

BYLAWS OF SOUTH HADLEY FIRE DISTRICT NO. 1

SOUTH HADLEY, MASSACHUSETTS

ARTICLE I

Elected Officers and Elections

Section 1: The elected officers of Fire District No.1 shall consist of a Moderator, a three-member Prudential Committee, and a three-member Board of Water Commissioners. (Current Clerk/Treasurer elected March 3, 2020 to complete three-year elected term.)

Section 2: The Moderator shall serve a term of three (3) years. Members of the Prudential Committee and Board of Water Commissioners shall be elected, one each year, to serve for a term of three (3) years on their respective Boards.

Section 3: All candidates for elected office must obtain nomination papers from the District Clerk and return such papers to the District Clerk for certification no later than fifty (50) days prior to the election, or such other date as may be prescribed by Massachusetts General Laws, Chapter 53, as from time to time amended. Nomination papers must contain signatures of at least twenty-five (25) registered voters who are residents of the District and certified by the Town Clerk prior to preparation of ballots. Candidates for elected District office must be registered voters and residents of the District.

The term of office of an elected District officer shall commence the day after his or her election except where the election is held before the second Tuesday in April, in which case the Term shall commence on the day after the second Tuesday in April. Where the election is held after the second Tuesday in April, the Term shall commence the day after the election, however all existing elected officers shall continue to hold office until their successor has taken the oath of office. The oath of office will be administered by the District Clerk for all elected and/or appointed officials prior to their participation on a board or committee; and, furthermore, the Clerk may make additional requests prescribed by Massachusetts General Laws or these General Bylaws before the appointee may participate as a member of a committee, board or commission.

Section 4: The Annual District Election shall be held on the month and day to coincide with the month and day of the Town of South Hadley's Annual Election as stated in Chapter 18-1 of the bylaws of the Town of South Hadley, as amended from time to time. The hours and location of voting for the Annual District Election shall be set to coincide with the hours and location of the Town of South Hadley's Annual Election as established by order of the Select Board. The polling place for the District voters shall be in a separate location within the building from the polling place for the town voters.

Section 5: In the event that any elected office or seat on a committee is vacated prior to the end of its term, a District resident and registered voter replacement shall be appointed by majority vote of the remaining elected officers of the District, otherwise known as the Appointing Authority Committee. The appointment shall be by a roll call voice vote at a public meeting and a record of the vote shall be retained as part of the minutes of the meeting. The District Moderator shall act as Chair of the Appointing Authority Committee (unless the Moderator is the vacated position in which case the chair of the Prudential Committee shall serve as the Chair) and shall ensure that District residents be provided at least fourteen (14) days-notice of such vacancy through notification to a local newspaper, on the District website, in social media commonly used by the District, and at a minimum of three government buildings typically used by District residents. The appointee shall serve until the next annual election when candidates for the unexpired portion of the term of that office shall be eligible for election, in accordance with the Massachusetts General Laws.

Section 6: Elected officers of the District shall not be eligible for appointment to a salaried position as an employee of the District. The immediate family of a Water Commissioner shall not be eligible for hire by the Water Department. Upon the implementation of the previously adopted MGL Chapter 48, Section 42A, the immediate family of a Prudential Committee member shall not be eligible for hire by the Fire Department. Any paid employee of the District shall not be eligible to serve as an elected officer of the District.

Section 7: Compensation to elected officers shall be determined annually at the Annual District Meeting. Any registered voter of the District may hold no more than one elected District office.

ARTICLE II

Duties of Elected and Appointed Officers

Section 1: The Moderator shall preside at all Annual and Special District Meetings. In case of a vacancy occurring in the office of the Moderator, the Clerk/Treasurer shall serve as Moderator until the election or appointment of a replacement.

Section 2: The Prudential Committee shall consist of three members elected in the manner herein before described. The Prudential Committee shall:

- A.** meet to reorganize the committee not later than the fourth week after the annual election, and shall then elect from their number, a Chair and Clerk, each of whom shall serve until their successors are chosen. The Chair shall preside over all meetings of the Committee and the Clerk shall be responsible to prepare the minutes of all meetings, post agendas, and maintain records according to Massachusetts General Law. The Clerk shall preside over any meeting where the Chair is absent.

- B. unless otherwise determined by the Prudential Committee, meet at least once a month, and two members shall constitute a quorum for the transaction of business.
- C. publish notice of all meetings in accordance with the Massachusetts Open Meeting Law by posting on the Town of South Hadley and the District websites and on any bulletin board designated by the Prudential Committee as an official place of posting.
- D. have custody of the real property of the District and keep the same in good condition at all times.
- E. approve and have custody of the bonds of the Clerk/Treasurer and any other personnel, as determined by Massachusetts General Law, responsible for handling District funds.
- F. approve warrants prepared by the District Clerk/Treasurer's office, signed by a majority of Prudential Committee members, for the payment of bills when due and contracted, at which time the Clerk/Treasurer shall draw from the amounts deposited in its depository Bank, an amount equal to discharge the bills as set out in the warrant.
- G. periodically employ an expert auditor to examine the accounts of the District.
- H. cause to be published for distribution electronically on the District website to the inhabitants of the District the Annual Report, such report shall be ready for distribution at least one week before the annual meeting for the next fiscal year of the District, and printed copies deposited in District office locations near where warrants are posted and notice of this fact be published in a newspaper of local circulation.
- I. ensure that funds, raised or borrowed by the District, are expended for the purposes set forth in the warrants and articles enacted by the District.
- J. receive and approve the proposed budgets and articles of the District departments proposed for inclusion in the warrant for the Annual District Meeting and shall make recommendations thereon to the Annual Meeting.
- K. be authorized to sign all District contracts including those related to real property, except contracts signed by the Board of Water Commissioners, Chief, or designee, which have been approved by a vote of the District at any Annual or Special Meeting, or which do not require specific District Meeting approval.
- L. be responsible for negotiating with the Fire Department labor union in conjunction with the Fire Chief.
- M. upon recommendation of the Chief, shall establish a schedule of fees to be charged for providing emergency medical, ambulance and other services and determine billing and collection procedures.

Section 3: The Board of Water Commissioners shall consist of three members elected in the manner herein before described. The Board of Water Commissioners shall:

- A. meet to reorganize the board not later than the fourth week after the Annual Election, and shall then elect from their number, a Chair and Clerk, each of whom

shall serve until their successors are chosen. The Chair shall preside over all meetings of the Committee and the Clerk shall be responsible to prepare the minutes of all meetings, post agendas, and maintain records according to Massachusetts General Law. The Clerk shall preside over any meeting where the Chair is absent.

- B. unless otherwise determined by the Board of Water Commissioners, meet at least once a month, and two members shall constitute a quorum for the transaction of business.
- C. publish notice of all meetings in accordance with the Massachusetts Open Meeting Law by posting on the Town of South Hadley and the District websites and on any bulletin board designated by the Prudential Committee as an official place of posting.
- D. have custody and keep the same in good condition at all times the structures, equipment, and related appurtenances of the department.
- E. approve warrants prepared by the District Clerk/Treasurer's office, signed by majority of the Board of Water Commissioners, for the payment of bills when due and contracted, at which time the Clerk/Treasurer shall draw from the amounts deposited in its depository Bank, an amount equal to discharge the bills as set out in the warrant.
- F. be authorized to sign all contracts including those related to real property, except contracts signed by the Prudential Committee, Water Superintendent or designee, which have been approved by a vote of the District at any Annual or Special Meeting, or which do not require specific District Meeting approval.
- G. appoint the Water Superintendent and other staff as needed in a conscientious, responsible manner.
- H. in consultation with the Water Superintendent, prepare an annual budget, and recommend salary rates and hourly rates of pay.
- I. prepare warrant articles for approval by District voters.
- J. prepare an Annual Report in writing on the Water Department's actions, expenditures, financial status, and improvements to the distribution system.
- K. have the care, custody, management, and control of all the property, real and personal, relating to the Water Department.
- L. shall have authority to determine and establish from time to time a schedule of water rates and miscellaneous fees, and make rules and regulations for the introduction and use of water.
- M. enter, from time to time, with the assistance of Water Department staff, upon the premises of any water taker to examine apparatus to ascertain the use to which the water is applied or to find or stop any waste.
- N. shall in all suitable ways exercise a careful supervision to protect the interests of the Water Department and the public, and shall have all the other powers, duties, and responsibilities which are given to Water Commissioners by MGL Acts of 1872 Chapter 114.

- O. determine, assess, and reevaluate from time to time, a basic or “Family Unit” use charge. In addition, assess and reevaluate the “Water Improvement Fee” and each new consumer shall pay this fee before water service is provided. These charges and fees shall reflect reasonable and fair costs of equipment and labor necessary to provide water to consumers within the District.
- P. assess fines of not less than one hundred dollars (\$100.00) or more than three hundred dollars (\$300.00) for the wasting or taking of water without authority, or for vandalism. Wasting or taking of water includes the drawing off of water in any pipe, conduit, hydrant, or fountain within the water distribution system without permission of the Water Commissioners. No hydrant shall be opened except in the case of fire or by authority of the Water Commissioners or the Fire Chief.

Section 4: The Water Superintendent shall:

- A. be responsible, within the District, for adhering to the laws, rules, and regulations of the Water Department, Fire District, and Commonwealth of Massachusetts relating to delivery of safe drinking water.
- B. be responsible for proper training of personnel.
- C. coordinate with other water departments and agencies, as appropriate.
- D. be responsible for planning, directing, and administering the day-to-day activities of the Water Department.

Section 5: The District Clerk shall:

- A. maintain a complete record of the minutes of all Annual and Special Meetings of the District and post same on the District website.
- B. maintain a complete record of the minutes of all meetings of the Prudential Committee, Board of Water Commissioners, and any special ad hoc or advisory committees and post same on the District website.
- C. shall furnish blank nomination papers for the nomination of District officers.
- D. shall prepare the official ballots for the District Election.
- E. shall issue the warrant for the Annual Meeting and shall call all meetings (after notice) as provided for in the General Laws of the Commonwealth.
- F. be the custodian of all records pertaining to the office of the Clerk/Treasurer.
- G. maintain a record of all reports, certificates, and inventories submitted to the District by any officer, committee or department thereof as required by Massachusetts General Law.
- H. arrange for publication of all annual reports of all officers, committees and departments of the District by or before the date of the Annual District Meeting.
- I. arrange for publication in the Annual Report of all salaries, overtime, and stipends of all employees and elected officials of the District.

Section 6: The District Treasurer shall:

- A. receive all monies accruing to the District and deposit same promptly in a Bank or Trust Company subject to Massachusetts General Law.
- B. disburse all money required to pay District bills, after such bills have been approved by the appropriate Department, and a warrant approved by the Prudential Committee or Board of Water Commissioners.
- C. keep a correct record of all receipts and disbursements of the District in a cashbook.
- D. prepare an annual report of the financial condition of the District, including a summary of all receipts and disbursements for the year.
- E. be bonded as required by MGL Chapter 41, Section 35, the premium for said bond to be paid by the District.
- F. submit to the District Clerk all salaries, overtime pay, bonuses, of all employees and elected officials of the District. This information must be received in time to be published in the Annual Report of the District.

Section 7: The Clerk /Treasurer shall be appointed by the Appointing Authority Committee, comprised of the District Moderator, and all members of both the Prudential Committee and Board of Water Commissioners. Negotiation of compensation, benefits and work conditions, as well as periodic review of the Clerk/Treasurer's job performance, shall be the specific responsibility of the Appointing Authority Committee. The Clerk/Treasurer may be appointed as either an at-will or contracted employee.

ARTICLE III

Annual and Special District Meetings

Section 1: The Annual District Meeting shall be held within the District on the last Monday in April at a time and location to be determined by the Prudential Committee and Board of Water Commissioners.

Section 2: The Prudential Committee or Board of Water Commissioners may call a Special District Meeting at the date, hour and location designated by either or both committees. The Prudential Committee shall call a Special District Meeting upon the written petition of no fewer than 200 registered voters of the District. Said petition shall incorporate said requested article(s) and such meeting must be held not later than 45 days after receipt of the request.

Section 3: All Annual and Special District Meetings shall require twenty-five (25) registered voters present in order to have a quorum to conduct such meetings.

Section 4: The Prudential Committee shall be responsible for preparing all District Meeting warrants and for the insertion of articles therein, except that the Board of Water Commissioners shall be responsible for the preparation of all articles which relate to the Water Department. The warrants shall state the time and place of holding the meeting and the

subjects to be acted upon. The Prudential Committee shall also insert in the warrant for the Annual District Meeting articles requested by petition of no fewer than 50 registered voters submitted to the Prudential Committee no later than 45 days prior to the Annual District Meeting; and in the warrant for Special District Meeting articles requested by petition of no fewer than 75 registered voters of the District, and submitted to the Prudential Committee no later than 21 days prior to the Special District Meeting. Petitions for insertion of an article shall include the name and residence (street and number) of each petitioner. Upon receipt of any such petition, the Prudential Committee shall forward the petition to the District Clerk, who shall, with the assistance of the South Hadley Town Clerk, forthwith check the names and certify which are registered voters. Only the names of certified voters shall be counted.

Section 5: The deadline for submission of warrant articles for the Annual District Meeting shall be no later than thirty-five (35) days prior to said meeting, and the deadline for submission of warrant articles for any Special District Meeting shall be no later than twenty-one (21) days prior to the date of said meeting. Printed copies of the Warrant shall be posted on the District and Town websites, and otherwise made available to registered voters of the District upon individual request to the office of the District Clerk.

Section 6: The Clerk shall give notice of all District Meetings by publishing the same in local newspapers, on the District website, in any commonly used social media, and direct a constable, police officer, or other individual to post the attested warrant in a minimum of three government buildings typically used by District residents, said publishing and posting to be completed not less than seven (7) days prior to the Annual Meeting and not less than fourteen (14) days prior to a Special Meeting. The Clerk shall also request any provider of local cable television access to publicize said meetings.

ARTICLE IV

Finances

Section 1: The fiscal year shall begin the first day of July in each year and shall end the last day of the following June in accordance with Massachusetts General Law.

Section 2: No District notes or bonds shall be issued by the Treasurer unless authorized by a two-thirds vote of those present and voting in an Annual or Special District Meeting, and all such notes or bonds shall be signed by the Treasurer and countersigned by the Prudential Committee or Board of Water Commissioners.

Section 3: No money shall be paid from the treasury of the District, except for the repayment of notes or bonds or other financial obligations incurred as above provided, and interest on same, without the written approval of the Prudential Committee or by vote of the District Meeting.

ARTICLE V

Fire Department

Section 1: The Fire Department shall consist of a Fire Chief and Officers, collectively referred to as the "Command Staff", and a sufficient number of firefighting privates and call firefighters to adequately protect the District.

Fire Chief

Section 2: The Fire Chief shall have sole and entire command over the fire department and over all members of the department, and have charge of all apparatus belonging to the same, and direct all measures the Chief may deem proper for the extinguishing of fires and operation of the ambulance service. The Fire Chief shall have all authority and responsibility pursuant to the provisions of MGL Chapter 48, Section 42A.

Section 3: Appointment of the Fire Chief shall be subject to the following conditions: The Prudential Committee shall appoint the Fire Chief. The Fire Chief shall serve at the pleasure of the Prudential Committee unless they vote to provide the Fire Chief with other than at-will status by approving a written employment contract. All such appointments shall be based upon a test that will be given by an independent testing service selected by the Prudential Committee.

Minimum requirements for current department members taking any examination for appointment are as follows:

Officer- 5 years permanent firefighter service with Fire District Number 1

Chief – 5 years permanent firefighter service with Fire District Number 1 and currently serving as a fire department officer. Notwithstanding the foregoing, if no more than one of the above officers applies for the position of Fire Chief, then, and in that event, any permanent firefighting private with a least ten years' experience with the department may sit for the Fire Chief's examination.

- A. Notwithstanding the above, any firefighter may sit for any examination to gain experience.
- B. The results of the written and oral examinations shall be the sole basis upon which the Fire Chief's appointment shall be made. The Prudential Committee shall appoint the testing service's highest passing grade and most qualified applicant for Chief.
- C. The Prudential Committee, only by UNANIMOUS vote, may reject the testing service's recommended appointee and select another candidate; provided, however, that the Prudential Committee shall specify in writing the reasons for rejection of the testing service's recommended appointee and such written

document shall be retained by the Treasurer as a permanent record of the District.

- D. The initial and all future promotion lists will be valid for three years from the date of the examination.
- E. At the time of the first vacancy after the expiration of the most recent promotion list, a new test will be given. The results will be used to fill the vacancy and create a new promotion list.
- F. Notwithstanding anything in the foregoing, the Prudential Committee may appoint a duly qualified Fire Chief who is not a current member of the Department, provided said non-member applicant is duly qualified by said testing service.

Command Staff

Section 4: The Command staff shall perform such duties as the Chief may direct and in the absence of the Chief, unless otherwise designated by Chief, the most senior command staff Officer next in rank shall act as Chief. In the case of the absence of all Officers, the first senior firefighter shall act as Chief.

Permanent Firefighters

Section 5: Permanent firefighters shall perform such duties as the Fire Chief shall direct.

On Call Firefighters

Section 6: To be eligible to be an on call firefighter, applicants must be not less than eighteen (18) years of age, a citizen of the United States and of good moral character and properly qualified and shall perform such duties as the Fire Chief and Officers shall direct and be subject to the rules and regulations prescribed by the Command Staff.

ARTICLE VI

Longevity

Section 1: Longevity compensation will be paid to each non-Union fulltime employee of the District including the District Clerk /Treasurer, but not including other elected District Officials, the Town Tax Collector and the Town Assessors. The sum of two hundred dollars (\$200.00) shall be paid annually upon completion of ten years of continuous fulltime employment; plus an additional two hundred dollars (\$200.00) annually for each additional five (5) years of continuous fulltime employment to the maximum of one thousand dollars (\$1000.00). This bylaw does not preclude the Union Fire Department employees from receiving longevity compensation as part of their periodic contract negotiations.

ARTICLE VII

Bylaws

Section 1: Any section of these bylaws may be amended at the Annual Meeting or Special District Meeting regularly called for such purpose by a two-thirds majority of those present and voting, provided an article has been included in the warrant for said meeting fully stating the proposed amendments.

Section 2: There shall be a Bylaw Committee for the purpose of reviewing the bylaws of the District and to make recommendations for changes if necessary. This committee shall be composed of one member of the Prudential Committee, one member of the Board of Water Commissioners, the Clerk/Treasurer (who shall also serve as Clerk of this committee), one member of the Fire Dept. Union, the Fire Chief, the Water Superintendent, the Moderator, and one member of the public. The member of the public shall be appointed by the Appointing Authority as further described in Article I, Section 5. The Committee shall conduct meetings periodically as needed.

Section 3: The Bylaw Committee shall review all proposed bylaw changes and make recommendations concerning same to a District Meeting.

ACTS OF THE LEGISLATURE AND AMENDMENTS ADOPTED BY FIRE DISTRICT NO.1

1. Establishment of Fire District No.1 MGL Chapter 114 of the Acts of 1872 (voted March 12, 1872)
2. Provision to provide employees of the District with health and life insurance MGL Chapter 32B Adopted December 31, 1955 under Article 15

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3. Provision to provide dental insurance to the employees of the District MGL Chapter 32B, Section 10AAdopted December 31, 1955
4. Provision Governing Cross Connections for the Water Dept. MGL Chapter 111, Section 160A and the Massachusetts Drinking Water Regulations governing cross connections, 310 CMR 222.22(2)(a)Adopted May 27, 1998
5. Provisions to employ an expert auditor to exam the account of the officers of the District and such examination shall be made at least every other year or earlier at the discretion of the Prudential Board.....Adopted April 27, 2015
6. The position of Fire Chief shall have the authority and responsibility pursuant to the provisions of MGL Chapter 48 section 42A Adopted April 24, 2017
7. Provision to provide Other Post- Employment Benefits (OPEB) health insurance to retirees of the District MGL Chapter 32B, Section 20 Adopted April, 25 2016
8. Provisions dealing with health insurance, deductibles and transfer to Medicare MGL c. 32B, sections 21, 22 & 23..... Adopted June 15, 2017