

DARTMOUTH FIRE DISTRICT NO. 1
SPECIAL DISTRICT MEETING
MARCH 17, 2008

Pursuant to a Warrant duly issued by the Prudential Committee of the District, the Special Meeting of the District was held on Monday, March 17, 2008. The Meeting was called to order by the Moderator at 7:22 P.M. There were 153 registered voters in attendance.

The Warrant was posted in accordance with the By-Laws of the District in the several locations throughout the District as well as in the Chronicle on March 5, 2008.

The Moderator, Atty. Randall Weeks, informed the body that he had served the District on legal issues in the past and asked if anyone objected to him serving as moderator for this meeting. He stated that if there were any objections, he would step down and another moderator would be chosen. There were no objections.

The Moderator thanked the voters for attending and explained that the Special District Meeting was called by 163 registered voters of the District.

ARTICLE 1

To see if the District will vote to accept the provisions of Massachusetts General Laws, Chapter 48, Section 65, authorizing the Prudential Committee to appoint the Chief Engineer and two (2) Assistant Engineers

M.G.L. Chapter 48, Section 65. Selection of Chief Engineer and Assistant Engineers. Terms of Office; Oath.

Inserted by several petitioners as written

Marcel Dumont spoke on behalf of the petitioners and a committee appointed to study elected v. appointed engineers. Mr. Dumont spoke in favor the article.

Discussion ensued.

Thomas Brooks asked how Mr. Dumont's committee was established and what their charge was.

The Moderator stated that he advertised for applicants and only three individuals applied. Their charge was to gather information on elected v. appointed engineers.

The body had several questions regarding the job description of an appointed Chief Engineer. Mr. Dumont responded by reading from a proposed job description that he submitted to the Prudential Committee in November. He also stated that the position would be appointed by the Prudential Committee.

Discussion ensued.

Questions arose regarding firefighters serving on the Prudential Committee, qualifications for elected v. appointed positions, insurance issues and the appointment criteria established by Mr. Dumont's committee. Mr. Dumont read the entire job description. He noted that there were several changes since it was submitted.

One resident asked if there was any criteria necessary to serve on the Prudential Committee. Prudential Committee member, Antone Andre, answered that to be a member of the Prudential Committee you needed to be 18 years of age, a resident of the District, and win an election.

Mr. Stephen Howland had several concerns regarding the timing of the meeting, checks and balances and whether the Prudential Committee should be the appointing authority. He also asked if the appointed Chief Engineer's position would be a Strong Chief's position. There was no reply.

MOVED, and seconded to amend Article 1 for Further Study. (Motion failed 67 Affirmative, 74 Negative at 8:12 P.M.)

MOVED, seconded and voted at 8:17 P.M. to accept Article 1 as written. (77 Affirmative, 63 Negative)

ARTICLE 2

To see if the District will vote to amend the District by-laws as specified below. The purpose of these amendments is to empower the Prudential Committee to become the appointing authority to appoint the Chief Engineer and Two (2) Assistant Engineers as set forth in Massachusetts General Laws, Chapter 48, Section 65.

ARTICLE II OFFICERS

Section 1

1. Delete: First paragraph

Add: The officers of the District shall consist of a Chief Engineer to be known as Fire Chief, a First Assistant Engineer and a Second Assistant Engineer to be known as Deputy Fire Chiefs, a Clerk, a Treasurer, a Prudential Committee of three, and three Auditors. The Prudential Committee, Clerk, Treasurer and Auditors shall be chosen by ballot and serve for a term of three years each. The Fire Chief and Deputy Chiefs shall be appointed on merit by a majority vote of the Prudential Committee for an initial probationary period of one (1) year and during that probationary period may be removed without cause. Following completion of the one year probationary period, he/she may be appointed to said position for a three year term by a majority vote of the Prudential Committee. If so appointed, the appointee shall thereafter be given an annual review and may be removed at any time, but for just cause and after a public hearing and majority vote of the Prudential Committee.

ARTICLE II

Section 3

1. Delete: Lines 1 through 7, first four (4) complete sentences.

ARTICLE III

Section 7

Delete: The words "or appointed"

ARTICLE III

Add: Section 9

Any person that is a registered voter of Dartmouth Fire District No.1 may seek a position as member of the Prudential Committee. However, in the event that such a person is a firefighter or officer in Fire District No. 1, that firefighter or officer shall, upon being sworn, immediately resign the position of employment with the District.

ARTICLE V

Section 2

Delete: First sentence in its entirety.

Replace the word "They" with "The Chief Engineer" in sentence two, three and four.

Section 5

In sentence one, replace the word "themselves" with "himself or herself".

Section 7

Add: The Chief Engineer may, at his/her sole discretion, form a committee to hear and act upon appeals of firefighters or officers who have been disciplined or dismissed under this section.

Section 11

Add: At the end of last sentence "or these By-Laws."

ARTICLE VI

Add: Section 5

The Prudential Committee shall be the appointing authority in the appointment of the Chief Engineer also known as the Fire Chief and the Assistant Engineers also known as Deputy Chiefs of the Fire Department.

In the following Articles and Sections the term "Board of Engineers" or "Board" shall be changed to "Chief Engineer"

Article IV, Section 10

Article V, Section 1, Section 2, Section 4, Section 5, Section 7, Section 10, Section 11.

Article VI, Section 1

Inserted by several petitioners as written

Marcel Dumont spoke on behalf of the petitioners and a committee appointed to study elected v. appointed engineers. Mr. Dumont spoke in favor of the article and explained that the by-law changes were necessary due to the acceptance of Article 1.

Discussion ensued.

Questions were raised regarding the addition of Article III, Section 9. It had not been determined if a firefighter or officer of the District could legally serve on the Prudential Committee. It was stated that several individuals had contacted or were in the process of contacting the State Ethics Commission for definitive answers.

MOVED, to amend Article 2 by adding to the end of Article III, Section 9 "to include an ex-officio non voting firefighter to act and serve on the Prudential Committee to offer professional advice". Motion failed due to a lack of a second at 8:45 P.M.

MOVED, to postpone all articles until the Annual District Meeting on the second Wednesday in May. The Moderator ruled the Motion out of order at 8:47 P.M. due to the prior vote taken on Article 1.

Discussion ensued.

MOVED, seconded and voted at 8:56 P.M. to approve Article 2 as written with a hold on Article III, Section 9. (77 Affirmative, 53 Negative)

ARTICLE 3

To see if the District will vote to approve the following.

The Prudential Committee may appoint an interim Chief Engineer until a Chief Engineer is officially appointed. The interim Chief Engineer shall be appointed in lieu of the Fire District No. 1 annual election for Chief Engineer for year 2008.

The Second Assistant Engineer shall retain that position until the end of his term in 2009 upon which an Assistant Engineer would be appointed by the Prudential Committee at the recommendation of the Chief Engineer and subject to MGL Chapter 48, Section 65. The First Assistant Engineer shall retain that position until the end of his term in 2010 upon which a second Assistant Engineer would be appointed by the Prudential Committee at the recommendation of the Chief Engineer and subject to MGL Chapter 48, Section 65.

Inserted by several petitioners as written

Marcel Dumont spoke on behalf of the petitioners. He spoke in favor of the article and explained that due to the short period of time between this meeting and the annual election this vote would allow the Prudential Committee more time to advertise and select an appointed Chief Engineer.

MOVED, seconded and voted at 8:59 P.M. to approve Article 3 as written. (76 Affirmative, 31 Negative)

There being no further business to come before the body it was: MOVED, seconded and unanimously voted that the meeting stand adjourned at 9:01 P.M.

ATTEST:

John D. Foster, District Clerk