

2019 -- H 5958 SUBSTITUTE A

=====
LC002261/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

—————
A N A C T

RELATING TO CONSOLIDATION OF THE ALBION AND SAYLESVILLE FIRE
DISTRICTS INTO THE NEW LINCOLN FIRE DISTRICT

Introduced By: Representatives Costantino, Ackerman, and Lyle

Date Introduced: April 04, 2019

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. The Albion and Saylesville Fire Districts are hereby merged and
2 consolidated into the Lincoln Fire District in the manner and form as follows:

3 *Section 1. Name and Jurisdiction.*

4 This chapter is intended to authorize the creation of the Lincoln Fire District through the
5 consolidation of the fire districts of Albion and Saylesville located within the Town of Lincoln to
6 the Lincoln Fire District. Said Lincoln Fire District shall continue to have all of the rights, duties
7 and functions fulfilled prior to enactment of this legislation, by the Albion Fire District and the
8 Saylesville Fire District. The geographical area of the Lincoln Fire District shall be the combined
9 area of the districts of Albion and Saylesville, delineated as follows:

10 All that property in the village of Albion in the town of Lincoln, which is bounded and
11 described as follows: beginning at a point in the middle of the Albion Road bridge at the
12 Cumberland-Lincoln town line, following the Cumberland-Lincoln town line four thousand two
13 hundred feet (4,200'), more or less, in a northwesterly direction, thence running in a
14 southwesterly direction along the northern boundary of land owned now or formerly by the
15 Berkshire Fine Spinning Associates, Inc., to a point in the middle of the Old River Road, thence
16 turning and running in a southeasterly direction along the middle of the Old River Road, one
17 thousand forty feet (1,040'), more or less, to a point opposite the dividing line between the land
18 now owned or formerly owned by the heirs of Russell Handy and land owned or formerly owned

1 by Arnold Mann; thence turning and following the northern boundary of the Arnold Mann and
2 Stafford Mann land until the line comes to a large boulder, a corner of the land of the heirs of
3 Stafford Mann, turning and following the North Smithfield town line, in a southerly direction
4 until the line comes to the corner of the Smithfield town line, following said Smithfield town line
5 in a southerly direction to a point in the middle of the Washington Highway; thence turning and
6 continuing along the Washington Highway, in a northeasterly direction, crossing the Louisquisset
7 Pike and continuing along the middle of said Washington Highway to the Cumberland town line
8 turning and following said Cumberland town line in a northwesterly direction to the point of
9 beginning; and

10 (2) All that portion of the village of Saylesville in the town of Lincoln which is bounded
11 and described as follows: beginning at a point at the easterly shore line of Scott's Pond, so-called;
12 said point being opposite the intersecting point of Albion Avenue and the westerly line of the
13 road leading to Front Street; thence running southeasterly, crossing said Albion Avenue, six
14 hundred feet (600') more or less, to the westerly line of the Southern New England Railroad right
15 of way; thence southerly along the westerly line of said Southern New England Railroad right of
16 way fifteen hundred feet (1,500'); thence running southwesterly eight hundred feet (800') more or
17 less, to the boundary line between the town of Lincoln and the city of Central Falls, at a point
18 four hundred feet (400') from the easterly line of Albion Avenue; thence westerly along said
19 boundary line four hundred ten feet (410') more or less, to an angle in said boundary line, said
20 angle being on the westerly line of Albion Avenue and fifty-two feet (52') more or less, north of
21 the intersecting point of the southerly line of Walker Street and Albion Avenue; thence
22 southwesterly continuing along said city boundary line one hundred thirty feet (130') more or
23 less, to the Sayles Finishing Plants, Inc. mill yard fence at top of hill; thence northwesterly along
24 said Sayles Finishing Plants, Inc. fence and almost parallel to Walker Street, so-called, formerly
25 known as Branch Avenue, one hundred ninety feet (190') more or less; thence southwesterly and
26 continuing along said Sayles Finishing Plants, Inc. fence and almost parallel to Walker Street two
27 hundred ten (210') feet more or less; thence southwesterly and continuing along said Sayles
28 Finishing Plants, Inc. fence one hundred seventy-five feet (175') more or less; thence westerly
29 along said plant fence sixty-five feet (65') more or less; thence southwesterly along said Sayles
30 Finishing Plants, Inc. fence twelve feet (12'); thence westerly along said Sayles Finishing Plants,
31 Inc. fence one hundred feet (100') to the easterly line of said Walker Street; thence southwesterly
32 along the easterly line of said Walker Street one thousand fifty feet (1,050') more or less to an
33 angle in fence, said angle being twenty feet (20') more or less, north of tenement house number
34 two hundred eighteen (218) Walker Street; thence southeasterly about at right angle to Walker

1 Street along said Sayles Finishing Plant, Inc. fence one hundred eighty feet (180') more or less;
2 thence turning about a right angle and running westerly along said Sayles Finishing Plants, Inc.
3 fence two hundred thirty-two feet (232'); thence southerly along said Sayles Finishing Plants, Inc.
4 fence sixteen hundred eighty-nine feet (1,689') more or less; thence easterly along said Sayles
5 Finishing Plants, Inc. fence six hundred fifty feet (650'), said line being parallel to and one
6 hundred feet (100') from the northerly line of Sutcliffe Avenue, so-called; thence southerly along
7 said Sayles Finishing Plants, Inc. fence four hundred forty-six feet (446') to the corner of said
8 Sayles Finishing Plants, Inc. fence; thence continuing southerly about parallel to and three
9 hundred twenty feet (320') more or less from the Blackstone Canal seven hundred feet (700')
10 more or less, to the northeasterly corner of Amsden H. and Orin Smith land, said corner being the
11 northeasterly corner of the Fairlawn fire district enacted by the general assembly in the January
12 session of A.D. 1922, chapter 2303; thence westerly along the northerly line of said Smith's land
13 and said Fairlawn fire district fourteen hundred seventy feet (1,470') to the easterly line of
14 Smithfield Avenue; thence running northwesterly crossing said Smithfield Avenue to the
15 northeasterly corner of land of George Montgomery and wife; thence westerly at an interior angle
16 eighty-three degrees and twenty-three minutes (83°23') with the westerly line of said Smithfield
17 Avenue five hundred feet (500') more or less, to the northwesterly corner of said Fairlawn fire
18 district; thence northwesterly six hundred fifty feet (650') more or less, to the southerly line of
19 Parker Street at a point nine hundred fifty feet (950') from the westerly line of Smithfield Avenue;
20 thence turning an approximate exterior angle ninety degrees (90°) and running westerly four
21 hundred fifty feet (450') more or less, to the southerly point of the division line of the land of
22 Kilburn Land Company and land of Suburban Realty Corporation; thence westerly along the
23 southerly line of land of said Suburban Realty Corporation three hundred feet (300') more or less;
24 thence northwesterly about parallel to and five hundred feet (500') from the southerly line of
25 Parker Street five hundred fifty feet (550') more or less, to a point three hundred fifty feet (350')
26 from the southerly line of Parker Street and directly opposite the easterly line of Fairlawn
27 Avenue; thence northerly across Parker Street and along the easterly line of Fairview Avenue and
28 across Progress Street eleven hundred fifty feet (1,150') more, or less to a point five hundred feet
29 (500') north of the center line of Progress Street; thence southerly parallel to and five hundred feet
30 (500') from the center line of Progress Street fourteen hundred feet (1,400') more or less, to a
31 point opposite Wood Road; thence northerly on a straight line eighteen hundred feet (1,800')
32 more or less, to a point at the intersection of the westerly line of Smithfield Avenue and the
33 northerly shore line of the stream leading from Barney's Pond to Sayles Pond, so-called; thence
34 westerly and northwesterly along the northerly and easterly shore line of said stream and said

1 Barney's Pond to a point directly opposite the intersecting point of Chapel Street and Smithfield
2 Avenue, said point being four hundred fifty feet (450') more or less, from the westerly line of said
3 Smithfield Avenue; thence northwesterly running parallel to and four hundred fifty feet (450')
4 from said Smithfield Avenue eighteen hundred feet (1,800') more or less, to a point two hundred
5 feet (200') from the southerly line of said Smithfield Avenue or Great Pond, so-called; thence
6 westerly running parallel to and two hundred feet (200') from the southerly line of said Great
7 Road four hundred feet (400') more or less, to the easterly line of Samuel Arnold house lot, now
8 part of the Metropolitan Park System of Providence Plantations, Lincoln Woods Reservation;
9 thence northerly on a direct line along said Samuel Arnold house lot and across said Great Road
10 to the northerly line of said Great Road; thence westerly along said Great Road along the front of
11 land of Everett Sherman three hundred thirty feet (330') more or less, to the southwestly corner
12 of said Everett Sherman land; thence northerly along the westerly line of said Everett Sherman
13 land about at right angles to said Great road to a point three hundred feet (300') from the northerly
14 line of said Great Road; thence easterly running parallel to and three hundred feet (300') from the
15 northerly line of said Great Road and Front Street to a point directly on line with the easterly line
16 of house lot belonging to Everett Sherman situated on the southerly side of Front Street at the
17 corner of said Front Street and Smithfield Avenue, said point being the northwesterly corner of
18 the Albion fire district; thence southerly along the westerly line of said Albion fire district
19 crossing Front Street and running along the easterly line of land of Everett Sherman, Prescott
20 Wilbur and Albert Parks to a point two hundred feet (200') south of the southerly line of said
21 Front Street; thence easterly running parallel to and two hundred feet (200') from the southerly
22 line of said Front Street along the southerly boundary line of said Albion fire district three
23 hundred fifty feet (350') more or less, to a point five hundred feet (500') from the easterly line of
24 Smithfield Avenue; thence southeasterly parallel to and five hundred feet (500') from Smithfield
25 Avenue to a point five hundred feet (500') from the northeasterly line of Chapel Street; thence
26 southeasterly parallel to and five hundred feet (500') from the northeasterly line of Chapel Street
27 to a point five hundred feet (500') from the northerly line of Tucker Street; thence northeasterly
28 and southeasterly parallel to and five hundred feet (500') from the northeasterly line of Tucker
29 Street to the westerly shore line of Scott's Pond; thence southerly, and easterly and northerly
30 along the shore line of Scott's Pond to the place of beginning; and however bounded and
31 described, is meant and intended to describe the land set off for the proposed Saylesville fire
32 district, as shown by the map drawn by T.C. Mandeville, February, 1929, and all that portion of
33 the town of Lincoln which is bounded and described as follows: Beginning at a point in the
34 division line between the town of Lincoln and the city of Pawtucket on the easterly line of

1 Cypress Street, as laid out on the heirs of Horace Weeden plat No. 3, recorded in the town clerk's
2 office in said town of Lincoln; thence northerly along the easterly line of said Cypress Street
3 about nine hundred twenty-five feet (925') to the northeasterly corner of said Weeden plat; thence
4 westerly along the northerly line of said Weeden plat about seven hundred twenty feet (720') to
5 the Daniel Meader plat, recorded in the town clerk's office in said town of Lincoln; thence
6 northeasterly bounding northwesterly by said Meader plat, and land of Amsden H. and Orin
7 Smith about eight hundred ninety-five feet (895') to the northeasterly corner of said Smith's land;
8 thence westerly along the northerly line of said Smith's land about fourteen hundred seventy feet
9 (1,470') to the easterly line of Smithfield Avenue; thence northwesterly crossing said Smithfield
10 Avenue to the northeasterly corner of land of George Montgomery and wife; thence westerly at
11 an interior angle of ninety-six degrees and thirty-seven minutes (96°37') with the westerly line of
12 said Smithfield Avenue about five hundred feet (500') to a corner; thence southwesterly to a point
13 in the northeasterly line of Reservoir Avenue, said point being located seven hundred feet (700')
14 northwesterly from the northwesterly corner of Smithfield and Reservoir Avenues, thence
15 southwesterly crossing said Reservoir Avenue to the northwesterly corner of the Fairlawn Heights
16 plat No. 2, recorded in the town clerk's office of said town of Lincoln; thence southwesterly along
17 the northwesterly line of said Fairlawn Heights plat No. 2 about seven hundred seventy feet (770')
18 to the northeasterly line of Cobble Hill Road; thence southeasterly along northeasterly line of said
19 Cobble Hill Road about two hundred seventy-five feet (275') to the said division line between the
20 town of Lincoln and the city of Pawtucket; thence easterly along said division line to the point of
21 beginning; and however bounded and described is meant and intended to describe the land, as
22 shown by the map drawn by H.R. Smart, January, 1922.

23 The foregoing section and geographical description shall be updated as necessary in
24 accordance with the land records and voting records maintained by the town of Lincoln which
25 encompass and include the villages known and designated as the districts of Albion, Lonsdale and
26 Saylesville.

27 *Section 2. Transfer of Rights, Authority, Obligation and Liabilities to Lincoln Fire*
28 *District.*

29 The districts of Albion and Saylesville located in the Town of Lincoln are hereby
30 consolidated and incorporated into a cooperative fire district to be called and do business as the
31 Lincoln Fire District. Said District may have a common seal, sue and be sued and enjoy the other
32 powers generally incident to corporations. All of the rights, obligations, duties and agreements,
33 including collective bargaining agreements and employment agreements of non-union personnel
34 of the fire districts of Albion and Saylesville shall remain in full force and effect and binding

1 upon the Lincoln Fire District until expiration or modification by agreement. Nothing herein
2 contained shall be construed to constitute dissolution of the existing districts of Albion or
3 Saylesville with regard to their respective pending obligations and duties. In addition to the
4 powers and authority contained herein, the Lincoln Fire District shall have all of the rights and
5 authority held by the districts of Albion and Saylesville in accordance with the laws of the State
6 of Rhode Island.

7 *Section 3. Albion Fire District Board of Fire Commissioners' Consolidation Duties.*

8 The Albion Fire District Board of Fire Commissioners is authorized to take whichever
9 actions they deem appropriate to effectuate its consolidation as an independent entity and to
10 consolidate its operations with the Saylesville Fire District in accordance with the districts'
11 resolutions of their respective Boards of Fire Commissioners and Wardens upon approval by the
12 electors of both districts. The Albion Fire District's Board of Fire Commissioners shall cause
13 notice of the holding of any election undertaken by the Albion Fire District pursuant to this act to
14 be given to all electors of the district. Such notice shall be provided to the electors of the district
15 by regular U.S. mail, at least twenty (20) days prior to the date of the election, and shall be mailed
16 to the last known address of each registered elector in the District. This notice shall include, at a
17 minimum, the date, times and polling location(s) of the election, as well as a copy of the text of
18 the question(s) to be voted on by the electors. In addition, the Albion Fire District's Board of Fire
19 Commissioners shall cause notice of the election to be published in a newspaper published on at
20 least a weekly basis and distributed within the Albion Fire District, and said notice shall be
21 published at least twenty (20) days and then ten (10) days before the date of the election.

22 *Section 4. Albion Fire District Electors' Authorization.*

23 The qualified electors of the Albion Fire District are hereby authorized and empowered to
24 vote to effectuate the consolidation with the Albion Fire District as an independent entity and to
25 consolidate its operations with the Saylesville Fire District in accordance with the resolutions
26 adopted by the respective Boards of Fire Commissioners and Wardens. An affirmative vote of the
27 electors of both the Saylesville Fire District and the Albion Fire District are needed to effectuate
28 the consolidation of the two (2) fire districts and establish one district known as the Lincoln Fire
29 District.

30 *Section 5. Saylesville Fire District Board of Fire Wardens' Consolidation Duties.*

31 The Saylesville Fire District's Board of Fire Wardens is authorized to take whatever
32 actions they deem appropriate to effectuate its merger of the Albion Fire District, in accordance
33 with the districts' resolutions of their respective Boards of Fire Commissioners and Wardens and
34 upon approval by the electors of each district. The Saylesville Fire District's board of Fire

1 Wardens shall cause notice of the holding of any election undertaken by the Saylesville Fire
2 District pursuant to this act to be given to all electors of the district. Such notice shall be provided
3 to the electors of the district by regular U.S. mail, at least twenty (20) days prior to the date of the
4 election, and shall be mailed to the last known address of each registered elector in the District.
5 This notice shall include, at a minimum, the date, times, and polling location(s) of the election, as
6 well as a copy of the text of the question(s) to be voted on by the electors. In addition, the
7 Saylesville Fire District's Board of Fire Wardens shall cause notice of the election to be published
8 in a newspaper published on at least a weekly basis and distributed within the Saylesville Fire
9 District, and said notice shall be published at least twenty (20) days and then ten (10) days before
10 the date of the election.

11 *Section 6. Lincoln Fire District Eligible Voters.*

12 The residents of the said fire districts of Albion and Saylesville, qualified to vote in town
13 affairs on propositions to impose taxes or for the expenditure of money, shall be eligible to vote
14 and act in all meetings of the Lincoln Fire District. The domiciled residents of said districts
15 registered to vote in the town of Lincoln, referred to as "members", shall be eligible to vote, hold
16 office and act at all meetings of the district, as further provided in the district bylaws.

17 *Section 7. Annual Meeting.*

18 There shall be an annual meeting of said fire district every year, for the purpose of
19 electing officers, ordering taxes and providing for assessing and collecting the same, enacting
20 bylaws and transacting such other business or adopting such measures, consistent with the
21 charter, which the members at said meeting shall deem beneficial to the district. Annual meeting
22 date and requirements for the call of nature of said meeting shall be defined in the district bylaws.
23 Notwithstanding the foregoing, said annual meetings of said Lincoln Fire District shall be held on
24 the third Tuesday in October

25 *Section 8. Elections.*

26 Said residents, at each annual meeting and other meetings when vacancies occur, may
27 elect the following officers: (a) For a one year term, or until the next annual meeting, and until
28 others be chosen in their stead, a Moderator and such other officers and committees at such times
29 and with such duties and powers as the by-laws of the corporation may prescribe; (b) Five (5) fire
30 commissioners who shall also serve as tax assessors, each of whom shall serve five (5) year
31 terms. The initial board of commissioners shall consist of two (2) commissioners from each of the
32 individual districts of Albion and Saylesville, as well as one at large commissioner from either of
33 the districts. Said initial board shall be composed of and voted upon by the members of the
34 existing boards of the districts. The initial board of five (5) members shall consist of two (2)

1 members of each of the current boards of Albion and Saylesville, who shall be selected by the
2 respective boards and thereafter with initial terms to be determined by lottery as follows: (a) One
3 member shall serve a term of two (2) years or until the second annual meeting of the taxpayers of
4 the Lincoln Fire District; (b) One member shall serve a term of three (3) years or until the third
5 annual meeting of the taxpayers of the Lincoln Fire District; (c) One member shall serve a term of
6 four (4) years or until the fourth annual meeting of the taxpayers of the Lincoln Fire District; and
7 (d) One member shall serve a term of five (5) years or until the fifth annual meeting of the
8 Lincoln Fire District. The fifth member (at large) of the initial board shall be voted upon by a
9 majority of the four (4) members and shall serve a term of one year or until the initial annual
10 meeting of the taxpayers of the Lincoln Fire District. (If any such official shall be unable to serve
11 or shall die while in office, the board of fire commissioners shall appoint a successor to serve
12 until the next annual meeting at which time a special election to fill the unexpired term will be in
13 order. Thereafter, the commissioners shall be elected for a five (5) year term.

14 *Section 9. Board of Fire Commissioner's Appointments.*

15 The board of fire commissioners may appoint a tax collector, treasurer and clerk to serve
16 at the pleasure of the board. Said officers' duties and powers shall be as prescribed by the bylaws
17 of the corporation. The board of fire commissioners shall be empowered to take charge of and
18 care for the interests of the district in general, unless as otherwise limited by the terms of this act.
19 The collector of taxes for said district shall for purposes of collecting taxes assessed for said
20 district have the same powers and authorities set forth herein and as are now by law conferred
21 upon collectors of taxes for towns of this state. Said district may provide such deduction from the
22 tax assessed against any person if paid by an appointed time or for such penalty by way of
23 percentage on the tax if not paid at an appointed time, not exceeding the maximum rate of
24 percentage allowed by law per annum upon said unpaid tax. Said district is hereby authorized and
25 empowered to raise money through the issuance of its bonds or notes, signed by its treasurer, in
26 such sum or sums, as said district may establish, as provided herein.

27 *Section 10. Fire Chief.*

28 The board of fire commissioners shall appoint the district's fire chief, under such terms
29 and conditions that it deems advisable, which may be reduced to writing in the form of an
30 employment agreement. The fire chief, under the direction of the board of fire commissioners,
31 shall have the command of the fire department. The chief shall at all times supervise and keep in
32 repair and ready for instant use all the property of the corporation connected with the fire
33 department. The chief shall take appropriate action to combat all fires within the limits of said fire
34 district, and all orders issued by the chief to any member of the department shall be promptly

1 obeyed. The chief shall decide summarily all disputes or questions arising out of matters
2 connected with department personnel who are on duty. Further, at the inception of the Lincoln
3 Fire District there shall be an assistant fire chief position in recognition of the two (2) ranking
4 officers currently holding chief positions in the respective fire districts of Albion and Saylesville.
5 Upon either the position of chief or assistant chief becoming vacant for any reason, the position
6 of assistant chief may be eliminated from the table of organization as determined by the board of
7 commissioners for the Lincoln Fire District.

8 *Section 11. Fire District Operation.*

9 Chief officers and any other officers the chief deems necessary shall respond as needed to
10 every fire, shall obey all orders of the fire chief, and shall at all times assist the chief in his duties.
11 In case of absence or disability of the fire chief, the powers and duties conferred and imposed on
12 the chief by this act shall devolve upon and be performed by the assistant chief or deputy chiefs,
13 respectively, in the order designated by the board of fire commissioners. No member of the fire
14 department of the Lincoln Fire District who, while on duty, performing the duties of a firefighter,
15 and in the performance of said duty voluntarily and gratuitously renders emergency assistance to
16 a person in need thereof, shall be liable for civil damages for any personal injuries which result
17 from acts or omissions by such persons rendering the emergency care which may constitute
18 ordinary negligence. This immunity does not apply to acts or omissions constituting gross, willful
19 or wanton negligence. The fire chief, assistant chief, deputy chief and all members of this fire
20 department shall not render themselves liable personally and they are hereby relieved from all
21 personal liability for any damage that may occur to persons or property as a result of an act
22 required or permitted in the discharge of their official duties and any fire chief, and all members
23 acting in good faith and without malice, shall be free from liability for acts performed or by
24 reason of their failure to act in the performance of their official duties.

25 *Section 12. Taxation.*

26 Said residents, at any of their legal meetings, shall have the power to order such taxes,
27 and provide for the assessing and collecting the same, on the taxable property in said district, as
28 they shall deem necessary for the operation of the fire district. And such taxes so ordered shall be
29 assessed by the assessors of said district on the taxable property therein, according to the last
30 valuation made by the assessor of the Town of Lincoln next previous to said assessment, adding,
31 however, any taxable property which may have been omitted by said town assessor or afterwards
32 acquired; and in assessing and collecting said taxes, such proceedings shall be had by the officers
33 of said district, as near as may be, as are required to be had by the corresponding officers of
34 towns in assessing and collecting town taxes; and said residents through the tax collector may

1 provide for such deductions from the tax assessed against any person, if paid by an appointed
2 time, or for such penalties by way of percentage on a tax, if not paid at a time appointed, not
3 exceeding eighteen percent (18%) per annum, as they shall deem necessary to insure punctual
4 payment. Said residents, at any of their legal meetings shall have all of the powers of taxation
5 granted to municipalities in the state of Rhode Island, including, but not limited to, all of the
6 powers and authority of taxation set forth in Title 44 of the Rhode Island General Laws of 1956,
7 as amended. Said powers of taxation shall further include, but not be limited to, the establishment
8 of a taxing scheme with tiers designated as residential, commercial and tangible and any other
9 classifications authorized for municipalities pursuant to the laws of the state of Rhode Island,
10 including homestead and all other exemptions as deemed appropriate by the qualified members of
11 the fire district.

12 Notwithstanding the powers and authority provided herein, the qualified members of said
13 fire district at their legal meetings shall have power to order taxes and provide for assessing and
14 collecting the same, on the taxable inhabitants and property in said district as they shall deem
15 necessary for purchasing and procuring real estate, buildings and implements, apparatus, other
16 equipment, for the payment of the current expenses of said district and any indebtedness that has
17 been or may be incurred by said district, and also for the payment of such emergency medical
18 services as they deem necessary for the health, safety and welfare of the inhabitants; provided,
19 however, that the taxes assessed and payable in any one year under the provisions of this section
20 shall not exceed four dollars (\$4.00) on each one thousand dollars (\$1,000) of said valuation; and
21 provided further, however, the minimum charge for any fire tax bill rendered shall be not less
22 than twenty dollars (\$20.00).

23 *Section 13. Special Meetings.*

24 Said qualified members may hold special meetings, which, as well as the annual
25 meetings, shall be publicized in such manner as prescribed in the bylaws; and it shall be the duty
26 of the clerk to call a special meeting, upon written application signed by thirty (30) or more such
27 qualified members; and whenever the subject of ordering a tax is to be acted on, the same shall be
28 mentioned in the notice.

29 *Section 14. Powers.*

30 The Lincoln Fire District shall be entitled to all the rights, powers and privileges
31 conferred upon towns by the provisions of Title 45 of the Rhode Island General Laws of 1956, as
32 amended. Said powers and authority are to include, but not be limited by, the ability to assess and
33 collect taxes in a tiered tax system which establishes differing rates for different classes of
34 property. The engine companies, ladder companies, any emergency response companies, and any

1 additional fire apparatus together shall constitute the fire department under the direction of the
2 fire chief, and shall be governed by the board of fire commissioners of the Lincoln Fire District.
3 Such companies shall be subject to any provisions contained in the general laws of the state of
4 Rhode Island and all acts in amendment thereof, and to the exemptions, privileges and remedies
5 therein provided, including, but not limited to, the exemptions contained in chapter 12 of title 28
6 of the Rhode Island General Laws of 1956, as amended.

7 *Section 15. Borrowing and Bonds.*

8 (a) The Lincoln Fire District is hereby empowered, in addition to authority previously
9 granted, to borrow money and issue from time to time under its corporate name and seal, or a
10 facsimile of such seal, bonds, notes or other evidences of indebtedness (hereinafter called
11 "bonds") for the purpose of: (1) Purchasing land and erecting a building or buildings thereon for
12 fire protection purposes; (2) Purchasing fire apparatus; (3) Operating purposes; or (4) Payment of
13 the principal of or interest on temporary notes issued under subsection (c) of this section, and to
14 authorize its treasurer to issue, with the approval of its board of fire commissioners, such bonds in
15 such amounts, for such time and on such terms as shall be determined by vote at any regular or
16 special meeting of said district; provided, however, that the principal amount of such bonds,
17 including renewals thereof, outstanding at any time shall in no case exceed the sum of four
18 million dollars (\$4,000,000). The bonds of each issue may be issued in the form of serial bonds or
19 term bonds or a combination thereof and shall be payable, either by the maturity of principal in
20 the case of serial bonds or by mandatory serial redemption in the case of term bonds, in annual
21 installments of principal, the first installment to be not later than three (3) years after the date of
22 the bonds. Sections 45-12-5.1 and 45-12-5.2 shall apply to any such bonds.

23 (b) The bonds shall be signed by the district treasurer and by the manual or facsimile
24 signature of the chairman of the board of fire commissioners and shall be sold at not less than par
25 and accrued interest. Unless otherwise determined in the vote of the district authorizing the same,
26 the manner of sale, denominations, maturities, interest rates and other terms, conditions and
27 details of such bonds may be fixed by the proceedings of the board of fire commissioners
28 authorizing the issue or by separate vote of the board of fire commissioners or, to the extent
29 provisions for these matters are not so made, they may be fixed by the officers authorized to sign
30 the bonds. Interest coupons, if any, shall bear the facsimile signature of the district treasurer. The
31 proceeds derived from the sale of the bonds shall be delivered to the district treasurer and such
32 proceeds exclusive of premiums and accrued interest shall be expended for the purposes provided
33 in subsection (a) of this section. No purchaser of any bonds or notes under this section shall be in
34 any way responsible for the proper application of the proceeds derived from the sale thereof.

1 (c) If said fire district shall authorize the issuance of bonds under subsection (a) of this
2 section, the board of fire commissioners of said district may by resolution authorize the issuance
3 from time to time of interest bearing or discounted notes in anticipation of the issue of such bonds
4 or in anticipation of the receipt of federal or state aid for the purpose for which such bonds are to
5 be issued. The amount of original notes issued in anticipation of bonds may not exceed the
6 amount of bonds which may be issued under subsection (a) of this section and the amount of
7 original notes issued in anticipation of federal or state aid may not exceed the amount of available
8 federal or state aid as estimated by the district treasurer. Temporary notes issued under this
9 subsection shall be signed by the district treasurer and by the chairman of the board of fire
10 commissioners and shall be payable within three (3) years from their respective dates, but the
11 principal of and interest on notes issued for a shorter period may be renewed or paid from time to
12 time by the issue of other notes hereunder, provided the period from the date of an original note
13 to the maturity of any note issued to renew or pay the same or the interest thereon shall not
14 exceed three (3) years.

15 (d) In addition to the bonds and notes authorized in subsections (a) and (c) of this section,
16 said fire district is hereby empowered to borrow from time to time in each financial year, in
17 anticipation of the receipt of the proceeds of the annual tax due or to become due in said financial
18 year upon the ratable property within said fire district, and in anticipation of the receipt of the
19 then uncollected proceeds of the annual tax for the next preceding financial year, an amount
20 which, together with any money borrowed in anticipation of taxes in any prior year which remain
21 unpaid, shall not exceed eighty percent (80%) of the tax levy of the next preceding financial year,
22 the money to be borrowed to be used and expended for the payment of the current liabilities and
23 expenses of the fire district, and to authorize its treasurer to issue, with the approval of the board
24 of fire commissioners, its interest bearing or discounted notes therefore. Notes issued pursuant to
25 this subsection shall be signed by the district treasurer and the chairman of the board of fire
26 commissioners and shall be made payable not later than one year from their dates, but may be
27 renewed or paid by the issue of new notes payable not later than one year from the date of the
28 original notes so renewed or paid. Said fire district shall assess and levy a tax in each financial
29 year.

30 (e) Any proceeds of bonds or notes issued hereunder or of any applicable federal or state
31 assistance, pending their expenditure, may be deposited or invested by the district treasurer in
32 demand deposits, time deposits or savings deposits in banks which are members of the Federal
33 Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of
34 America or by any agency or instrumentality thereof as may be provided in any other applicable

1 law of the state of Rhode Island.

2 (f) All bonds and notes issued under this act and the debts evidenced thereby shall be
3 obligatory on the district in the same manner and to the same extent as other debts lawfully
4 contracted by it. The district shall annually appropriate a sum sufficient to pay the principal and
5 interest coming due within the year on bonds and notes issued hereunder to the extent that
6 moneys therefore are not otherwise provided. If such sum is not appropriated, it shall
7 nevertheless, be added to the annual tax levy. In order to provide such sum in each year and
8 notwithstanding any provision of law to the contrary, all taxable property in the district shall be
9 subject to ad valorem taxation by the district without limitation as to rate or amount.

10 (g) Any bonds or notes issued under the provisions of this act and coupons on any bonds,
11 if properly executed by officers of the district in the office on the date of execution, shall be valid
12 and binding according to their terms notwithstanding that before the delivery thereof and payment
13 therefore any and all of such officers shall for any reason have ceased to hold office.

14 (h) Notwithstanding any provision of law to the contrary, any bonds or notes issued by
15 the district hereunder, their transfer, and the income thereon (including any profits made on the
16 sale thereof) shall at all times be exempt from taxation by the state of Rhode Island or any
17 subdivision thereof other than estate and succession taxes.

18 (i) In addition to the powers set forth herein, the Lincoln Fire District will be authorized
19 and empowered to consolidate the current Saylesville firefighters' pension plan administered by
20 ERISA with the current COLA firefighters' pension of the Albion firefighters currently
21 administered by ERISA with the assets and liabilities of both plans combined.

22 *Section 16. Bylaws.*

23 Said residents shall have power to enact bylaws prescribing the duties of all officers of
24 the district and such as they shall deem necessary and expedient for carrying out the provisions of
25 this act, including establishing procedures for the approval of the district's budget, and also for the
26 protection of all apparatus and property of the district.

27 *Section 17. Tax Exemption from Real and Personal Property Taxes.*

28 The real and personal property of the Lincoln Fire District shall be exempt from taxation
29 for state, town and school purposes.

30 *Section 18. Amendments to Charter.*

31 Should the board of fire commissioners propose that the general assembly amend this
32 charter, it shall first publish notice of said proposed amendments in two (2) successive issues of a
33 local newspaper or any other Rhode Island newspaper of general circulation within the town of
34 Lincoln. Said notice shall include the text of any proposed amendments to this charter. Prior to

1 submission of said charter amendments to the general assembly, the board of fire commissioners
2 shall conduct a public hearing and consider the views of any district taxpayer expressed at said
3 hearing for or against said amendments.

4 *Section 19. Preservation of Rights under Existing Labor Contracts.*

5 In accordance with the provisions of § 28-7-19.1 of the Rhode Island General Laws of
6 1956, as amended, this act of consolidation shall not impair the provisions of any existing labor
7 contracts for persons employed full-time by either of the individual fire districts. Notwithstanding
8 this consolidation, the labor contracts shall continue in full force and effect until their termination
9 dates or until otherwise agreed by the parties or their legal successors.

10 All full-time firefighters of the Albion and Saylesville Fire Districts who are so employed
11 by said districts as of the date of the enactment of this legislation shall become employees of the
12 Lincoln Fire District, and shall retain all accumulated rank, benefits and other rights of
13 employment as existed with the aforesaid districts without any action by the commissioners of the
14 Lincoln Fire District. Nothing contained herein shall prevent the commissioners from reducing or
15 eliminating non-contractual positions. The collective bargaining agreements and all other binding
16 commitments and agreements entered into between the Albion and Saylesville Fire Districts and
17 the Albion (IAFF Local 3023) and the Saylesville (IAFF Local 3023) Fire Fighters Associations,
18 and any retired members, in effect on the date of enactment of this legislation, shall remain in full
19 force and effect and shall be treated from that point forward as entered into between the Lincoln
20 Fire District and the Albion (IAFF Local 3023) and the Saylesville (IAFF Local 3023) Fire
21 Fighters Associations.

22 *Section 20. Charters' Consolidation and Albion and Saylesville Fire Districts' Wind*
23 *Down.*

24 This legislation shall constitute the original charter of the consolidated districts and be
25 substituted for the original charters of the individual districts passed by the general assembly, as
26 the same have been amended from time to time; except that, all prior acts of the general assembly
27 authorizing bond issues of the districts shall remain in full force and effect. The existing districts
28 of Albion and Saylesville shall have until December 31, 2020 to take all steps necessary to
29 effectuate the consolidation of the districts as referenced herein. Any extension of the date set
30 forth above for completion will require approval of the general assembly.

31 SECTION 2. This act shall take effect upon passage.

=====
LC002261/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CONSOLIDATION OF THE ALBION AND SAYLESVILLE FIRE
DISTRICTS INTO THE NEW LINCOLN FIRE DISTRICT

- 1 This act would create the process and procedures by which the Albion and Saylesville
- 2 Fire Districts would be consolidated into a newly created Lincoln Fire District.
- 3 This act would take effect upon passage.

=====
LC002261/SUB A
=====