the resolution, nor allowed input. In fact that the issue only came to light the morning of the Town Council meeting. The Chairman noted he did not attend the meeting, but viewed it on tape.

The Chairman noted that most of the remarks made by Mr. Scullin and Koutsogiane were incorrect and he has questions and or clarifications to said remarks. He started with Mr. Scullin's remarks.

REMARK MADE:

Mr. Scullin: "And being involved very closely its border line disaster."

Chairman Lemois asked Commissioner Scullin to define "disaster".

Commissioner Scullin stated that he was not here to answer any of Chairman Lemois' questions. He stated that the voters will decide if Chairman Lemois will be on the Board come November.

Chairman Lemois agreed that Commissioner Scullin doesn't need to answer any questions but that he would read Scullin's comments made to the Town Council on January 20, 2016 and provide the correct information.

REMARK MADE:

Mr. Scullin: There is a couple more complaints pending with the AG's office. They just do not run a tight ship. For whatever reason.

Mr. Dwyer: When you say they, you mean yourself as well.

Mr. Scullin: No.

Mr. Dwyer: Oh no, ok

Mr. Scullin: It is a five to two board.

Mr. Dwyer: Oh, ok

Mr. Scullin: Mr. Koutsogiane and I are trying to right the ship, but at 5-2 it's impossible.

Chairman Lemois asked for explanation of Commissioner Scullin's next comment that there is a "5 to 2 Board". Mr. Scullin would not answer. Chairman Lemois clarified that out of the 52 votes in 2015, 11 or 21% were a 5-2 vote. In fact 67% of the votes were unanimous.

| 2015 Resolution Votes | | | | |
|--|-----|---|-----|----------------------|
| 52 | | | | |
| 35 | 67% | | | Unanimous Votes |
| 17 | 33% | | | Not unanimous Votes |
| | | 5 | 29% | You two didn't agree |
| 11 | 21% | | | Actual 5-2 Votes |
| Some of the 5-2 Votes | | | | |
| S-0177 Public Body | | | | |
| Budget (But voted for the VFFD Bale out) | | | | |
| Exempt Seniors and Veterans (But voted for the Blind exemptions) | | | | |
| Tax Rate (10% lower than the combined district rate) | | | | |
| Tax Levy (lowered by 250K by budgeting past due taxes as a revenue) | | | | |
| Contract (Basically level funded, but K/S wanted to reduce the mens pay) | | | | |
| Admin Staff (ALL past district employees that wanted to stay on were given jobs. No past district employee was refused a job) | | | | |
| Legal required payout to a FF on IOD,(but unanimous for retiring Chief's payout) | | | | |
| To hire the incumbent tax attorney (Previously hired by PK) | | | | |
| 3 Platoon Report | | | | |
| Social Media Manager Intern | | | | |
| ALL DATA IS AVAILABLE ON THE WEB SITE UNDER RESOLUTIONS | | | | |

The Chairman also noted the contradictions of some of the votes. For example:

1. Mr. Scullin and Koutsogiane voted against the full budget, but voted for the bailout of the Valley Falls Fire District to allow the district to finish off the fiscal year and pay their bills.
2. They voted against exemptions to help the Seniors and Veterans lower their taxes, but voted for the Blind exemptions. With no explanation as to why.
3. Vote against the tax rate, that was 10% lower than the combined tax rate of the four districts from the previous year.
4. Voted against the tax levy, that used non-tax revenue for the first time. This lowered the amount taxed by \$260,000.

- Voted against following RI General Law title 44-19 and provided benefits to a fire fighter that was out sick due do an on the job injury, but vote to give bonus benefits to a retiring Chief. (Note: these were not required by state law.)

There was a similar exchange between Chairman Lemois and Commissioner Koutsogiane. This is the list of comments from the record made by Commissioners Scullin and Koutsogiane and corrects provided by Chairman Lemois.

REMARK MADE:

Mr. Koutsogiane: “This consolidation really hasn’t gone as well as people think it has gone, as a matter of a fact I have a minority view point, we had the opportunity to save the tax payers some money which was part of the referendum to begin with, that the taxpayers would get one tax bill, fine, but there was going to be savings of monies, those monies have not come, period.”

Documented Savings:

- From 2012 to now a reduction of 6 men saving \$648,000
- \$260,000 saved using non-tax revenue
- \$66,743 saved in reduction of administrative employees

This totals \$974,743 in savings.

Mr. Koutsogiane: “Administrative staff went up, prior to the consolidation they were part-timers now they are a combination of almost full timers, independent contractors and part timers but the monies, the cost has substantially gone up from roughly 130,000 to 215,000 plus benefits. Which makes it a grand total of about 240,000.”

Actual Administrative cost as defined by Mr. Koutsogiane, to include: almost full timers, independent contractors and part timers.

| CAT | ITEM | 2014-15 |
|-------------|---|------------|
| Admin Exp | Advertising, legal and employment | \$ 2,633 |
| Admin Exp | External Accounting Fees / Accounting & Repor | \$ 12,775 |
| Admin Exp | Treasurer Expenses | \$ - |
| Admin Exp | Tax Collector Expenses | \$ - |
| Admin Payrc | Admin Assistant Business Manager | \$ 52,816 |
| Admin Payrc | Admin Assistant A/P | \$ - |
| Admin Payrc | Admin Assistant Payroll Admin A/P | \$ 13,000 |
| Admin Payrc | Admin Assistant Phones/scheudles | \$ - |
| Admin Payrc | Committee Members | \$ 39,550 |
| Admin Payrc | Committee Members - Per Diem | \$ 500 |
| Admin Payrc | Finance Management Fee | \$ - |
| Admin Payrc | Legal | \$ 13,750 |
| Admin Payrc | Part Time clerks for tax seasons | \$ - |
| Admin Payrc | Social securtiy Admin Payroll | \$ 28,000 |
| Admin Payrc | Tax Collector Fees | \$ 48,062 |
| Admin Payrc | Tax Expenses Treasurer \$ Collector | \$ 13,060 |
| Admin Payrc | Treasurer Fee | \$ 61,557 |
| | | \$ 285,703 |

| ADMINISTRATIVE PAYROLL | |
|-----------------------------|-------------------|
| Administrative Staff | \$ 128,900 |
| Clerk | \$ 3,200 |
| Committee Members | \$ - |
| Committee Members - Per | \$ - |
| Finance Management Fee | \$ 78,000 |
| Legal | \$ 12,000 |
| Moderator | \$ - |
| Part Time clerks for tax se | \$ 10,000 |
| Social security Admin Pay | \$ 16,000 |
| Tax Collector Fees | \$ - |
| Tax Expenses Treasurer | \$ - |
| Treasurer Fee | \$ - |
| | \$ 248,100 |

This clearly shows a savings when the facts are looked at and compared.

REMARK:

Mr. Koutsogiane: "Prior to the merger I was the chairperson of the NCFD, when they just did the audit which completed the individual audits of the four districts; NCFD ended with a surplus even after lowering its tax rate to 1.28 per thousand with approximately 560,000."

The facts: BILLED RATE IN 2012 \$1.68, BUDGET \$1,800,276
 EFFECTIVE RATE \$1.60 YOU OVER TAXED

 BILLED RATE IN 2014 \$1.28, BUDGET \$1,838,143
 EFFECTIVE RATE \$1.69 TO COVER INCR. BUD.

 DECREASE THE RATE, BUT INCREASED SPENDING.

The NCFD increased spending by over 2%.

Mr. Koutsogiane responded that the 2% was not that bad.

The Chairman concluded stating that there were many more incorrect statements made to the Council on the record.

COMMUNICATIONS

A. Request that Mr. Scullin share his information so as the Committee may either fix and/or address the issue.

There was discussion on comments made during the last regular Fire Committee meeting on January 26, 2016 by Commissioner Scullin. He declared that there is another violation of the open meetings act being reported.

The Solicitor had sent him an email but Mr. Scullin didn't answer.

The Chairman suggested to Mr. Scullin that it is his responsibility to advise the Committee if he sees a violation so it can be corrected.

Mr. Scullin responded that it was his responsibility to report the violation to the Attorney General's office, to which the Chairman agreed.

The issue Mr. Scullin related as to the violation was concerning a vote taken to hire the administration team. He stated that the salaries were not part of the vote.

The discussion ended at that time.

B. Commissioner Koutsogiane's comments/review of the expenses for Jan. 2015 – Dec. 2015.

Commissioner Koutsogiane had several questions on the expenses, when he started to ask them the Chairman noted that they will be hard to answer. As Mr. Bruce is not here and no one knew of Mr. Koutsogiane's questions to be prepared to answer them. The Chairman stated that he has repeatedly requested Mr. Koutsogiane forward his questions before the meeting so the answers could be provided.

PUBLIC INPUT

Mr. Dicomotis stated that he was very vocal on the consolidation issues as well as attending many meetings of the District and that what he had witnessed tonight was an embarrassment. He suggested as the District is on budget and moving forward everyone should get on board.

COMMISSIONER PARENT MOVED TO ADJOURN REGULAR SESSION AT 9:05 P.M.
SECOND BY COMMISSIONER OUELLETTE. PASSED 5-0.

Respectfully Submitted,

Debbie Auclair
Committee Clerk

2
3 **TOWN OF CUMBERLAND**

4
5 **RESOLUTION:** REQUESTING THE GENERAL ASSEMBLY TO
6 ENACT LEGISLATION TO ALLOW THE
7 TOWN OF CUMBERLAND TO ASSUME
8 CONTROL OF THE CUMBERLAND FIRE
9 DISTRICT AND INCORPORATE IT AS A
10 DEPARTMENT GOVERNED BY THE TOWN
11 CHARTER
12

13 **BE IT RESOLVED BY THE CUMBERLAND TOWN COUNCIL AS**
14 **FOLLOWS:**

15
16 **WHEREAS:** At the general election on November 2, 2010 the electors of the Town of
17 Cumberland approved a local binding referendum question directing that the Town
18 Council implement a consolidated fire services delivery agency; and
19

20 **WHEREAS:** In the 2013 session of the R.I. General Assembly, the General Assembly
21 passed 2013-S 0958 Substitute A as amended, which merged the four (4) existing
22 Cumberland Fire Departments into the Cumberland Fire District; and
23

24 **WHEREAS:** Article VI, Section 14 of the R.I. Constitution grants the General
25 Assembly the authority to create corporations such as the Cumberland Fire District; and
26

27 **WHEREAS:** The Cumberland Town Council is desirous of assuming control of the
28 existing Cumberland Fire District and designating it as a Town Department of the Town
29 of Cumberland.
30

31 **NOW THEREFORE, BE IT RESOLVED BY THE CUMBERLAND TOWN COUNCIL**
32 **OF CUMBERLAND RHODE ISLAND AS FOLLOWS:**
33

34 **SECTION 1:** The Cumberland Town Council respectfully requests that the R.I. General
35 Assembly enact legislation which would allow the Town of Cumberland to assume
36 control of the existing Cumberland Fire District created by 2013-S 0958 Substitute A, as
37 amended.
38

39 **SECTION 2:** This enactment would be subject to the approval of a referendum question
40 by a majority of the qualified Cumberland voters who vote in the General Election to be
41 held in the Town of Cumberland on November 8, 2016.
42

1 **SECTION 3:** The present management, finances, corporate status and responsibilities of
2 the Cumberland Fire District shall continue and remain in full force and effect until such
3 time as the General Assembly enacts the instant proposed legislation and the charter
4 question is approved by a majority of the voters of the Town of Cumberland in the
5 November 8, 2016 general election.

6
7 **SECTION 4:** The Town Council of the Town of Cumberland respectfully requests the
8 Senators and Representatives of the Town of Cumberland sponsor and support the
9 legislation and that the Town Clerk, upon passage of this Resolution, shall immediately
10 send copies of the Resolution to Cumberland's Senators and Representatives.

11
12 **SECTION 5:** THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY
13 UPON ITS PASSAGE BY THE CUMBERLAND TOWN COUNCIL.

14
15
16
17 DATE ADOPTED: _____
18 A TRUE COPY, ATTEST:

19
20
21 _____
22 SANDRA GIOVANELLI, TOWN CLERK