

# **DARTMOUTH FIRE DISTRICT NO. 1**

## **ANNUAL DISTRICT MEETING**

### **MAY 9, 2012**

**Pursuant to a Warrant duly issued by the Prudential Committee of the District, the Annual Meeting of the District was held on Wednesday, May 9, 2012. The Meeting was called to order by the District Clerk at 6:30 P.M. who declared 28 registered voters being present and that 25 comprise a quorum, a quorum in fact was present.**

The Clerk noted that the Warrant was posted in accordance with the By-Laws of the District in the several locations throughout the District as well as the Chronicle on April 25, 2012.

A Pledge of Allegiance to the flag and a moment of silence for those of the District who have died since our last meeting.

The Clerk noted that all appropriations for the meeting would be raised from the Tax Levy unless otherwise stated in the motion.

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

MOVED, seconded and unanimously voted to elect Marcel Dumont Moderator at 6:31 P.M.

**ARTICLE 2:** To see if the District will vote to compensate firefighter recruits at the rate of \$17.00 per hour, firefighter Step 1 at the rate of \$22.00 per hour, firefighter Step 2 at the rate of \$20.00 per hour, lieutenants at the rate of \$24.00 per hour, house captains at the rate of \$21.00 per hour and line captains at the rate of \$26.00 per hour and dispatchers at the rate of \$18.00 per hour for toned incidents and to further compensate all district personnel for all other duties at the rate of \$18.00 per hour.

MOVED, seconded and unanimously voted at 6:33 P.M. to compensate firefighter recruits at the rate of \$17.00 per hour, firefighter Step 1 at the rate of \$22.00 per hour, firefighter Step 2 at the rate of \$20.00 per hour, lieutenants at the rate of \$24.00 per hour, house captains at the rate \$21.00 per hour and line captains at the rate of \$26.00 per hour and dispatchers at the rate of \$18.00 per hour for toned incidents and to further compensate all district personnel for all other duties at the rate of \$18.00 per hour.

**ARTICLE 3:** To see if the District will vote to raise and appropriate the sum of \$589,200. for the SUPPORT OF THE DISTRICT.

MOVED, seconded and unanimously voted at 6:34 that the District raise and appropriate the sum of \$589,200. for the SUPPORT OF THE DISTRICT.

**ARTICLE 4:** To see if the District will vote to fix the salaries of the several District Officers, the Assessors, and the Tax Collector for the fiscal year beginning July 1, 2012 and to appropriate a sum of money therefore.

Chief	\$69,100.
Deputy Chief	\$12,000.
District Clerk	\$ 2,500.
District Treasurer	\$15,600.
Prudential Committee (3 @ \$2,000.)	\$ 6,000.
Auditors (3 @ \$600.)	\$ 1,800.
Oil Burner Inspector	\$ 2,000.
Assessors (3 @ \$125.)	\$ 375.
Tax Collector	\$ 125.
Moderator	<u>\$ 125.</u>
	<b>\$109,625.</b>

MOVED, seconded and unanimously voted at 6:35 P.M. that the District raise and appropriate \$109,625. for the salaries of the District officers.

**ARTICLE 5:** To see if the District will vote to raise and appropriate the sum of \$45,000. for the BUILDING ACCOUNT for maintenance and running expenses of the land and building owned by the District.

MOVED, seconded and unanimously voted at 6:36 P.M. that the District raise and appropriate the sum of \$45,000. for the BUILDING ACCOUNT for maintenance and running expenses of the land and building owned by the District.

**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.

MOVED, seconded voted at 6:37 P.M. that the District authorize the Chief, with the approval of the Prudential Committee, to sell or otherwise dispose of any surplus equipment belonging to the District, 1 opposed.

**ARTICLE 7:** To see if the District will vote to raise and appropriate the sum of \$40,000. from free cash for the RESERVE FUND.

MOVED, seconded and unanimously voted at 6:38 P.M. to amend this article by striking out the words from free cash from the article.

MOVED, seconded and unanimously voted as amended at 6:39 P.M. that the District transfer the sum of \$40,000. for the RESERVE FUND as amended.

**ARTICLE 8:** To see if the District will vote to raise and appropriate the sum of \$12,000. for the following specific purposes:

MOVED, seconded and voted at 6:40 P.M. that the District raise and appropriate the sum of \$12,000. for EMT stipends, 1 opposed.

**ARTICLE 9:** To see if the District will vote to raise and appropriate the sum of \$25,000. for the STABILIZATION FUND.

MOVED, seconded and unanimously at 6:40 P.M. to raise and appropriate the sum of \$25,000. for the STABILIZATION FUND.

**ARTICLE 10:** To see if the District will vote to authorize the Prudential Committee, if it deems it to be appropriate and necessary, to file with the General Court of the Commonwealth a Home Rule Petition to effectuate the adoption of legislation precisely as follows:

“Notwithstanding the provisions of any general or special law to the contrary, including any general law that has been duly adopted by the District Meeting of Dartmouth Fire District No. 1, the Fire Department of the District shall be headed by an officer to be known as the Chief of the Fire Department. The Chief shall be appointed by the Prudential Committee of the District for a term of not more than five years; provided, that the Chief may be reappointed for another such term as often as the Prudential Committee, in its discretion, desires; further provided, that any such reappointment may only occur in the last year of the Chief’s current term. The Chief shall receive such salary as may be determined through the execution of a contract with the Prudential Committee for the term of the appointment; provided, that such salary, once established by contract, must be annually appropriated for such purpose by the District Meeting for the length of the term of appointment. The Prudential Committee may suspend or remove the Chief for just cause at any time after a hearing; provided, that the failure to reappoint the Chief shall not constitute such a removal and shall not require such a hearing.

The Prudential Committee may, in its discretion, appoint a Deputy Chief of the Fire Department, in order to assist the Chief in the administration of the same. The above provisions regarding the appointment, salary, suspension and removal of the Chief shall apply as well to the Deputy Chief.

The Chief may suspend or remove any subordinate officers, excepting only the deputy Chief, for just cause at any time after a hearing. At the request of any such subordinate officer, the Prudential Committee may

appoint a hearing officer for any such hearing, who shall make factual findings that are binding upon the Chief, but who shall not make any decision with respect to what, if any, discipline is merited by those findings.

Should the Chief, Deputy Chief or any subordinate officer choose to appeal a suspension or removal, any such appeal shall be subject to mandatory, binding arbitration. There shall be no hearing for, and no appeal of, any lesser discipline.

The promulgation, amendment and deletion of any and all rules and regulations for the operation of the Fire Department shall be undertaken by the Chief, subject to the approval of the Prudential Committee; provided, that if the Prudential Committee fails to approve or disapprove any such promulgation, amendment or deletion within sixty days of its submission to the Chair of the Prudential Committee by the Chief, said rule or regulation shall be considered to be constructively approved.

Except as otherwise provided herein, the powers, duties, responsibilities and limitations of fire chiefs as described in Massachusetts General Laws, Chapter 48, Sections 42 and 43, exclusive of any future revisions or successor statutes to the same, shall apply to the Chief.”

The General Court may make clerical or editorial changes of form only to the bill, unless the Prudential Committee approves substantive amendments to the bill before enactment by the General Court. The Prudential Committee is hereby authorized to approve such substantive amendments provided that they are within the scope of the general public objectives of this petition.

Or take any other action relative thereto.

MOVED, seconded and unanimously voted at 6:50 P.M. to amend this article by striking the following:

The Prudential Committee may, in its discretion, appoint a Deputy Chief of the Fire Department, in order to assist the Chief in the administration of the same. The above provisions regarding the appointment, salary, suspension and removal of the Chief shall apply as well to the Deputy Chief.

Should the Chief, Deputy Chief or any subordinate officer choose to appeal a suspension or removal, any such appeal shall be subject to mandatory, binding arbitration. There shall be no hearing for, and no appeal of, any lesser discipline.

MOVED, seconded and unanimously voted at 6:55 P.M. to amend this article with the following language:

“Notwithstanding the provisions of any general or special law to the contrary, including any general law that has been duly adopted by the District Meeting of Dartmouth Fire District No. 1, the Fire Department of the District shall be headed by an officer as the Chief of the Fire Department. The Chief shall be appointed by the Prudential Committee of the District for an term of not more than five years; provided, that the Chief may be reappointed for another such term as often as the Prudential Committee, in its discretion, desires; further provided, that such reappointment may only occur in the last year of the Chief’s current term. The Chief shall receive such salary as may be determined through the execution of a contract with the Prudential Committee for the term of the appointment; provided, that such salary, once established by contract, must be annually appropriated for such purpose by the District Meeting for the length of the term of appointment. The Prudential Committee may suspend or remove the Chief for just cause at any time after a hearing; provided, that the failure to reappoint the Chief shall not constitute such a removal and shall not require such a hearing.

The Chief may suspend or remove any subordinate officers for just cause at any time after a hearing. At the request of any such subordinate officer, the Prudential Committee may appoint a hearing officer for any such hearing, who shall make factual findings that are binding upon the Chief, but who shall not make any decision with respect to what, if any, discipline is merited by those findings.

Should the Chief or any subordinate officer choose to appeal a suspension or removal, any such appeal shall be made in writing, within ten business days, to the Chair of the Prudential Committee, and shall be subject to mandatory, binding arbitration. Upon the timely receipt of any such written appeal, the Chair of the Prudential Committee shall submit a request to the American Arbitration Association, or any successor

entity to the same, for the reappointment of an arbitrator to conduct the arbitration of the appeal; provided, that the Prudential Committee and the appealing individual may agree upon a different arbitrator. There shall be no hearing for, and no appeal of, any lesser discipline.

The promulgation, amendment and deletion of any and all rules and regulations for the operation of the Fire Department shall be undertaken by the Chief, subject to the approval of the Prudential Committee; provided, that if the Prudential Committee fails to approve or disapprove any such promulgation, amendment or deletion within sixty days of its submission to the Chair of the Prudential Committee by the Chief, said rule or regulation shall be considered to be constructively approved.

Except as otherwise provided herein, the powers, duties, responsibilities and limitations of fire chiefs as described in Massachusetts General Laws, Chapter 48, Sections 42 and 43, exclusive of any future revisions or successor statutes to the same, shall apply to the Chief.”

The General Court may make clerical or editorial changes of form only to the bill, unless the Prudential Committee approves substantive amendments to the bill before enactment by the General Court. The Prudential Committee is hereby authorized to approve such substantive amendments, provided that they are within the scope of the general public objectives of this petition.

Or take any other action relative there to.

There being no further business to come before the meeting it was:

MOVED, seconded and unanimously voted that the annual meeting stand adjourned at 6:56 P.M.

Given under our hands this ninth day of May in the year of our Lord Two Thousand Twelve, at Dartmouth.

A TRUE COPY ATTEST:

Edward V. Pimental, Jr., District Clerk