

2023 -- H 6166 SUBSTITUTE A

LC002549/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO THE CONSOLIDATION OF THE OAKLAND--MAPLEVILLE #4 AND THE
NASONVILLE FIRE DISTRICTS INTO THE EAST BURRILLVILLE FIRE DISTRICT

Introduced By: Representatives Place, and Newberry

Date Introduced: March 17, 2023

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. The Oakland-Mapleville #4 and the Nasonville Fire Districts are hereby
2 merged and consolidated into the East Burrillville Fire District in the manner and form as follows:

3 Section 1. Consolidation; Name; Jurisdiction

4 All that part of the Town of Burrillville encompassing the villages of Oakland, Mapleville,
5 Whipples, Gazzaville, Tarkih, Oak Valley, Nasonville, Mohegan, Mount Pleasant and parts of the
6 village of Glendale, to include all property of the former Oakland-Mapleville Fire District # 4 and
7 the Nasonville Fire District as defined and as more specifically described in Section 13 hereof, are
8 hereby merged and consolidated into a district to be called the "East Burrillville Fire District". Said
9 district, hereinafter called the District, may have a common seal, sue and be sued and enjoy the
10 other powers generally incident to corporations. The East Burrillville Fire District, upon
11 consolidation, shall be vested with title, ownership and control of all property and assets of, and
12 shall assume all liabilities of, the Oakland-Mapleville #4 and the Nasonville Fire Districts. The
13 Oakland-Mapleville #4 and the Nasonville Fire Districts shall be hereby dissolved and the charters
14 are hereby revoked upon said consolidation being approved.

15 Section 2. Voters.

16 The inhabitants of the District, qualified to vote in Town of Burrillville affairs on
17 propositions to impose a tax or for the expenditure of money (hereafter called "Qualified Voters")
18 shall be eligible to vote and act at all meetings of the District.

1 Section 3. Meetings.

2 The annual meeting of the District shall be held on the third Wednesday in September in
3 each year. The Clerk of the District shall, at least five (5) days before the meeting, give notice of
4 the same by posting conspicuously in public places within the limits of the District, not less than
5 three (3) written or printed notices setting forth the time and place of such meeting.

6 A special meeting may be called by twelve (12) or more of the Qualified Voters of the
7 District. Such call shall consist of posting in the same manner and for the same time before such
8 meetings as are the annual meetings. No vote except upon an adjournment or on the election of
9 officers pro tempore shall be taken at any meeting of the District unless at least twelve (12)
10 Qualified Voters are present at such meeting. All persons possessing the qualifications set forth in
11 Section 2 of this act shall be entitled to vote by ballot or otherwise as they determine, at the first
12 meeting upon the proposition: "Shall the East Burrillville Fire District be established according to
13 the act of consolidation passed by the general assembly of the State of Rhode Island". If a majority
14 of the persons so qualified shall vote in the affirmative, the Fire District shall be established
15 according to the provision of this act. If a majority of the persons so voting shall vote in the
16 negative, then this act shall become null and void. All meetings of the District shall be in accord
17 with the Open Meetings Law, chapter 46 of title 42.

18 Section 4. Governing Body.

19 The Qualified Voters of the District at each annual meeting, may elect an operating
20 committee (the "Operating Committee") to serve staggered terms according to the Bylaws of the
21 District, until the next annual meeting and until others may be chosen in their stead. The Operating
22 Committee shall consist of seven (7) members. The Operating Committee shall elect one of its
23 members to serve as Chairperson of the District which includes the duties incumbent upon any
24 Chief Executive Officer and shall be the official spokesperson for the District. Any vacancy on the
25 Operating Committee shall be filled by the next highest vote getter at the prior annual District
26 meeting. If there is none, or if the one chosen shall decline to serve, the next highest vote getter
27 will be chosen. If there are none, then the remaining Operating Committee members shall appoint
28 a Qualified Voter to serve. The Operating Committee, by majority vote, shall appoint operating
29 officers to include a Clerk, Treasurer, and a Collector of Taxes/Tax Assessor, whose duties and
30 powers within the District shall be such as like officers of the towns in this state. The Chairperson
31 shall serve as an ex officio member of all subcommittees of the Operating Committee and shall
32 vote, as a member of the subcommittees, only when necessary to break a tie. The Operating
33 Committee shall have full power to manage the affairs and interests of the District. The Operating
34 Committee shall have responsibility for maintaining, repairing and insuring all property, real and

1 personal, owned by the District. The Operating Committee shall appoint a Fire Chief. The Fire
2 Chief shall have general supervision and control of the fire companies and shall serve as liaison
3 between the Operating Committee and the fire companies. All members of the Operating
4 Committee shall be residents and Qualified Voters of the District. The Operating Committee may,
5 at its option, appoint non-residents to the positions of Clerk, Tax Collector/Tax Assessor, Treasurer
6 and Fire Chief.

7 Section 5. Taxes.

8 The Qualified Voters of the District at any of their legal meetings, shall have power to
9 order such taxes, and provide for assessing and collecting the same on the taxable inhabitants and
10 property in the District, as they shall deem necessary for purchasing, hiring and otherwise procuring
11 real estate, buildings, implements and apparatus and a supply of water for the extinguishing of fires;
12 purchasing, hiring and otherwise procuring equipment for the providing of emergency medical
13 services; for the payment of the operating expenses of the District; for the preservation of the public
14 peace; and for the payment of any indebtedness incurred by the District; and such taxes so ordered
15 shall be assessed by the assessor of the District on the taxable inhabitants and the property therein
16 according to the last valuation made by the Assessor of the Town next previous to said assessment,
17 adding, however, any taxable property which have been omitted by said Town Assessor or after
18 acquired, and in all cases where the Town Assessor has included property within the District and
19 property without the District in one valuation, the Assessor of the District shall make an equitable
20 valuation of the portion of the same lying within the District; and in the assessing and collecting of
21 said taxes such proceeding shall be had by the officers of the District, as near as may be, as are
22 required to be had by the corresponding officers of Towns in assessing and collection of taxes; and
23 the collector of taxes for the District shall, for the purpose of collecting taxes assessed by the
24 District, have the same powers and authority as are now or may hereafter be by law conferred on
25 collectors of taxes for towns in this state. The District may assess such penalty by way of percentage
26 on the tax if not paid at the appointed time not to exceed eighteen percent (18%) per annum, as they
27 shall deem necessary. In addition to any other sums to which it may be entitled in accordance with
28 this Charter and applicable laws, in any action or proceeding to collect taxes, the District shall be
29 entitled to collect the reasonable costs of collection including, but not limited to, attorneys' fees.
30 The Qualified Voters of the District at any of their legal meetings shall have power to order the sale
31 or purchase of real property and personal property owned by the District.

32 Section 6. Bylaws.

33 The Qualified Voters of the District at any legal meeting shall have the power to enact such
34 bylaws and from time to time to rescind or amend the same by two-thirds (2/3) vote in accordance

1 with the amendment procedure set forth in the Bylaws as they may deem necessary or proper for
2 the purposes of this act and not repugnant thereto or inconsistent with any other law; provided that,
3 no greater penalty shall be inflicted thereby than is provided in this Section 6 and may appoint such
4 committees as they may deem necessary and may fix the compensation of all officers, agents,
5 employees and committees of the District. Such Bylaws may further prescribe the duties of the Fire
6 Chief and of the inhabitants of the District in the time of conflagration, and the method of enforcing
7 the commands of the Fire Chief, and for the appointment of officers for suppressing disorder and
8 tumult, guarding or removing property, and rendering other services in time of fire or emergency,
9 and also for the protection of water pipes, hydrants, safety valves, water gates or other apparatus or
10 property of or in the District, and for any breach of any Bylaw may provide a penalty not exceeding
11 a fine of one hundred dollars (\$100), to be recovered for the use of the District, or imprisonment
12 for a term not exceeding thirty (30) days, which penalty may be enforced by prosecution, on
13 complaint of any officer of the Fire District, before any court of competent jurisdiction. Any such
14 prosecution must first be authorized and approved by the Operating Committee.

15 Section 7. Authorization to Form Fire Company.

16 The Operating Committee of the District at any legal meeting shall have the authority to
17 appoint, or may direct the Fire Chief to appoint, so many men/women as the Operating Committee
18 deems necessary and proper to be formed into a Fire Company, and to adopt and approve all such
19 regulations for organizing, establishing and maintaining the same and the equipment thereof as the
20 Operating Committee shall see fit.

21 Section 8. Special Meetings.

22 The District may hold special meetings, which as well as the annual meeting, shall be held
23 within the District and notification shall be given of such special meeting in such manner as the
24 Bylaws and the open meetings laws of the State of Rhode Island shall prescribe; and it shall be the
25 duty of the Clerk to call a special meeting on written application signed by twelve (12) or more
26 Qualified Voters of the District; and whenever the subject of ordering a tax or amending the Charter
27 or Bylaws is to be acted on, the same shall be mentioned in the notice, unless it be the annual
28 meeting.

29 Section 9. Scope of Bylaws.

30 The District may enact all Bylaws by it judged necessary and expedient for carrying the
31 provisions of the act into effect; provided that, no greater penalty be inflicted thereby than is
32 prescribed in the Section 6; and provided, further, the same be not in violation of or repugnant to
33 the laws of this State.

34 Section 10. Liens.

1 District taxes shall constitute a lien upon the property assessed and if not paid when due
2 shall carry an interest penalty at the rate imposed from time to time by vote of the District.

3 Section 11. Authorization to Borrow Funds.

4 The District may also borrow money from time to time for the purpose herein specified
5 and issue bonds or notes therefor which shall be binding upon such District in the same manner as
6 Town or City notes. All bonds are binding upon the District using them but the District shall not
7 have outstanding at any time bonds or notes of a face value or more than three percent (3%) of the
8 total valuation of real estate within the District.

9 Section 12. Amendments.

10 This charter may be amended by a vote of at least two-thirds (2/3) of Qualified Voters
11 present and voting at any annual or special meeting of the District, provided the notice thereof states
12 that an amendment to the Charter shall be considered at such meeting. An amendment to the Charter
13 in conformity with such prior vote of the District shall be effective upon approval.

14 Section 13. Legal Description of the District.

15 The District shall include:

16 All that part of the Town of Burrillville enclosed by a line drawn from the point of
17 beginning at the intersection of Lapham Farm road and Steere Farm road; thence to a point of the
18 Burrillville and Gloucester town line on present Route 102 following the Burrillville and Gloucester
19 town line to Cooper road; thence northerly to the intersection of Tarkiln road and Snake Hill road;
20 thence north along Snake Hill road to the intersection of Snake Hill road and Barnes road; thence
21 northeast to the most southeast corner of land now or formerly owned by Gordon and Elsie M.
22 Robertson (164/012); thence northeasterly to the junction of Victory highway and so-called Hoyle
23 road; thence northwest along the Nasonville and Glendale boundary line to the center line of Branch
24 River; thence south westerly along the center line of Branch River to the northerly line of present
25 Route 102; thence westerly following the northerly line of present Route 102 to the point of
26 intersection of said northerly line of present Route 102 and the extension of the most westerly
27 property line of land now or formerly owned by James F. Thibault (129/022); thence northwesterly
28 along the extension of said property line to the most northwesterly corner of Thibault land; thence
29 westerly to the most southerly corner of land now or formerly owned by Ross C. and Takeko T.
30 Burnett (129/013); thence westerly to the most southwesterly corner of land now or formerly owned
31 by the State of Rhode Island; thence westerly to the most northeasterly corner of land now or
32 formerly owned by Harry S. Siperstein (144/019); thence westerly along the Siperstein land
33 approximately one thousand four hundred fifty two feet (1,452') to another corner of the Siperstein
34 land; thence southwesterly to a point two hundred (200') feet beyond the corner of East avenue and

1 Whipple avenue; thence southwesterly to the northwest corner of the Sadowski House (178/001);
2 thence southwesterly to the point of beginning; and further shall include:

3 All that part of the Town of Burrillville, including the villages of Mohegan, Nasonville,
4 Mt. Pleasant and Tarkiln, enclosed by a line beginning at a brook on Joslin road, known as the
5 Joslin brook; thence northwesterly to the Old Schoolhouse at second four corners, so-called, on the
6 Douglas pike; thence westerly to a point five hundred feet (500') from the Douglas pike; thence
7 northwesterly in a straight line crossed West Ironstone road, to the Massachusetts state line at a
8 point five hundred feet (500') westerly from Douglas Pike; thence easterly following the
9 Massachusetts state line to the North Smithfield town line; thence along the North Smithfield town
10 line to a point where the towns of Burrillville, Smithfield and Gloucester join; thence westerly
11 following the Gloucester town line to the Tarkiln brook; thence northwesterly to the junction of
12 Tarkiln and Snake Hill roads, continuing northerly following the former Oakland-Mapleville fire
13 district line to the junction of Snake Hill and Barnes roads, thence northerly in a straight line to
14 Hoyle road, so-called, on Victory highway, following the boundaries of the Glendale fire district,
15 approved March 7, 1942; thence northwesterly to a point of beginning on Joslin road.

16 SECTION 2. This act shall take effect upon passage and subsequent voter approval
17 whereupon all acts and parts of any acts inconsistent herewith are hereby repealed.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO THE CONSOLIDATION OF THE OAKLAND--MAPLEVILLE #4 AND THE
NASONVILLE FIRE DISTRICTS INTO THE EAST BURRILLVILLE FIRE DISTRICT

1 This act would authorize, subject to voter approval, the merger and consolidation of the
2 Oakland-Mapleville Fire District #4 and the Nasonville Fire District into a district to be called the
3 "East Burrillville Fire District."

4 This act would take effect upon passage and subsequent voter approval whereupon all acts
5 and parts of any acts inconsistent herewith would be repealed.

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