

Cumberland Fire District

Headquarters @ Station Four

3502 Mendon Road Cumberland, RI 02864 401.658.0544

www.cumberlandfire.org

Est. November 10, 2014

Bruce A. Lemois
Chairman

Phillip Koutsogiane
Vice-Chair

Christopher Parent
Commissioner

Cynthia Ouellette
Commissioner

Ronald Champagne
Commissioner

Jim Scullin
Commissioner

Frank Matta
Commissioner

Kenneth Finlay
Chief of the Department

Station One
555 High Street
401.722.5992

Station Two
1530 Mendon Road
401.333.1421

Station Five
50 Arnold Mills Road
401.333.2244

AGENDA OF THE REGULAR MEETING OF THE CUMBERLAND FIRE DISTRICT
FEBURARY 24, 2015 AT 7:00 P.M.
CUMBERLAND TOWN HALL, EVERETT "MOE" BONNER, JR. TOWN CHAMBERS
45 BROAD STREET, CUMBERLAND
REGULAR MEETING

- 1. CALL TO ORDER**
- 2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
- 3. GENERAL ANNOUNCEMENTS**
- 4. CONSENT AGENDA**
 - a. Approve minutes from 02/10/2015
- 5. Adjourn into executive session under RI GEN LAW 42-46-5 (1)**
 - a. **Discuss job performance of employees**
 - i. **Employee(s) were notified**
 - b. **Vote on minutes of executive session**
 - c. **Return to public session**
- 6. OLD BUSINESS**
 - a. R-2015-02 Clerks Position
 - b. R-2015-08 District Legal Representation
 - c. R-2015-09 District Labor Legal Representation
- 7. NEWBUSINESS**
 - a. Separation Letters per contracts
 - b. R2015- 16 Requesting Cumberland Delegation to submit Super Lien Legislation
 - c. R2015- 17 In support of S-0177
- 8. PUBLIC INPUT**
- 9. ADJOURNMENT**

Posted at HQ and a station

Mission Statement

The mission of the Cumberland Fire District is to provide exceptional public safety services in a safe, compassionate, cost effective and professional manner.

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FC-R-2015-02

CUMBERLAND FIRE DISTRICT

RESOLUTION: To advertise for the CFD Clerk’s position

BE IT RESOLVED BY THE CFD COMMITTEE AS FOLLOWS:

WHEREAS: The CFD has a need for a clerk to act as the district’s recording agent

WHEREAS: The CFD has a need for a clerk to be the recording secretary at any and all meetings of the Fire Committee

WHEREAS: This clerk shall ensure all records; financial, legal and otherwise are secured at headquarters

WHEREAS: Ensure the CFD is meeting all of the mandates associated with the Open Meeting Law

NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND FIRE DISTRICT AS FOLLOWS:

RESOLVED: The CFD post for the position of Clerk by a posting in the four stations.

RESOLVED: The CFD will request the Town of Cumberland Town Clerk to assist in the writing of the posting as well as the interviewing process.

RESOLVED: That the Chairman confer with the Cumberland Town Clerk after the interviews and come back to the full committee with a recommendation.

RESOLVED: The pay for the District’s Clerk will come from the lines budget for this position in an equal amount from each District Budget.

Approved this 13th day of January, 2015.

Bruce A. Lemois, Chairman

_____, Clerk

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2 **FC-R-2015-08**

3 **CUMBERLAND FIRE DISTRICT**

4 RESOLUTION: To establish and advertise for the CFD Standard Legal Representation
5 (Solicitor)

6 **BE IT RESOLVED BY THE CFD COMMITTEE AS FOLLOWS:**

7 WHEREAS: CFD is in need of legal representation on general matters from time to
8 time.

9 WHEREAS: CFD is in need of legal representation at the standard and special
10 meetings of the full Fire Committee.

11 WHEREAS: CFD is need of legal representation on any non-labor related contracts
12 and/or agreements.

13

14 **NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND FIRE DISTRICT AS FOLLOWS:**

15 RESOLVED: The CFD will create the position of solicitor which will be a vendor status
16 position.

17 RESOLVED: The solicitor position will be established on an as need and charge per
18 hour need.

19 RESOLVED: Prior to going to contract/agreement with any provider a fiscal note shall
20 be presented to the Fire Committee.

21 RESOLVED: The CFD Personnel Committee shall establish a RFQ for distribution
22 amongst the legal field.

23 RESOLVED: That though this position will an approved expenditure any one invoice
24 exceeding \$2,000 shall be approved by the Fire Committee.

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26 Approved this 13th day of January, 2015.

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28 _____
29 Bruce A. Lemois, Chairman

_____ , Clerk

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FC-R-2015-09

CUMBERLAND FIRE DISTRICT

RESOLUTION: To establish the position of Labor Legal Representation and advertise for this position.

BE IT RESOLVED BY THE CFD COMMITTEE AS FOLLOWS:

WHEREAS: The CFD is in need of specialized legal representation on labor issues.

WHEREAS: This representation will assist and provide support for CBA negotiations.

WHEREAS: This representation will be available for general labor issues.

NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND FIRE DISTRICT AS FOLLOWS:

RESOLVED: The CFD will create the position of Legal Labor Representation which will be a vendor status position.

RESOLVED: The labor lawyer position will be established on an as need and charge per hour need.

RESOLVED: Prior to going to contract/agreement with any provider a fiscal note shall be presented to the Fire Committee.

RESOLVED: The CFD Personnel Committee shall establish a RFQ for distribution amongst the legal field.

RESOLVED: That though this position will an approved expenditure any one invoice exceeding \$2,000 shall be approved by the Fire Committee.

Approved this 13th day of January, 2015.

Bruce A. Lemois, Chairman

_____, Clerk

Cumberland Fire District

Est. November 10, 2014

Headquarters @ Station Four
3502 Mendon Road Cumberland, RI 02864 401.658.0544
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To: Fire Committee
From: Chairman Lemois
Date: February 24, 2015
Re: Separation Letters

According to some the contracts signed by the previous boards there is a required date the contract holders must be notified them that their contract will end.

That date is 90 to 120 days varying between contracts. Some contracts don't have a notify requirement. We will be sending notification letters to all contracted administrative personnel. We will do so at the same time. Notify requirement or not they all deserve updated communications.

The letters will serve as notification that the District does not intend to continue their contract past June 30, 2015.

It will also state that the opportunity for employment exists in some areas and notices will be posted at HQ. Positions will be different hours and compensation which will be listed in the postings.

The following will receive these notices:

Robert Murray, Treasurer at North Cumberland FD
Martin Klara, Tax Collector at North Cumberland FD
Joy Sullivan, Tax Collector at Valley Falls FD
Beth Markey, Tax Collector/Treasurer at Cumberland Fire District
Diane Karolyshyn, Tax Collector/Business Manager at Cumberland Hill FD
Joan Lariviere, Treasurer at Cumberland Hill FD
Brian Jackvony, Chief of the Valley Falls FD
Kenneth Finlay, Chief of the Cumberland Hill FD

All letters will be mail tomorrow the 25th and sent out certified with return receipt requested.

Thank you.

Mission Statement

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FC-R-2015-16

CUMBERLAND FIRE DISTRICT

RESOLUTION: To request for the RI Legislature to pass a bill granting the CFD the ability to have super lien status.

BE IT RESOLVED BY THE CFD COMMITTEE AS FOLLOWS:

- WHEREAS: The CFD will be performing the collections of the taxes.
- WHEREAS: The CFD needs a way to protect itself from delinquencies
- WHEREAS: A super lien status will allow the CFD to have a high placement on the title for payment in the event a foreclosure
- WHEREAS: This will allow for our tax payers to place the CFD Tax bill in escrow with their mortgage company

NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND FIRE DISTRICT AS FOLLOWS:

- RESOLVED: Upon passage this resolution will be sent to the Cumberland delegation of Senators and Representatives
- RESOLVED: Upon passage this resolution will have the full support of the CFD Fire Committee

Approved this 24th day of February, 2015.

Bruce A. Lemois, Chairman _____, Clerk

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FC-R-2015-17

CUMBERLAND FIRE DISTRICT

RESOLUTION: To support the passage of senate bill S-0177.

BE IT RESOLVED BY THE CFD COMMITTEE AS FOLLOWS:

WHEREAS: The Cumberland Fire District falls under almost all of the RI General Laws governing “public bodies” such as OMA, Board of Election Laws, Public Records request and Ethics Commission, etc.

WHEREAS: As only the board of elections has stated we are not a public body,

WHEREAS: In a recent Superior Court decision in AG of RI vs The Albion Fire District in a consolidated action of C.A. No.: 10-7084 and C.A. No.: 11-1552 in an open meetings complaint; it was ordered that the Fire District be fined for the violation of the OMA as the courts rule the District a public body.

WHERE AS: It should be clarified that the CFD is a public body

NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND FIRE DISTRICT AS FOLLOWS:

RESOLVED: Upon passage of this resolution it shall be forwarded to the Cumberland delegation of RI Senators and Representatives

RESOLVED: Upon passage the CFD will fully support S-0177

Approved this 24th day of February, 2015.

Bruce A. Lemois, Chairman

_____, Clerk

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO THE CUMBERLAND FIRE DISTRICT

- 1 This act would establish that membership on the Cumberland Fire District Fire
- 2 Committee constitutes holding a public office and that the elections of the Fire Committee are
- 3 governed by state election laws.
- 4 This act would take effect upon passage.

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LC000740
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2015 -- S 0177

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LC000740
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

—————
A N A C T

RELATING TO THE CUMBERLAND FIRE DISTRICT

Introduced By: Senators Pearson, and Picard

Date Introduced: February 05, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3 of Chapter 505 of the 2013 Public Laws entitled "An Act Relating
2 To The Consolidation Of The Cumberland, North Cumberland, Cumberland Hill, And Valley
3 Falls Fire Districts Into The Cumberland Fire District" is hereby amended to read as follows:

4 Section 3. Governing Body

5 The initial governing body of the consolidated Cumberland Fire District shall be a Fire
6 Committee. Membership on said committee shall be a public office. Members shall hold no other
7 public office. If any member shall hold any other public office, his or her office as a member of
8 said committee shall immediately become vacant.

9 Beginning no later than November of 2014, with the regularly scheduled general election,
10 seven (7) members of the Cumberland Fire Committee shall be elected. Each of the five (5)
11 council districts shall elect one member, with two (2) members being elected from the town at
12 large. It shall be a non-partisan election for a two (2) year term. The winning candidates shall be
13 sworn in immediately after the election results are certified. Any vacancy in the membership of
14 the Committee shall be filled by written ballot of a majority of all the members of the Town
15 Council for the remainder of the term of office, provided that the person selected to fill said
16 vacancy shall be a qualified elector from that district. A vacancy in said membership of the
17 Committee shall occur if a member dies, resigns from office, ceases to be a resident and/or elector
18 of the district in which elected, or shall be absent for four (4) consecutive regular meetings or six
19 (6) regular meetings within a twelve (12) month period unless said absence(s) are excused by a

1 majority vote of the whole Committee. Any and all elections, provided for under this act, shall be
2 governed by, and subject to, the provisions of title 17 and shall be administered by the state board
3 of elections and the town of Cumberland board of canvassers.
4 SECTION 2. This act shall take effect upon passage.

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LC000740
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STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

Attorney General Peter F. Kilmartin, :
In his official capacity :
Plaintiff :
v. :
Albion Fire District :
Defendant :

C.A.No.: 10- 7084

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

Attorney General Peter F. Kilmartin, :
In his official capacity :
Plaintiff :
v. :
Albion Fire District :
Defendant :

C.A.No.: 11- 1552

CONSENT JUDGMENT

It is hereby Decreed that Judgment shall enter in favor of the Plaintiff, Attorney General Peter F. Kilmartin and against the Albion Fire District in the above-captioned consolidated action, pursuant to the following terms:

1. that the Superior Court had previously determined that the Albion Fire District is a public body subject to the Open Meetings Act, R.I. Gen. Laws § 42-46-1 et seq;
2. that the Superior Court had previously concluded that the notices for the Albion Fire District's May 11, 2010, August 10, 2010 and September 21, 2010 meetings violated the Open Meetings Act;
3. that the Superior Court had previously determined that a genuine issue of material fact exists as to whether the above-mentioned violations were willful or knowing under R.I. Gen. Laws § 42-46-8;
4. that in order to resolve this case, Defendant, the Albion Fire District agrees to pay to the State of Rhode Island five thousand dollar (\$5,000.00), such amount to be paid by the Albion Fire District within thirty (30) days of signing this Consent Judgment, and no other costs or fees shall be assessed;

5. that this Consent Judgment shall become effective on the date of its entry and is binding upon the Albion Fire District, its agents, servants, successors, assigns, and all persons, corporations or entities acting through or for it.
6. In consideration of the Albion Fire District's payment of five thousand dollar (\$5,000.00), this case is dismissed.

Ordered and entered on this 11th day of July 2015.

ENTER:



ORDER:

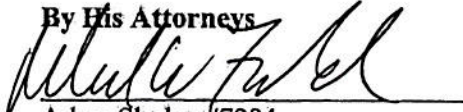


Deputy Clerk

Presented by:

**PLAINTIFF, ATTORNEY GENERAL
PETER F. KILMARTIN
In His Official Capacity**

By His Attorneys

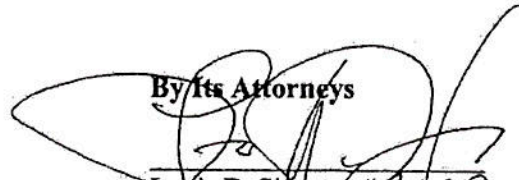


Adam Sholes #7204
Special Assistant Attorney General
Michael W. Field #5809
Assistant Attorney General
150 South Main Street
Providence, Rhode Island 02903
TEL: (401) 274-4400 X2380
FAX: (401) 222-2995

DATE: 2/11/15

**DEFENDANT, ALBION
FIRE DISTRICT**

By Its Attorneys



Louis DeSimone, #2069
703 West Shore Road
Warwick, Rhode Island 02889
TEL: (401) 739-5100

DATE: 2-5-15