

**2013 -- H 5901**

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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2013**

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A N A C T

AUTHORIZING THE TOWN OF EAST GREENWICH TO ACQUIRE THE PROPERTY,  
ASSETS AND PERSONNEL OF THE EAST GREENWICH FIRE DISTRICT

Introduced By: Representative Antonio Giarrusso

Date Introduced: March 19, 2013

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. The Town of East Greenwich shall acquire the property, assets and  
2 personnel of the East Greenwich Fire District, which may hereafter be referred to as the East  
3 Greenwich Fire Department. The action of the Town of East Greenwich in acquiring the East  
4 Greenwich Fire District is done so in accordance with a referendum approved by the qualified  
5 voters of the Town of East Greenwich by a vote of 4426 in favor and 2239 opposed which took  
6 place on November 6, 2012.

7           SECTION 2. Upon the effective date of this Act, the East Greenwich Fire District,  
8 established by Charter initially passed by the General Assembly in 1797 and most recently  
9 amended by the General Assembly in 2010 (Chapter 268 of the Public Laws) shall cease to exist,  
10 and the Charter shall at that time be revoked by the General Assembly.

11           SECTION 3. Upon the effective date of this Act:

12           The Town of East Greenwich will acquire and exclusively possess all the rights,  
13 privileges, immunities and franchises of a public as well as of a private nature, of the East  
14 Greenwich Fire District; and all property and assets, tangible, intangible, real, personal and  
15 mixed, including, but not limited to, equipment, vehicles, bank accounts, cash and cash  
16 equivalents, all debts due on whatever account, all other causes in action, and all and every other  
17 interest of or belonging to or due the East Greenwich Fire District, is taken and deemed to be  
18 transferred to and vested in the Town of East Greenwich without further act or deed;

1           The Town of East Greenwich shall be responsible and liable for all debts, litigation,  
2   grievances, arbitrations, liabilities and obligations of the East Greenwich Fire District, including  
3   retiree benefits; and any claim existing or action or proceeding pending by or against the East  
4   Greenwich Fire District or which may arise by or against the East Greenwich Fire District after  
5   the effective date of this Act on account of matters preceding said date, may be prosecuted  
6   against the Town of East Greenwich, or the Town of East Greenwich may be substituted in its  
7   place;

8           All permanent and part-time employees of the East Greenwich Fire District who are so  
9   employed by the East Greenwich Fire District as of the date of the enactment of this Act, shall  
10   become employees of the Town of East Greenwich, and shall retain all accumulated rank,  
11   benefits and other rights of employment as existed with the East Greenwich Fire District without  
12   any action by the Town of East Greenwich.

13           SECTION 4. Without limiting the generality of Section 2 of this Act, upon the effective  
14   date of this Act:

15           The Collective Bargaining Agreement and all other binding commitments and  
16   agreements entered into between the East Greenwich Fire District, the East Greenwich Fire  
17   Fighters Association Local 3328, and any retired members, in effect on the date of enactment of  
18   this Act, shall remain in full force and effect and shall be treated from that point forward as  
19   entered into between the Town of East Greenwich and the East Greenwich Fire Fighters  
20   Association Local 3328.

21           In the event that the Collective Bargaining Agreement between the East Greenwich Fire  
22   District and the East Greenwich Fire Fighters Association Local 3328 for the period July 1, 2010  
23   through June 30, 2013 has expired on or after the date of enactment of this legislation, the Town  
24   of East Greenwich shall be bound by the terms of that agreement and, in the event a successor  
25   agreement is not reached, shall participate in and be bound by interest arbitration pursuant to  
26   R.I.G.L. §28-9.1-1 et seq.

27           The Town of East Greenwich shall have no obligation or authority to consider for  
28   employment any individual who is not employed by the East Greenwich Fire District as of the  
29   date of the enactment of this Act until such time as a subsequent vacancy or new opening shall  
30   exist.

31           SECTION 5. The Town Council of the Town of East Greenwich is hereby authorized to  
32   and may pass such ordinances, enter into such agreements, and do all things deemed useful and  
33   necessary to effectuate the acquisition and assumption of the property, assets and personnel of the  
34   East Greenwich Fire District, as well as all debts, duties, liabilities and obligations of the East

1 Greenwich Fire District.

2 SECTION 6. If, as a result of the action of the Town of East Greenwich to acquire the  
3 East Greenwich Fire District, the combination of the Town's tax levy and Fire District's levy  
4 causes the Town to experience and/or forecast expenditures which would result in an increase in  
5 the tax levy, then the Town's tax levy in that year may increase by more than the percentage  
6 increase specified in R.I.G.L. §44-5-2(a) or (b). In any subsequent year, the Town shall comply  
7 with the maximum levy pursuant to R.I.G.L. §44-5-2(a) or (b) for the Town's levy.

8 SECTION 7. The Town of East Greenwich shall indemnify, defend and hold harmless  
9 from and after the passage of this Act, each of the former Fire District Commissioners,  
10 employees, treasurers, clerks, assessors of the East Greenwich Fire District for, any and all costs,  
11 amounts, payments, losses, damages or liabilities (including without limitation, reasonable  
12 attorneys' fees) suffered by any of the foregoing with respect to, as a result of, or in connection  
13 with any actions or inactions by any of the foregoing relating to the operation of the East  
14 Greenwich Fire District.

15 SECTION 8. Any and all funds acquired by the Town of East Greenwich hereunder  
16 which at the time of the passage of this Act are held by the East Greenwich Fire District in  
17 accounts restricted by prior voter approval, testamentary bequest or state law (including, but not  
18 limited to, the Rhode Island Development Impact Fee Act, R.I.G.L. §45-22.4-1 et seq.) shall be  
19 held, used or applied, spent, expended and administered by the Town of East Greenwich in  
20 accordance with the restrictions imposed thereon until the funds have been exhausted.

21 SECTION 9. This Act shall take effect upon passage.

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