

1 SECTION 1. Pursuant to Chapter 62 of Title 45 of the General Laws of Rhode Island (the
2 Enabling Legislation), the Town Council of Exeter hereby creates The Boone Lake Dam
3 Management District in the manner and form as follows:
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6 I. LOCATION AND OBJECT
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8 A. Location. The Boone Lake Dam Management District (hereinafter referred to as
9 “Management District”) shall include all that part of the Town of Exeter, Rhode Island, located
10 within the limits of that plat filed with the Exeter Town Hall, Assessors Tax Maps, dated 1988,
11 Maps numbered 19, 83 and 84, corrected to November 1989, as the same may be amended from
12 time to time and which encompasses properties located on East Shore Drive, West Shore Drive,
13 Birch Drive and Maguire Place, said area being known as Boone Lake or Boone Lake Shores.
14

15 B. Object. The object of the Management District is to apportion among and collect from the
16 owners of property within Management District the costs of maintaining and repairing State Dam
17 No. 219 and the lake access routes now owned by, and to pay the costs of utilities servicing and
18 taxes assessed against properties of the Boone Lake Improvement Association, Inc. that may be
19 used by the Management District, and to raise funds for administering the Management District,
20 by establishing and regulating procedures by which the assessment and collection of funds can
21 be made for the aforementioned purposes in an organized, efficient and equitable manner. In
22 connection therewith, the Management District may raise money as provided herein and may
23 borrow money and repay it through the sale and redemption of bonds or other securities.
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26 II. VOTING
27

28 The owner or, if more than one, the owners collectively of any parcel located within the limits of
29 the Management District and assessed by the Exeter Assessors’ Office as a separate parcel for
30 real estate tax purposes (hereinafter parcel(s)) shall have one vote for each such parcel so owned
31 on matters concerning the Management District as hereinafter provided for; provided, however,
32 that parcels in the same ownership that are contiguous to one another and used as one site shall
33 be treated together as one parcel for voting purposes, and the term “parcel” shall include such
34 contiguous parcels with regard to voting when the context so requires. The owner of any such
35 parcel shall be the Eligible Voter entitled to cast such vote; but if there is more than one owner
36 of any such parcel the owners thereof present at any meeting shall jointly (i) designate one such
37 owner as the Eligible Voter entitled to cast the vote on behalf of all owners and (ii) if they so
38 wish, designate one such owner who shall be the Alternate Eligible Voter in circumstances
39 where the Eligible Voter is not present and voting at a meeting, and a written record of such
40 designation(s) shall be filed by the Board of Directors and shall remain in force and effect until
41 modified or amended by subsequent designations filed in the same fashion. The term “Eligible
42 Voter” when used herein shall mean the Eligible Voter or the Alternative Eligible Voter, as the
43 context so requires. A vote cast by an Eligible Voter shall be deemed to be cast pursuant to the
44 consent of all the owners. The term “owner” or “owners” as used herein shall mean those
45 persons identified as the assessed owners of such parcel or parcels according to the records of the
46 Exeter Assessors’ Office as of sixty days before the scheduled date of any meeting, the date on

47 which notices are sent or the date on which bills are rendered, as the case may be; provided that
48 if such owners have transferred the parcel or parcels and the successor or successors have not yet
49 been identified by such records as the assessed owners thereof, a certified copy of the recorded
50 deed or other official evidence of ownership, together with an affidavit under oath by one or
51 more of the persons claiming to be such successor(s) stating that such deed or other evidence is
52 correct, when filed with the Board of Directors shall serve to establish that such successors are
53 the successors to such owners of the parcel, and shall be considered owners for all purposes
54 hereunder. The term Exeter Assessors' Office as used herein shall, when the context so requires,
55 include the Exeter Collector's Office, or other department of the town required to make and keep
56 assessments of real property therein.
57

58 59 III. BUDGET MEETINGS 60

61 After the initial Board of Directors has been appointed by the Town Council as hereinafter
62 provided, the Board of Directors shall, within eighteen months of such appointment, call the
63 Initial Budget Meeting of the Management District, to be held in a place within the limits of the
64 Town of Exeter or at a place within a town immediately adjacent thereto, mailing a copy of a
65 proposed budget, and any proposed bylaws and a notice of the place and the time of the meeting
66 (which shall be no sooner than thirty days after said notice is mailed) in the same fashion as
67 provided hereafter for subsequent Annual Budget Meetings. The chairman of the Board of
68 Directors or the vice chairman in the absence of the chairman shall serve as the moderator at this
69 Initial Budget Meeting. All action, business and procedures that could take place at or which
70 would govern any Annual Budget Meeting as herein provided may take place and will govern at
71 the Initial Budget Meeting, except as otherwise provided herein and the assessment, collection
72 and enforcement of any amounts approved at such meeting shall be governed accordingly. The
73 first order of business at the Initial Budget Meeting shall be the election of a clerk, a treasurer
74 and a collector/assessor of the Management District, all of whom must themselves be owners of
75 parcels, who shall thereupon serve as such officers and constitute the Board of Directors of the
76 Management District and until the election of their respective successors. The second order of
77 business shall be the adoption of bylaws, if any have been proposed. The third order of business
78 at the Initial Budget Meeting shall be the adoption of a budget, if any has been proposed. After
79 such Initial Budget Meeting, subsequent Annual Budget Meetings shall be held at a place within
80 the limits of the Town of Exeter or at a place within a town immediately adjacent thereto as
81 specified in the notice hereinafter mentioned at 7:30 p.m. on the third Monday of July of each
82 year, but if that Monday is a holiday the meeting shall be held on the next Monday that is not a
83 holiday.
84

85 In connection with Annual Budget Meetings, each year on or before the first day of June, a
86 proposed budget for the Management District shall be prepared by the Board of Directors and
87 shall be mailed to the owners of each parcel, in each case addressed to such owners in the same
88 manner as, and mailed via first class mail to the mailing address specified in the records of the
89 Exeter Assessors' Office for the mailing of real estate tax bills, unless a successor or successors
90 has been established as provided herein, in which case the budget shall be so mailed to such
91 successor or successors to the address, if any, provided to the Board of Directors in writing by

92 such successor or successors. The budget shall be accompanied by a notice of the date, time and
93 place of the Annual Budget Meeting.

94
95 A quorum at the Annual Budget Meeting shall be Eligible Voters for twenty-five parcels. In the
96 event that, for any reason, a quorum is not present at the time a meeting is scheduled to open, the
97 Board of Directors is authorized to delay the opening time of, or postpone said meeting for such
98 period of time, as in the discretion of the Board of Directors shall best serve the interests of the
99 Management District, said postponement to be done by proclamation and posting at two
100 conspicuous places within the Management District. If a quorum is not present when the
101 meeting is resumed on the date to which it has been postponed the meeting may be held with
102 only the Board of Directors and such Eligible Voters of parcels in the Management District as
103 may be in attendance and they shall be empowered to vote upon all matters legally before the
104 meeting, each member of the Board of Directors having one vote and Eligible Voters of parcels
105 (other than members of the Board of Directors) casting votes in the manner above described. In
106 voting upon or in connection with any amendments to the proposed budget the following matters
107 shall be considered:

108
109 (a) the proper construction, management, preservation and support of the dam and related
110 facilities, lake and property.

111
112 (b) the purchase or rental of all necessary equipment and generally all things necessary and
113 proper for managing the Management District, and carrying into effect and attaining the
114 objectives of which this ordinance is declaratory.

115
116 (c) the improvement, or the payment of expenses relating to property belonging to the Boone
117 Lake Improvement Association, Inc., including access routes and facilities, used by the residents
118 of Boone Lake in connection with the lake or by the Management District for its operation.

119
120 (d) the creation of a reserve fund for the future management and replacement of property and
121 equipment.

122
123 (e) the periodic auditing of the financial records of the Management District.

124
125 (f) the times for payment of management charges and fees and the penalties for late
126 payments.

127
128 (g) payment of any charges and expenses arising within the Management District, incidental
129 or not to the above.

130
131 (h) remuneration for the officers of the Management District.

132
133 (i) liquidating any obligations previously assumed by the Boone Lake Improvement
134 Association, Inc. for repairs done to the dam.

135
136 In addition to voting upon the budget, the following action may be taken:

137

138 1. Voting to fill vacancies on expired or unexpired terms of duly elected officers, who shall
139 consist of a clerk, collector/assessor and a treasurer. All candidates for elected office must
140 submit their name and the particular office which they are seeking, in writing, to the clerk by
141 4:30 P.M. thirty (30) days prior to the Initial Budget Meeting or any Annual Budget Meeting or
142 Special Meeting. As to each office, the candidate with the most votes shall be deemed to be
143 elected to that office.

144
145 2. Voting upon any other matters that shall legally come before the meeting.
146

147 Approval of matters voted upon at the Initial Budget Meeting, or any Annual Budget Meeting or
148 Special Meeting, except the election of officers, shall be by a majority of the votes cast; as to the
149 election of officers, the candidate for any particular office with the most votes shall be deemed to
150 be elected to that office.

151 152 IV. COLLECTION OF MANAGEMENT FEES 153 154

155 Any amounts approved for the budget at the Initial Budget Meeting, an Annual Budget Meeting
156 or Special Meeting shall immediately become a lien upon all parcels within the Management
157 District as provided for in the Enabling Legislation, in proportion, in the case of each parcel, to
158 the Relative Weighted Value of that parcel as defined herein, and shall be payable as established
159 at the Initial Budget Meeting, Annual Budget Meeting or Special Meeting, as the case may be.
160 The Relative Weighted Value shall, for any parcel, be equal to the quotient resulting from
161 dividing the assessed value of that parcel, as established by the Exeter Assessors' Office for
162 general tax purposes, by the assessed values of all parcels, as so established, situated within the
163 limits of the Management District. The lien hereunder shall endure as provided in the Enabling
164 Legislation.

165
166 Within sixty days after the approval of any budget at the Initial Budget Meeting or any Annual
167 Budget Meeting or Special Meeting the Board of Directors shall cause the collector/assessor to
168 mail to the owners of each parcel of land located within the Management District bills for the
169 collection of the amounts due with respect to each parcel, with the bills in each case addressed to
170 such owners in the same manner as, and mailed via first class mail to the mailing address
171 specified in the records of the Exeter Assessors' Office for the mailing of real estate tax bills,
172 unless a successor or successors has been established as provided herein, in which case the bill
173 shall be so mailed to such successor or successors to the address, if any, provided to the Board of
174 Directors by such successor or successors. Parcels owned by the same person or persons may be
175 included in the same bill. The amount due with respect to any parcel shall be determined by
176 multiplying that parcel's Relative Weighted Value by the amount of the budget, as approved.
177 Bills shall be payable in full on or before the thirtieth day after they have been mailed or in any
178 other manner as may have been established at the Initial Budget Meeting or any Annual Budget
179 Meeting or Special Meeting. Amounts due, and any costs incurred in connection with the
180 collection of management fees or the enforcement of the lien securing them shall, in addition to
181 being added to the amount of the lien, be the personal liability of all owners of a parcel at the
182 time the lien arises, which liability shall be joint and several with respect to all owners of the

183 parcel, in favor of the Management District, shall be payable as aforesaid and shall bear interest
184 and penalties in the same manner as determined under law with respect to real estate taxes.

185
186 The treasurer shall upon request and for a fee of \$25 issue a certificate which shall state any
187 amounts of management fees that are due and owing on the date said certificate is given. Any
188 such certificate may be recorded within one hundred and fifty days after its date with the Exeter
189 Town Clerk in the land evidence records, and if so recorded shall operate to discharge the parcel
190 of real estate specified from the lien of all amounts then due for management fees which do not
191 appear by said certificate to be then due and owing, except such fees that are the subject of a
192 recorded notice or statement of lien, which such notice or statement of lien can be discharged by
193 specific release, all as hereinafter provided; but a certificate issued under this section shall not
194 affect the obligation of any person liable for the payment of any management fee by reason of
195 being the assessed owner of such parcel of real estate at the time any such lien arose.

196
197 Collection and enforcement of the liens securing amounts due for management fees shall be in
198 the same manner as provided for the collection of taxes by municipalities in this state, or as may
199 otherwise or hereafter be permitted or established by law.

200 201 202 V. SPECIAL MEETINGS

203
204 Special Meetings of the Management District may be called upon written request, signed by one
205 or more of the owners of at least fifty (50) parcels, setting forth the purpose of said call,
206 delivered to the clerk, or in the absence thereof, a duly elected officer of the Management
207 District. Said Special Meeting shall be scheduled to be held at a place within the limits of the
208 Town of Exeter or at a place within a town immediately adjacent thereto within forty-five (45)
209 days after delivery of the aforementioned written request and notice thereof shall be given at
210 least ten (10) days before the scheduled meeting in the same form and mailed in the same
211 manner as in the case of the Annual Budget Meeting.

212
213 All action, business and procedures that could take place at or which would govern any Annual
214 Budget Meeting as herein provided may take place at and will govern any Special Meeting, and
215 the assessment, collection and enforcement of any amounts approved at such meeting shall be
216 governed accordingly.

217 218 219 VI. OFFICERS

220
221 The officers of the Management District shall be the clerk, collector/assessor and the treasurer
222 and they shall be collectively referred to as the Board of Directors. Each shall, except in the case
223 of death, resignation or disability or removal from office for cause, hold office for two years and
224 until their respective successors are elected. The persons who shall serve as the initial Board of
225 Directors shall be appointed by the Exeter Town Council as soon as reasonably possible after the
226 passage of this ordinance, and they shall serve until their respective successors are elected at the
227 Initial Budget Meeting.

228

229 A. Board of Directors. The Board of Directors shall consist of the officers of the Management
230 District, whether appointed by the Town Council, or elected at the Initial Budget Meeting or any
231 subsequent Annual Budget Meeting or Special Meeting.

232
233 1. The Board of Directors shall elect one of its members as chairperson, who shall not be the
234 clerk, and one of its members as vice chairperson. The chairperson, and in the chairman's
235 absence, the vice chairman, shall preside at all meetings of the Management District and shall
236 conduct all meetings in accordance with "Roberts Rules of Order" (latest revision).

237
238 2. The Board of Directors shall appoint all committees, subject to confirmation by a majority
239 vote thereon at any meeting.

240
241 3. The Board of Directors, at each Annual Budget Meeting, shall make a written report to the
242 owners of parcels of the state of affairs of the Management District. Financial and other records
243 of the Management District shall be open for inspection by the owners of properties within the
244 Management District at reasonable times and upon reasonable notice.

245
246 4. Whenever a vacancy shall occur in the Board of Directors either through death, resignation
247 or disability or removal for cause, the remaining members of the Board of Directors shall appoint
248 an owner of a parcel to serve in such capacity until the next Annual Budget Meeting or Special
249 Meeting, and until his or her successor is elected.

250
251 5. The Board of Directors shall have the authority to retain legal counsel at an annual cost to
252 be determined by a majority vote thereon at any meeting. Said legal counsel shall be available in
253 an advisory capacity for all committees of the Management District and shall render legal
254 opinions, whenever requested to do so, on any question pertaining to the Management District.

255
256 6. The Board of Directors, acting in behalf of the Management District, shall have the right
257 to sue and be sued in the courts of this state having jurisdiction to hear, try or determine such
258 causes. Any elected or appointed district official, employee or member of the Management
259 District is entitled to all rights and benefits of indemnification as set out or referred to in the
260 Enabling Legislation.

261
262 B. Clerk. The clerk shall on behalf of the Board of Directors give notice of the Initial Budget
263 Meeting and every Annual Budget Meeting or Special Meeting of the Management District by
264 notifying all property owners by mail as herein provided. The clerk shall take the minutes of all
265 meetings and shall be held responsible for the management of same.

266
267 C. Treasurer. The treasurer before proceeding to discharge these duties shall, if required so to do
268 after a majority vote, give bond to the Management District in such sum and with such surety as
269 may be determined by said vote, which will provide for the faithful discharge of the duties of
270 office. The premium for said bond shall be paid by the Management District. Said bond shall be
271 deposited with the Exeter Town Council. The treasurer shall pay out and expend only those
272 funds that are authorized by general or specific vote of the Management District at the Initial
273 Budget Meeting or any Annual Budget Meeting or Special Meeting. The treasurer shall have the
274 authority to borrow such sums that may be so authorized at the Initial Budget Meeting, Annual

275 Budget Meeting or Special Meeting, and shall have the authority to invest any surplus funds,
276 subject to the advice and consent of the Board of Directors, in any interest-bearing accounts as
277 provided by law.

278
279 D. Collector/Assessor. The collector/assessor, before proceeding to discharge these duties, shall,
280 if required so to do after a majority vote, give bond to the Management District in such sum and
281 with such surety as may be determined by said vote, which will provide for the faithful discharge
282 of the duties of office. The premium for said bond shall be paid by the Management District.
283 Said bond shall be deposited with the Exeter Town Council. The collector/assessor shall
284 determine the management fees due with respect to any parcels. Upon approval of any budget at
285 the Initial Budget Meeting, Annual Budget Meeting or Special Meeting the collector/assessor
286 shall on behalf of the Board of Directors produce management fee bills based on the budget
287 approved by the Management District and shall immediately provide the treasurer with a true
288 and complete list of the same and further shall maintain records of all collections and delinquent
289 charges and provide annual written reports thereof. The bills shall be mailed as herein provided
290 no later than sixty (60) days after the Initial Budget Meeting or any Annual Budget Meeting or
291 Special Meeting establishing amounts due and shall be payable within thirty days after they have
292 been mailed, unless otherwise established at such meetings, and shall indicate when payments
293 are due and the penalties for late payments. The collector/assessor shall pay over to the treasurer
294 on the first day of each month the total management fees collected during the previous month, or
295 at more frequent intervals, at the option of the collector/assessor. The collector/assessor may at
296 any time while a management fee is due and owing but unpaid record a notice or statement of
297 lien with the Exeter Town Clerk in the land evidence records indicating the amount due.
298 Additional amounts thereafter becoming due shall be secured by said notice or statement without
299 the necessity of recording further statements. The Treasurer may discharge the lien by a release
300 filed with the Exeter Town Clerk in the land evidence records that makes specific reference to
301 the recorded notice or statement and states that all amounts thereunder have been paid.

302
303 The collector/assessor for said Management District shall collect all management fees due, and
304 for the purpose of collecting the same shall have the same powers and authority as are now by
305 law conferred on collectors of taxes for towns in the state.

306
307 The collector/assessor shall be empowered, subject to unanimous approval of the Board of
308 Directors, to appoint an agent for collection of management fees. Said agent at the time of
309 appointment shall give bond to the Management District in such sum and with such surety as the
310 Management District shall determine, which will provide for the faithful performance of the
311 duties of said agent. The premium for said bond shall be paid by the Management District. Said
312 bond shall be deposited with the Exeter Town Council.

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316 VII. REPORTING TO TOWN AND DEM

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318 At least annually the Management District shall submit complete and detailed reports to the
319 Town of Exeter and the Department of Environmental Management.

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321
322 VIII. AMENDMENTS TO ORDINANCE
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324 In the event that the Eligible Voters for fifteen (15) parcels at any duly called meeting of the
325 Management District shall deem that this ordinance should be amended or revised, then and in
326 that event, the Board of Directors shall appoint a committee, approved by a majority vote at such
327 meeting, to study such proposed amendment or revision. Said committee shall report its findings
328 at the next annual meeting at which time the approval or disapproval of the proposed amendment
329 or revision shall be voted upon. Upon approval of any amendment or revision by the
330 Management District, the same shall be referred to the Exeter Town Council during the current
331 session, or if not in session at the time, the next session for its consideration.
332

333 Nothing herein shall be construed as limiting the adoption of or amendments to bylaws
334 concerning the administration of the Management District.
335

336 SECTION 2. This ordinance may be adopted by, and shall thereupon become binding upon all
337 owners and their successors in title of properties included within The Management District upon
338 a majority vote of the members of the Town Council so adopting the same.
339

340 SECTION 3. If any provision of this ordinance or its application to any person or circumstances
341 is held invalid, such invalidity shall not affect other provisions or application of the ordinance
342 which can be given effect without the invalid provisions or application and to this end the
343 provisions of this ordinance are declared to be severable.
344

345 SECTION 4. This ordinance shall take effect upon passage.