

DARTMOUTH FIRE DISTRICT NO. 1

WARRANT

NOTICE is hereby given that the Annual Meeting of Dartmouth Fire District No. 1 will be held at the Engine House, 10 Bridge Street, Dartmouth, Massachusetts on Wednesday May 10, 2017, at 6:30 P.M.. Then and there to act on the following Articles:

ARTICLE 1: To choose a Moderator for the ensuing year.

ARTICLE 2: To see if the District will vote to compensate firefighter recruits at the rate of \$19.00 per hour, firefighter Step 1 at the rate of \$24.00 per hour, firefighter Step 2 at the rate of \$22.00 per hour, lieutenants at the rate of \$26.00 per hour, house captains at the rate of \$23.00 per hour and line captains at the rate of \$28.00 per hour and dispatchers at the rate of \$20.00 per hour for toned incidents and to further compensate all district personnel for all other duties at the rate of \$20.00 per hour.

Inserted by the Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 3-0-0

ARTICLE 3: To see if the District will vote to raise and appropriate the sum of \$558,500. for the SUPPORT OF THE DISTRICT.

The fiscal year 2017 appropriation was \$585,000.

Inserted by the Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 3-0-0

ARTICLE 4: To see if the District will vote to raise and appropriate the sum of \$49,380. to fix the salaries of the several District Officers, the Assessors, the Tax Collector and Fire Department Officers for the fiscal year beginning July 1, 2017, and to appropriate a sum of money therefore.

Deputy Chief	\$ 18,000.
District Clerk	\$ 3,650.
District Treasurer	\$ 17,500.
Prudential Committee (3 @ \$2,500.)	\$ 7,500.
Oil Burner Inspector	\$ 2,200.
Assessors (3 @ \$135.)	\$ 405.
Tax Collector	\$ 0.
Moderator	<u>\$ 125.</u>
	\$ 49,380.

Inserted by the Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 2-1-0

ARTICLE 5: To see if the District will vote to raise and appropriate the sum of \$50,000. for the BUILDING ACCOUNT for maintenance and running expenses of the land and building owned by the District.

Inserted by the Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 3-0-0

ARTICLE 6: To see if the District will vote to authorize the Chief, with the approval of the Prudential Committee, to sell or otherwise dispose of any surplus equipment belonging to the District.

This article is an annual request.

Inserted by the Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 3-0-0

ARTICLE 7: To see if the District will vote to raise and appropriate the sum of \$42,500. for the RESERVE FUND.

The Reserve Fund is utilized for extraordinary and unforeseen expenditures. The unencumbered balance will revert to Surplus Revenue at the end of the fiscal year.

Inserted by the Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 3-0-0

ARTICLE 8: To see if the District will vote to raise and appropriate the sum of \$95,500. for the following specific purposes:

A. EMT Stipends	\$12,000.
B. Longevity Stipends	\$11,000.
C. Turn Out Gear	\$30,000.
D. Portable 2-Way Radios (10)	\$15,000.
E. Marine One Electronics Operating Controls Up-Grades	\$ 7,500.
F. Repair Retaining Wall and Replace Fence	\$20,000.

EMT stipends to be paid the last payroll of the fiscal year providing the EMT's make the necessary requirements

Longevity stipends to be paid in the November Payroll.

5 years of service \$ 100.00	20 years of service \$ 400.00
10 years of service \$ 200.00	25 or more years of service \$ 500.00
15 years of service \$ 300.00	

Inserted by the Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 3-0-0

ARTICLE 9: To see if the District will vote to raise and appropriate the sum of \$90,000. for the salary of the Fire Chief.

This amount is a previous agreed to contract in year (2) of a 3 year contract with the Fire Chief.

Inserted by the Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 2-0-1

ARTICLE 10: To see if the District will vote to raise and appropriate the sum of \$25,000. for study and engineering costs for the Old Fire Station.

Inserted by the Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 3-0-0

ARTICLE 11: To see if the District will vote to raise and appropriate the sum of \$25,000. for study and engineering costs for present Fire Station.

Inserted by Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 3-0-0

ARTICLE 12: To see if the District will vote to appropriate \$381,500. from FREE CASH, and appropriate \$400,000. from the STABILIZATION FUND, to purchase a Class A Attack Pumper and Fire fighting equipment.

This will replace one 1994 KME Pumper

Inserted by the Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 2-1-0

ARTICLE 13: To see if the District will vote to raise and appropriate the sum of \$116,800. for two part time personnel such that no single individual shall be regularly scheduled more than 16 hours per week and shall not exceed 832 hours per fiscal year.

Inserted by Prudential Committee

PRUDENTIAL COMMITTEE RECOMMENDS 3-0-0

ARTICLE 14 To see if the District will vote to amend the District By-Laws by deleting them in their entirety, and replacing them with the following:

ARTICLE 1 PURPOSE AND SCOPE

Section 1.1 Supplementation of State Law

These bylaws supplement the general laws, specials law and regulations that are applicable to the governance and operation of the District and the Department, including, without limitation, Chapters 48 and 148 of the General Laws, the regulations of the Board of Fire Prevention, and Chapter 460 of the Acts of 2012. Those statutes and regulations should be consulted in order to ensure a complete understanding of the powers, duties and procedures of the District and the Department. To the extent that these bylaws are in conflict with them, those statutes and regulations shall govern, inclusive of any amendments or successor statutes or regulations to the same.

Section 1.2 District Boundaries

The geographic boundaries of the District are as follows:

Beginning at the tide waters of Clark's Cove at a point on the boundary line of the Town of Dartmouth and the city of New Bedford; thence Northerly on said boundary line to a point on said boundary line which point is 200 feet South of the Southerly line of Allen Street; thence Westerly in a line 200 feet Southerly from and parallel to said Southerly line of Allen Street to a point 200 feet East of the Easterly line of Tucker Road; thence Southerly in a line 200 feet Easterly from and

parallel to said Easterly line of Tucker Road to the center of the road at Macomber Corner; thence running Westerly to the center line of Tucker Road; thence running Southerly in said center line to Tucker Road to a point 200 feet South of the Southerly line of Russells Mills Road; thence running Westerly in a line parallel to said last named Road and 200 feet distant Southerly line of said Road to Fresh River Bridge; Thence running Southerly from the Easterly side of Fresh River in a straight line to a point in the Southerly line of Rock-oDundee Road 200 feet East of the Easterly line of the Potomska Road, and thence running Southerly and Easterly in a line parallel to last named Road and 200 feet distant Easterly from the Easterly line thereof to the Little River Bridge and Buzzards Bay.

ARTICLE 2 DEFINITIONS

Each of the following terms as used in these By-Laws are defined as follows. Any terms that have not been defined specifically herein shall have their normal English meanings, unless the context indicates otherwise.

1. Chief – The head of the Department.
2. Department – The fire department of the District.
3. District – Dartmouth Fire District No. 1, the boundaries of which are provided in Section 1.2.
4. False Alarm – Whenever a Fire Alarm System is improperly activated, whether due to intentional or negligent action, mechanical failure, malfunction, faulty installation or otherwise, and such improper activation results in an on-site response by the Department where no fire or smoke emergency actually exists; provided, that a Fire Alarm System shall not be considered to have been improperly activated when activation was the result of any force majeure, including, without limitation, power outages and inclement weather.
5. Fire Alarm System – Any mechanical or electronic system of any kind or description that is designed to signal the existence of a smoke or fire emergency, regardless of whether this system is designed to summon the assistance of the Department, and regardless of whether this system contains fire suppression or protection equipment such as sprinklers or foam sprayers.
6. Official of the District – Members of the Prudential Committee, the Treasurer, the District Clerk, and the Moderator.
7. Subordinate Officer – Any member, whether full-time, part-time, paid or volunteer, of the Department other than the Chief, including, without limitation, the Deputy Chief and any captains, lieutenants, firefighters, recruits and any other personnel who are subordinate to the Chief.

ARTICLE 3 ELECTED OFFICIALS

Section 3.1 Prudential Committee

Subsection 3.1.1 Composition and Term

The Prudential Committee shall consist of three (3) members, who shall be elected for terms of three (3) years, and which terms shall be staggered such that one (1) member shall be up for election annually.

Immediately after the annual election the Prudential Committee shall organize for the ensuing year by choosing a Chairman and a Clerk. A majority of the Committee shall constitute a quorum for the transaction of business.

Subsection 3.1.2 Meetings

There shall be regular meetings of the Prudential Committee at least once per month at times and dates to be scheduled by the Prudential Committee; provided, that nothing shall preclude the Chair of the Prudential Committee from calling additional meetings.

Subsection 3.1.3 Additional Powers and Duties

In addition to any other powers and duties that are provided by general or special law, or state regulation, the Prudential Committee shall:

- A. Hire an outside expert, whether an individual or a firm, to audit the accounts of the District and the Department. Such audits shall take place at least annually.
- B. Have full control of the maintenance and upkeep of all real property and buildings of the District.
- C. Develop, in consultation with the Chief, a long range capital plan related to acquiring, maintaining and improving the District's land, buildings and equipment.
- D. Adopt guidelines for implementing and maintaining the long range capital plan.

Section 3.2 Treasurer

Subsection 3.2.1 Term

The Treasurer shall be elected for terms of three (3) years.

Subsection 3.2.2 Additional Powers and Duties

In addition to any other powers and duties that are provided by general or special law, or state regulation, the Treasurer shall:

- A. Keep a full and complete report of all receipts and expenditures of the District and shall make an annual report thereon to the Prudential Committee.
- B. For each regularly monthly meeting of the Prudential Committee, prepare the treasury warrant to be acted upon, along with a summary of the payments to be made pursuant to the same. No such payments shall be made until the treasury warrant has been approved by the Prudential Committee.
- C. Ensure that no notes, bonds or other debt instruments are issued until and unless the same has been authorized by the District Meeting, and countersigned by the Prudential Committee.

Subsection 3.2.3 Treasurer's Bond

The District shall bear the expense of the premium on the Treasurer's bond.

Section 3.3 District Clerk

Subsection 3.3.1 Term

The District Clerk shall be elected for terms of three (3) years.

Subsection 3.3.2 Additional Powers and Duties

In addition to any other powers and duties that are provided by general or special law, or state regulation, the District Clerk shall:

- A. Keep a record of all actions that are taken at all annual and special District Meetings. Towards that end, the District Clerk shall attend every District Meeting and shall record the same using an electronic voice recorder.

B. Prepare the warrant for every District Meeting as directed, and only as directed, by the Prudential Committee.

C. Receive the annual reports of the Chief, the Treasurer and the Prudential Committee, and prepare them for publication in a consolidated Annual Report of the District.

D. Advise the Prudential Committee of all changes in the laws and regulations of the Commonwealth relating to fire districts, fire departments, fire safety and fire emergency response. The District Clerk shall post, on the bulletin board in the engine house, notices of all such changes.

E. Prior to the annual election and any special election, appoint the precinct officers, which precinct officers shall assist the District Clerk in the administration of the annual election and any special election.

Section 3.4 Moderator

The Moderator shall be chosen annually at the annual District Meeting.

Section 3.5 Election Procedures

Subsection 3.5.1 Annual Election

The annual election of Officials of the District shall be held on the last Monday in April.

Subsection 3.5.2 Compensation

The Officials of the District receive only such compensation as the District Meeting may determine for each such position from time to time.

Subsection 3.5.3 Prerequisites to Election

No one may be elected as an Official of the District without being both a registered voter and a resident of the District. These prerequisites must be met at the time of nomination and must continue to be met through election and during the term of office. If, at any time after being elected as an Official of the District, an individual ceases to be either a registered voter or a resident of the District, this change of status automatically shall constitute said individual's resignation from the position, which position shall be vacant thereafter.

ARTICLE 4 DISTRICT MEETINGS

Section 4.1 Publication of the Warrant

In accordance with M.G.L. c. 48, § 66, the Prudential Committee shall direct the warrant for every District Meeting to District Clerk. The District Clerk forthwith shall provide notice of the District Meeting to the public in the following manners:

1) By posting attested copies of the warrant at the Engine House of the Department, the Dartmouth Town Hall; 2) By posting attested copies of the warrant at two other buildings that are accessible to the public, which buildings may be designated by the Prudential Committee from time to time; and 3) By causing notice of the District Meeting to be published as a display advertisement in a newspaper of at least weekly local circulation within the District.

Section 4.2 Annual Meetings

The annual District Meeting shall be held on the second Wednesday of each May.

Any voter petition for the inclusion of an article on the warrant for the annual District Meeting must be submitted to the Prudential Committee by 5pm on the last Friday of March prior to that District Meeting.

Section 4.3 Special Meetings

The Prudential Committee shall hold an open meeting on any proposed special District Meeting at least twenty (20) days prior to the intended date on which said special District Meeting will be held. At said meeting, the Prudential Committee shall discuss the purpose of the proposed special District Meeting, whether it is being called at the initiative of the Prudential Committee or in response to a voter petition, and the intended date of the special District Meeting.

Any voter petition for the inclusion of an article on the warrant for any special District Meeting must be submitted to the Prudential Committee at least fifteen (15) days prior to the intended date of the special District Meeting.

Section 4.4 Quorum

The quorum for transacting business at any District Meeting shall be twenty-five registered voters of the District; provided, that a lesser number may adjourn from time to time. Any notice of a continued District Meeting after adjournment shall be given as provided in Section 4.1.

Section 4.5 Use of Voting List

At any District Meeting, twenty-five (25) registered voters of the District may call for the use of the official voting list of the District, as provided in M.G.L. c. 48, § 67, in voting on any or all motions, resolutions or other matters that are before said District Meeting. In such cases, said official voting list shall be preserved by the District Clerk as part of the record for all such votes at said District Meeting.

Section 4.6 Use of Town Meeting Time

Except to the extent that other procedures are mandated by statute, or are otherwise provided by these bylaws, the operations of the District Meeting shall be governed by Town Meeting Time: A Handbook of Parliamentary Law, by Johnson, Trustman and Wadsworth; Third Edition (2001).

ARTICLE 5 FIRE DEPARTMENT

Section 5.1 Additional Powers and Duties of the Chief

In addition to any other powers and duties that are provided by general and special law, the Chief shall have the following powers and duties:

Subsection 5.1.1 Presence at All Fire Responses

It shall be the duty of said Chief, whenever a fire shall break out in the District, immediately to proceed to the place of the fire, and to carry with him and display a suitable badge of his office.

Subsection 5.1.2 Responding outside of the District

Subject to, and in accordance with, the provisions, conditions and restrictions of M.G.L. c. 48, § 59A, the Chief shall have the power to authorize the Department to provide aid to any other governmental entity within the Commonwealth of Massachusetts or any other state adjoining thereto.

Section 5.2 Badges

The Chief and every Subordinate Officer shall receive a Department badge that displays the recipient's rank within the Department. All such badges shall be returned to the Department at the conclusion of service with the Department.

ARTICLE 6 FEES AND CHARGES

Section 6.1 Permit and License Fees

The following permit and license fees are set by bylaw in accordance with M.G.L. c. 48, § 13, and c. 148, §§ 9 and 13. This Section does not provide an exhaustive list of such fees, more of

which are set by the Prudential Committee and the Chief in accordance with state law. The Department's Schedule of Fees should be consulted for a review of all such fees.

Bonfires and Burning Christmas Trees	\$25.00
Burning Permits	\$00.00
Explosives and Black Powder	\$25.00
Flammable and Combustible Liquids	\$25.00
Flammable Gases and Solids	\$25.00
LP- Gas	\$25.00
Tank Vehicles Parked Overnight	\$25.00
Tanks and Containers (Maintain/Install/Remove)	\$50.00

Section 6.2 Fire Watch Details

The detailing of uniformed Subordinate Officers for non-emergency fire- or explosives-related purposes may be obtained by an individual or business through an application to the Chief. The minimum length of any such detail shall be four (4) hours, and shall be charged at a rate of \$30.00 per man-hour, which rate shall not be prorated.

Section 6.3 Charges for Chapter 21E Response

Whenever the Department responds to any real property in accordance with the provisions of M.G.L. c. 21E, § 4, the owner of said real property shall be charged the costs of said response as follows:

Subsection 6.3.1 Apparatus Costs

The combined charge for all apparatus responding to the incident within the first hour will be a flat rate of \$400. For each additional hour, the rates for each individual apparatus so responding shall be as follows, without being prorated:

Engine (Truck and Driver)	\$100.00 per hour
Engine Company (Truck, Driver and Crew)	\$200.00 per hour
Ladder (Truck and Driver)	\$150.00 per hour
Ladder Company (Truck, Driver and Crew)	\$250.00 per hour
Heavy Rescue (Truck and Driver)	\$150.00 per hour
Rescue Company (Truck Driver and Crew)	\$250.00 per hour
Light Rescue (Truck and Driver)	\$75.00 per hour
Light Rescue Company (Truck, Driver and Crew)	\$100.00 per hour
Forestry Company (Truck, Driver and Crew)	\$75.00 per hour
Brush Breaker Company (Truck, Driver and Crew)	\$75.00 per hour
Boat	\$250.00 per hour
Hazmat Trailer	\$0.00 per hour

Subsection 6.3.2 Miscellaneous Supplies Costs

The charges for miscellaneous supplies shall be as follows:

Booms	\$75.00 per case
Pads	\$75.00 per case
Speedy Dry	\$15.00 per bag

Section 6.4 Charges for Non-Chapter 21E Responses

The following shall be the costs for special details:

Engine (Truck and Driver)	\$100.00 per hour
Engine Company (Truck, Driver and Crew)	\$200.00 per hour
Ladder (Truck and Driver)	\$150.00 per hour
Ladder Company (Truck, Driver and Crew)	\$250.00 per hour
Heavy Rescue (Truck and Driver)	\$150.00 per hour
Rescue Company (Truck, Driver and Crew)	\$250.00 per hour
Light Rescue (Truck and Driver)	\$75.00 per hour
Light Rescue Company (Truck, Driver and Crew)	\$100.00 per hour
Forestry Company (Truck Driver and Crew)	\$75.00 per hour

ARTICLE 7 RESTRICTIONS ON FIRE ALARM SYSTEMS

Fire Alarm Systems may be installed, maintained and operated only in accordance with the following requirements:

Section 7.1 Secure Access Box

Any building, other than a residential building of less than four (4) units, that has a Fire Alarm System, shall be equipped with a secure access box on the exterior of the building. This box shall be installed in a location and manner, and shall be of a type, that is approved by the Chief. The Department, whether by key or other mechanical or electronic means, shall have the ability to open this box at all times. This box shall contain, at all times, the following labeled keys: 1) keys for exterior access to the building; 2) keys to any separately secured area within the building; and 3) keys to the control panel(s) for the Fire Alarm System. This box also shall contain a printed list of the names, addresses and telephone numbers of all emergency contact persons for the building. Thirty (30) days after being informed in writing by the Department of the requirements of this Section, the owner(s) and manager(s) or custodian(s) of any real property that is in violation of any such requirement shall each be subject to a fine of \$50.00 per day per violation.

Section 7.3 Recordation of Alarm Activation

Whenever a Fire Alarm System is activated, by whatever means and for whatever reason, with the result that there is an on-site response by the Department, a record of this activation and response, and whether it constituted a False Alarm, shall be made and kept by the Department.

Section 7.3 False Alarms

Whenever three (3) or more False Alarms occur at the same real property within any calendar year, the owner(s) and manager(s) or custodian(s) of said real property shall each be subject to fines as follows: \$100.00 for the third False Alarm; \$200.00 for the fourth False Alarm; and \$300.00 for each False Alarm thereafter.

ARTICLE 8 NON-CRIMINAL DISPOSITION

All fines that are issued for any violation of these bylaws shall be subject to the non-criminal method of disposition as provided by M.G.L., c. 40, § 21D.

Inserted by the Prudential Committee:

PRUDENTIAL COMMITTEE RECOMMENDS 3-0-0

PRUDENTIAL COMMITTEE

John Haran, Chairman

Joseph A. Sylvia III, Clerk

Jeffrey Costa

Given under our hands this thirteenth day of April in the year of our Lord Two Thousand Seventeen, at Dartmouth.

A TRUE COPY ATTEST:

Edward V. Pimental, Jr., District Clerk